



Frank A. DiGiacomo, *Partner, Team Lead Gaming*, Duane Morris LLP

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Frank A. DiGiacomo is team lead of the firm's Gaming Industry Group. Mr. DiGiacomo practices in the areas of gaming, sports betting, igaming, lottery, fantasy sports, entertainment, sweepstakes, sports and regulatory law representing many public and private companies both within the gaming/sports betting industry and which conduct business with both.

Mr. DiGiacomo has significant experience representing public and privately held casino operators, sports wagering and igaming operators, sports media companies and gaming/sports wagering technology providers engaged in various aspects of igaming, skills based gaming and social/sweepstakes gaming. His practice includes representation of financial services companies, lenders and lottery companies in connection with licensing, transactional matters, regulatory investigations, compliance matters, financing approvals, equity offerings, mergers and acquisitions, restructurings, technology approvals and other gaming regulatory issues.

Mr. DiGiacomo has handled gaming, sports-wagering, lottery and related regulatory licensing matters in numerous domestic and international jurisdictions including New Jersey, Pennsylvania, New York, Massachusetts, Maryland, Michigan, Georgia Indiana, Delaware, Connecticut, West Virginia, Maine, Illinois, Louisiana, New Mexico, Colorado, Canada and Europe. He has advised U.S.-based gaming clients in dealings with Native American gaming regulatory agencies and on ventures in Asia (including Macau), South America, Eastern Europe and Africa. He has also advised on internet marketing promotions, social gaming and promotional sweepstakes matters.

Mr. DiGiacomo's clients include PENN Entertainment Inc. FanDuel, Comcast Corporation, NBCUniversal Media, ESPN, The Walt Disney Company, Fliff Inc., Fortress Investments, SuperBook, Wynn Resorts Limited, American Racing and Entertainment, Tioga Downs Racetrack & Casino, the New Meadowlands Racetrack, Genius Sports, and Skillz, Inc.

Representative Matters

Represented American Racing and Entertainment, the owner and operator of Tioga Downs Casino Resort and Vernon Downs Casino Hotel, in its \$175 million sale and leaseback of



the real estate assets of Tioga Downs to Gaming and Leisure Properties, Inc. (NASDAQ: GLPI), a real estate investment trust focused on owning real estate property that is leased to gaming operators.

Represented as gaming regulatory counsel to leading online sportsbook Fanatics Betting and Gaming in its \$225 million acquisition of the U.S. businesses of PointsBet USA.

Represented ESPN with its agreement with PENN Entertainment to launch ESPN BET, a branded sportsbook in at least 16 legalized sports betting states; the agreement includes a rebrand of PENN Entertainment's current sportsbook and the relaunch as ESPN BET.

Represented PENN Entertainment, Inc. as lead counsel in its application for a mobile sports wagering license in Maryland under PENN Entertainment's Barstool Sportsbook brand.

Represented FanDuel, Inc. in connection with its applications for sports wagering licenses and gaming licenses and approvals in multiple regulatory jurisdictions.

Represented WSI/Wynn Interactive dba WynnBet, an online/mobile sportsbook, in connection with WynnBet being selected as one of nine mobile sports wagering operators by the New York State Gaming Commission, following a competitive bidding process.

Represented American Racing and Entertainment, LLC, and its affiliates, Tioga Downs Racetrack & Casino and Vernon Downs Racetrack, in connection with a \$65 million credit facility with Western Alliance Bank.

Advised Fortress Investments in connection with multiple, gaming industry related financing transactions.

Advised Atairos Group in connection with its investment in gaming industry technology company, GeoComply Solutions.

Advised FanDuel, Inc. in connection with the submission of one of the first applications for sports wagering licenses required by the Pennsylvania Gaming Control Board.

Represented Tioga Downs Casino in New York on its Online Gaming Market Access agreement with Golden Nugget Online Gaming, Inc. (NASDAQ: GNOG) to allow GNOG to operate future online gaming in the state of New York, subject to legislative availability.

