

**IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY
STATE OF OKLAHOMA**

DIAMOND GAME ENTERPRISES, INC.,)

Plaintiff,)

v.)

MULTIMEDIA GAMES, INC.,)
ROBERT F. ("SKIP") LANNERT,)
GORDON GRAVES, CLIFTON LIND,)
VIDEO GAMING TECHNOLOGIES)
INC. and JOHN YARBROUGH,)

Defendants.)

Case No. CJ-2004-9366

Judge: Honorable Noma D. Gurich

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

NOV 29 2007

PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

**ORDER GRANTING PLAINTIFF'S PARTIAL SUMMARY JUDGMENT AGAINST
THE MGAM DEFENDANTS (REGARDING CLASSIFICATION OF GAMES) AND
DENYING THE MGAM DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

This Court has before it Plaintiff, Diamond Games Enterprises, Inc.'s ("Diamond") Motion for Partial Summary Judgment Against the MGAM Defendants – Classification of Games and the Motion for Summary Judgment of Defendants Multimedia Games, Inc., Robert F. ("Skip") Lannert, Gordon Graves, and Clifton Lind (the "MGAM Defendants"); Diamond appeared by its attorneys John N. Hermes, Jeff L. Todd and Mark D. Folger; MGAM Defendants appeared by Tony M. Graham and R. Jack Freeman; having reviewed the pleadings, motions, affidavits and other materials filed by the parties, the Court finds and concludes as follows:

1. This Court has subject matter jurisdiction over this cause.
2. The following games marketed by the MGAM Defendants do not meet the statutory requirements of Class II games under the Indian Gaming Regulatory Act (the "IGRA"), but are instead Class III games: (a) MegaNanza and (b) Reel Time Bingo versions 1.0, 1.1, and 1.2;

3. While games classification under the IGRA is at issues in this case, Diamond is not asserting a private cause of action under the IGRA;

4. While games classification under the IGRA is at issue in this case, the Court is not making a determination of classification that is in any way binding on tribal governments, nor is the Court seeking to regulate Indian gaming.

5. Maintenance of this case in this Court does not violate Indian sovereignty.

6. This case is not preempted by the IGRA.

7. The doctrine of prima facie tort exists in Oklahoma.

8. The MGAM Defendants are not exempt from liability under the Oklahoma Antitrust Reform Act, the Oklahoma Deceptive Trade Practices Act, or Oklahoma's common law prima facie tort doctrine pursuant to exemptions for governmentally regulated industries.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that, since the Court has determined that MGAM Defendants' games MegaNanza and Reel Time Bingo versions 1.0, 1.1 and 1.2 are Class III under IGRA, Diamond's Motion for Partial Summary Judgment Against the MGAM Defendants – Classification of Games is hereby sustained.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Motion for Summary Judgment of Defendants Multimedia Games, Inc. Robert ("Skip") Lannert, Gordon Graves, and Clifton Lind is hereby DENIED on all grounds.

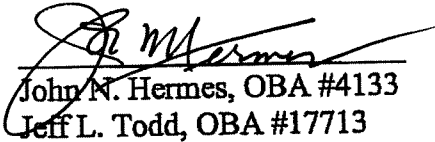
Dated this 28th day of November, 2007.

NOMA GURICH

THE HONORABLE NOMA GURICH
DISTRICT JUDGE

I, PATRICIA PRESLEY, Court Clerk for Oklahoma County, Okla., hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith set out as appears of record in the District Court Clerk's Office of Oklahoma County, Okla., this 28th day of Nov, 2007.
By [Signature] PATRICIA PRESLEY, Court Clerk
Deputy

APPROVED:



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Jeff L. Todd, OBA #17713

Mark D. Folger, OBA #20700

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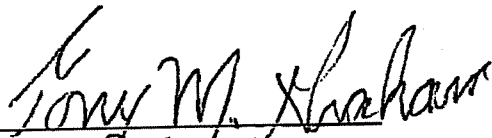
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