UIGEA Challenge Update: US DoJ Files Response Brief with 3rd Circuit

Contributed by Thomas Jensen
Thursday, 30 October 2008

The US Department of Justice filed their response brief with the US 3rd Circuit Court of Appeals, in iMEGA v. Mukasey, et al, the Federal court challenge by iMEGA to the Unlawful Internet Gambling Enforcement Act (UIGEA) of 2006. iMEGA v. Mukasey, et al - US Reply Brief

In their reply, the US DoJ's attorneys assert that iMEGA could not argue UIGEA should be "void for vagueness", claiming iMEGA did not raise the issue at the trial level, and that nonetheless UIGEA is not sufficiently vague in order to meet the standard necessary for declaring it unconstitutional.

"It's hard to believe the government is making that claim, when Judge (Mary J.) Cooper herself preserved due process concerns in her decision," said Joe Brennan Jr., iMEGA's chairman.

In addition, the government asserted in its 24-page brief that iMEGA lacked the standing to represent individual gamblers. iMEGA's legal team now has 15 days to submit a brief responding to the government's arguments. After that, it will be up to a three-judge panel (yet to be named) as to when oral arguments may be heard from both parties.

Despite devoting considerable time and resources in leading the challenge to block the commonwealth of Kentucky's recent attempt to seize 141 domain names from their rights holders, iMEGA's legal team feels they are more than capable of pursuing it's UIGEA and Kentucky challenges at the same time.

"We're very confident today, after reviewing the government's brief, that we are on track to having this law overturned," Brennan said.

"We're looking forward to the opportunity, once this fatally flawed law has been dealt with, to work toward a reasonable, common sense approach by our country to Internet gaming, one that above all affirms our rights and their place in the online world."