Represented online/mobile sportsbook operator SuperBook as gaming counsel in both New Jersey and Colorado.

Represented NBCUniversal in connection with its Media Partnership with Australian based sports betting operator, PointsBet USA, Inc., advising NBCUniversal and its affiliates regarding the multi-tiered advertising, marketing and promotion agreement with PointsBet for its US sports betting gaming operations as well as all required gaming regulatory filings and licenses.

Represented a multinational mass media and entertainment conglomerate on gaming regulatory matters in connection with its ownership interest in DraftKings, Inc.



- Represented ESPN, Inc. on gaming regulatory aspects of Co-exclusive, digital platform link integration/marketing agreements with DraftKings, Inc. and Caesars Entertainment.
- Represented JPJ Group (formerly LSE:JPJ), a leading global online bingo-led operator, in its £490m acquisition of online gaming company Gamesys Holdings Ltd., thereby forming Gamesys Group (LSE:GYS).
- Represented CBS Sports Digital, the second-largest sports property in the U.S., in entering into a strategic partnership with William Hill, a leading sports book operator; the partnership makes William Hill the official sports book and wagering data provider across selected CBS Sports Digital platforms.
- Represented theScore, Inc., a publicly traded digital media company, as regulatory and transactional counsel regarding agreements with Darby Development LLC, the operator of the Monmouth Park Racetrack and Betworks (US) LLC through which theScore Bet operates mobile sports betting throughout the state of New Jersey.
- Represented theScore, Inc. (TSX Venture: SCR) in negotiating a 20 year strategic partnership with PENN Entertainment, Inc. (NASDAQ:PENN), which allowed theScore the right to obtain market access to offer online and mobile sports betting and i-gaming applications in various states.
- Represented Tioga Downs Racetrack, LLC in all aspects of a comprehensive, competitive process that resulted in the New York Gaming Facility Location Board authorizing Tioga Downs to move forward with a license for its \$195 million full scale casino expansion project at its existing racetrack outside Binghamton, New York.
- Represented Boyd Gaming Corporation in obtaining all gaming regulatory approvals from the Pennsylvania Gaming Control Board in connection with Boyd Gaming's acquisition of Valley Forge Casino Resort in suburban Philadelphia.
- Represented American Gaming Systems with its successful license applications before the Pennsylvania Gaming Control Board.
- Represented Wynn Resorts, Limited and its subsidiary, Wynn MA, LLC in an adjudicatory hearing before the Massachusetts Gaming Commission to remove the company's former CEO and Chairman as a required "qualifier" in connection with Wynn MA's gaming license.
- Represented Boyd Gaming Corporation before the Pennsylvania Gaming Control Board in connection receiving preliminary approval of its acquisition of the Valley Forge Casino Resort.
- Represented GameCo LLC, the creator of the world's first skill-based video game gambling machines (VGM™), in securing a \$45 million debt facility.



Represented GameCo, Inc., the creator of the world's first skill-based video game gambling machines (VGM™), in acquiring approvals from the New Jersey Division of Gaming Enforcement to debut its product at Atlantic City casinos.

Represented Wynn Resorts Limited in its successful Phase 1 Suitability investigation by the Massachusetts Gaming Commission.

Represented as regulatory Counsel Scientific Games Corporation and its principal owners in Scientific Games' acquisition of Bally Technologies, Inc.

Represented Wynn Resorts Limited in its application before the Pennsylvania Gaming Control Board for a casino license in the City of Philadelphia.

Represented an international construction company on its licensing as a non-gaming vendor with the Massachusetts Gaming Commission. This was the first such construction company licensed by the Massachusetts Gaming Commission.

