

2. Plaintiff White Marlin operates the world's largest billfish tournament, known as the White Marlin Open ("Open Tournament" or "Tournament") located at the Harbour Island Marina, in Ocean City, Worcester County, Maryland.

3. Each of the Defendants participated as an Angler in the 43rd Annual Open Tournament held from August 8 - August 12, 2016.

4. Defendant Phillip G. Heasley ("Heasley") participated as an Angler in the Open Tournament on board the vessel *Kallianassa*, and caught the only qualifying white marlin that weighed 76.5 pounds.

5. The prize money for catching the first place white marlin was Two Million, Eight Hundred Eighteen Thousand, Six Hundred Sixty Two Dollars (\$2,818,662.00). Defendant Heasley has not yet received the prize money due to the additional circumstances more particularly set forth herein.

6. Defendant Jim Conway ("Conway") participated as an Angler in the Open Tournament on board the vessel *Get Reel*, caught the only qualifying blue marlin that weighed 790 pounds, and has already received prize money in the amount of \$258,995.00.

7. Defendant Richard Kosztyu ("Kosztyu") participated as an Angler in the Open Tournament on board the vessel *Hubris*, caught a tuna that weighed 236.5 pounds, and has already received prize money in the amount of \$767,091.00.

8. Defendant Mark Hutchison ("Hutchison") participated as an Angler in the Open Tournament on board the vessel *Magic Moment*, caught a tuna that weighed 233 pounds, and has already received prize money in the amount of \$131,968.00.

9. Defendant Pat Horning (“Horning”) participated as an Angler in the Open Tournament on board the vessel *Fish Whistle*, caught a tuna that weighed 71.5 pounds, and has already received prize money in the amount of \$5,626.75.

10. Defendant Dave Arnold (“Arnold”) participated as an Angler in the Open Tournament on board the vessel *American Lady*, caught the tuna that weighed 71.5 pounds, and has already received prize money in the amount of \$52,126.80.

11. Defendant Richard Hammond (“Hammond”) participated as an Angler in the Open Tournament on board the vessel *Two Timing Connie*, caught the wahoo that weighed 79 pounds, and has already received prize money in the amount of \$24,862.00.

12. Defendant Brian Leader (“Leader”) participated as an Angler in the Open Tournament on board the vessel *Second Chance*, caught the wahoo that weighed 54 pounds, and has already received prize money in the amount of \$3,000.00.

13. Defendant Daniel Stuart (“Stuart”) participated as an Angler in the Open Tournament on board the vessel *Got Fish Too*, caught the wahoo that weighed 41 pounds, and has already received prize money in the amount of \$24,862.50.

14. Defendant Josh Sharp (“Sharp”) participated as an Angler in the Open Tournament on board the vessel *Sea Flame*, caught the first place dolphin that weighed 39 pounds, and has already received prize money in the amount of \$17,717.50.

15. Defendant Brian Russell (“Russell”) participated as an Angler in the Open Tournament on board the vessel *Sea Wolf*, caught a dolphin that weighed 36 pounds, and has already received prize money in the amount of \$14,967.50.

16. Defendant John Gudelsky (“Gudelsky”) participated as an Angler in the Open Tournament on board the vessel *Reel Joy*, caught a dolphin that weighed 36 pounds and has already received prize money in the amount of \$16,217.50.

17. Defendant J.D. Messler (“Messler”) participated as an Angler in the Open Tournament on board the vessel *MJ’s*, caught the first place shark that weighed 260.5 pounds, and has already received prize money in the amount of \$4,500.00.

18. Defendant Hunter Pusey (“Pusey”) participated as an Angler in the Open Tournament on board the vessel *Rumor Has It*, caught the second place shark that weighed 223 pounds, and has already received prize money in the amount of \$3,500.00.

19. All participants in the Open Tournament are required to execute the Official Registration which acknowledges, in pertinent part, that, “[b]y registering in the White Marlin Open and paying the entry fee, Participants acknowledge that they have read the rules and the Liability Release and are bound by same.”

20. Pursuant to the Rules and Regulations of the Open Tournament (“Rules and Regulations”), to which the Official Registration is attached (a copy of which is attached hereto as Exhibit 1), any angler winning \$50,000.00 or more may be required to take, and pass at the determination of the test administrator, a polygraph examination prior to the distribution of award money by Plaintiff. Said polygraph examination is given to ensure that the winning anglers complied with the rules of the Open Tournament when they caught their winning fish.