Professional Activities

New Jersey State Bar Association

- Chair, Casino Law Section, Past Chairman of the Section

International Association of Gaming Advisors, Member

Pennsylvania Bar Association — Gaming Law Committee

Admissions

Pennsylvania

New Jersey

New York

U.S. District Court for the District of New Jersey

U.S. District Court for the Eastern District of Pennsylvania

Supreme Court of the United States

Education

University of Notre Dame Law School, J.D., 1992

Drexel University, B.S., 1987

Honors and Awards

Listed in *Chambers USA: America's Leading Lawyers for Gaming and Licensing*, 2023 and 2024

Listed in *The Best Lawyers in America*, Gaming Law Category, 2016-2024

Named a *Best Lawyers* "Lawyer of the Year" in Gaming Law, Cherry Hill, New Jersey, 2023

Listed in *Best Lawyers Greater Philadelphia*, 2016



Selected Publications

- Quoted, "Entain Case Illustrates Online Gaming Growing Along With Enforcement," *Anti-Corruption Report*, February 28, 2024
- Quoted, "PGA Golfers Are Now Told to Love LIV After Forgoing Its Millions," *Bloomberg*, June 9, 2023
- Author, "Sports Betting Ads: Frank DiGiacomo Describes the US' Battle for Control," *Gambling Insider*, May 12, 2023
- Quoted, "When a Blown Call is Followed by a Gambling Commercial," *Law360*, February 1, 2023
- Co-author, "U.S. Department of the Interior Proposes Significant Amendments to Class III Tribal-State Gaming Compact Process," *Duane Morris Alert*, December 19, 2022
- Interviewed, "Frank DiGiacomo of Duane Morris Discusses Trends in Sports Betting, and How It Intersects with the Professional Sports Industry," *Hackney Publications Sports Litigation Alert*, August 26, 2022
- Quoted, "Continental Drift: U.S., Europe On Different Tracks For Online Gambling Enforcement," *VIXIO Gambling Compliance*, March 29, 2022
- Contributor, Duane Morris Gaming Law Blog
- Quoted, "N.J.'s Sports Betting Business Is Booming Despite a Restrictive Law," *The Philadelphia Inquirer*, March 10, 2022
- Quoted, "Syndicates Might Keep New Jersey Sports Betting Handle Flourishing," *New Jersey Online Gambling*, January 11, 2022
- Co-author, "First Circuit Holds Wire Act Applies Only to Interstate Wire Communications Related to Sporting Events or Contests," *Duane Morris Alert*, January 21, 2021
- Quoted, "IRS May Face Legal Battle Over Taxation Of Fantasy Sports," *Law360*, August 25, 2020
- Co-author, "Governor Returns Virginia Gambling Legislation with Amendments, Including Tax for COVID-19 Fund," *Duane Morris Alert*, April 17, 2020
- Co-author, "Massachusetts Sports Wagering Bill Expected to Be Approved by July," *Duane Morris Alert*, April 1, 2020
- Quoted, "Virus Puts End To Atlantic City Casinos' Winning Run," *Law360*, March 31, 2020
- Co-author, "Virginia General Assembly Passes Expansive Gambling Legislation," *Duane Morris Alert*, March 17, 2020
- Quoted, "Pa. Casinos Had Record \$309M In March Slots, Table Revenue," *Law360*, April 16, 2019
- Quoted, "Poker or Slots? Games of Skill and Chance Have Legal Distinctions In Pennsylvania," *90.5 WESA*, February 11, 2019



Quoted, "Where the Action Is," *South Jersey Magazine*, February 2019

Co-author, "DOJ Reconsiders Its View on the Wire Act - What Happens Now?" *Duane Morris Alert*, January 16, 2019

Co-author, "What's New in Pennsylvania's Latest Video Gaming Bill," *Law360*, March 19, 2015

Co-author, "Video Gaming Bill Reintroduced in Pennsylvania," *Duane Morris Alert*, March 18, 2015

Co-author, "Pennsylvania House Gaming Oversight Committee Introduces Bill That Would Allow Existing Casinos to Offer Internet Gaming," *Duane Morris Alert*, February 27, 2015

Co-author, "Bitcoin and Atlantic City — A Match Made In E-Heaven," *Law 360*, February 14, 2014

Co-author, "New York Voters Approved Casino Expansion – Now What?" *Law360*, November 8, 2013

Author, "The Likely Battle Between the State Lottery and Atlantic City's Casinos," *New Jersey Lawyer*, April 2013

Co-author, "Third-Party Software Providers--Will the DGE Take a Hard Look at Them?" *New Jersey Lawyer*, April 2013

Co-author, "Construction in the Casino Industry," *Modern Contractor Solutions*, December 2010

Co-author, "Keep Your Contributions to Yourself: Pa. General Assembly Abrogates Supreme Court Gaming Decision," *The Legal Intelligencer*, April 7, 2010

Selected Speaking Engagements

Speaker, "New Neighborhoods: Key Considerations Around Entering Emerging Markets," SBC Summit Latino America, October 30, 2024

Speaker, "Ethical Dilemmas in Sports & Entertainment," Penn Carey Law Entertainment & Sports Law Society's 11th Annual Symposium, March 21, 2024

Moderator, "Regulator Fireside Chat," Seton Hall Law School – Gaming Law, Compliance, and Integrity Bootcamp, March 4, 2024

Moderator, "Regulator Fireside Chat," Seton Hall Law School – Gaming Law, Compliance, and Integrity Bootcamp, March 6, 2023

Moderator, "Regulators Panel," Seton Hall Law School – Gaming Law, Compliance, and Integrity Bootcamp, May, 2022

Panelist, "Regulatory Partnerships in the Emerging Landscape of Inter-jurisdictional Online Sports Betting" - Seton Hall Law School – Gaming Law, Compliance, and Integrity Bootcamp. May 18, 2022

Panelist, NYU Sports Law Association, 11th Annual Sports Law Colloquium, March 4 2022.



- Panelist, "The Evolving AML Regulatory Landscape: Updates on the Anti-Money Laundering Act of 2020 and Other Financial Crime-Related Developments Impacting the Gaming Industry," International Association of Gaming Advisors, Webinar, January 26, 2022
- Moderator, "The Future of Online Gaming Opportunities in North America," iAGA Best Practices Webinar, June 16, 2021
- Moderator, "The Changing Landscape Between Sports, Media and Gambling," Duane Morris and SeventySix Capital Sports Advisory Game Changers: Strategies for the Business of Sports and Gaming Webinar Series, May 5, 2021
- Panelist, "The Rapid Growth of U.S. Sports Wagering," Association of Corporate Counsel In-House Conference, April 21, 2021
- Speaker, "Mastering Sports Betting and Online Gaming," Rosedale CLE, March 31, 2021
- Speaker, "Rapid Expansion Roundtable," Betting on Sports America, Sports Betting Community, Webinar, December 2, 2020
- Speaker, "The US: Coming up Trumps," KPMG Malta Gaming eSummit, November 26, 2019
- Speaker, "Will the Land-based Shutdown Encourage More Markets to Legalize Remote Betting?" Global Gaming Expo (G2E) 2020, October 29, 2020
- Speaker, "State of the Nation — Roundtables," Betting on Sports America, Meadowlands Exposition Center, New Jersey, April 25, 2019
- Speaker, "Gaming Law: Understanding the Radical Revamp of Pennsylvania's Industry," PBI CLE, SugarHouse Casino, Philadelphia, June 20, 2018
- Speaker, "Down the Shore 2017: What's Next for Atlantic City?" Pennsylvania Bar Institute, Atlantic City, August 10, 2017
- Moderator, "Just What Does it Take to Launch a Start-up Technology Company?," IAGA International Gaming Summit, New York, May 31, 2017
- Guest Lecturer, "Casino & Gaming" class, Temple University School of Hospitality Management, September 2014.
- Moderator, "The Compliance Committee: Its Role and Its Relationships," International Gaming Summit 2014, Philadelphia, October 31, 2014.
- Speaker, "iGaming First to Market — NJ & DE," Tribal Online Gambling Conference, Scottsdale, AZ, April 3, 2014.