21. On August 13, 2016, both Defendant Heasley and David Morris (“Captain Morris”), the captain of the *Kallianassa*, took their polygraph examinations. Said polygraph examinations were administered by Paul Carey (“Examiner Carey”), of Allied Polygraph Services, LLC.

22. Pursuant to the Report of Interview and Polygraph Examination prepared by Examiner Carey, a copy of which is attached hereto as Exhibit 2, analysis of the polygraph data was not possible and was inconclusive when Defendant Heasley answered “No” to the following questions:

Did you commit any Tournament violations on Tuesday?

Did you commit any tournament violations on your vessel?

Did you commit any Tournament violations?

23. Pursuant to the Report of Interview and Polygraph Examination prepared by Examiner Carey, a copy of which is attached hereto as Exhibit 3, deception was indicated when Captain Morris was asked the same questions that were asked of Defendant Heasley.

24. Due to the results of the polygraph examinations administered to Defendant Heasley and Captain Morris, Examiner Carey sent his examination charts to Elmer Criswell (“Examiner Criswell”), who is the Quality Control Director for the American Association of Police Polygraphists, for review. Examiner Criswell advised Examiner Carey that he suspected that Defendant Heasley had used countermeasures, a term used when manipulation of the examination process is suspected. With regard to the results of Captain Morris’ examination, Examiner Carey advised Plaintiff that Examiner Criswell determined that deception was indicated. In short, neither Defendant Heasley nor Captain Morris passed the polygraph examinations administered by Examiner Carey.

25. In an attempt to ensure the integrity of the Tournament, Plaintiff invited Defendant Heasley to take a second polygraph examination. Said examination was administered by David Saneman, of Saneman’s Polygraph Services, LLC, in Salisbury, Maryland, on August 21, 2016.

Examiner Saneman also administered polygraph examinations to Kyle Bohannon (“Bohannon”) and Joseph Hagen (“Hagen”), both of whom were mates on the *Kallianassa* during the Tournament.

26. Pursuant to the Polygraph Examination Report prepared by Examiner Saneman, a copy of which is attached hereto as Exhibit 4, Examiner Saneman determined that Defendant Heasley both attempted to use countermeasures and was being deceptive when he answered the following questions:

Question: Did you, yourself violate any fishing tournament rules on Tuesday, August 9, 2016?

Answer: No.

Question: Did you or anyone else on your boat violate any tournament rules?

Answer: No.

Question: Were you lying to me when you said you never violated any tournament rules?

Answer: No.

27. Examiner Saneman determined that Defendant Heasley both attempted to use countermeasures and had been deceptive when he answered three of the following questions that were asked to determine whether Defendant Heasley violated any specific rules of the Tournament. (The questions for which Examiner Saneman had determined that deception had occurred are denoted as such and are set forth in *bold italics*.):

Question: Did you have any lines in the water before 8:30 am on Tuesday, 8/9/16?

Question: Did you catch the fish before 8:30 am on 8/9/16?

Question: Did you pass the sea buoy before 4:00 am on Tuesday, 8/9/16?

[Deception]

Question: *Did you have any assistance is [sic] reeling in the fish on Tuesday, 8/9/16?*

[Deception]

Question: Did you catch the fish by any other means than fishing pole and line?

Question: *Have you been truthful in answering all these questions?* [Deception]

28. Pursuant to the Polygraph Examination Report prepared by Examiner Saneman, a copy of which is attached hereto as Exhibit 5, Bohannon indicated during his Pre-Test Interview, that on Monday, August 8, 2016, the day before Defendant Heasley caught the white marlin at issue, “they put in their fishing lines at 8:00 am. He then retracted his statement and indicated that it was 8:30 am or whatever the rules indicated.”

29. Examiner Saneman determined that Bohannon had been deceptive when answering the following pertinent examination questions:

Question: Did you, yourself, violate any fishing tournament rules on Tuesday, 8/9/16?

Answer: No.

Question: Did you or anyone else on your boat violate any tournament rules?

Answer: No.

Question: Were you lying to me when you said you never violated any tournament rules?

Answer: No.

30. Examiner Saneman also determined that Bohannon had been deceptive when he answered two of the following questions that were meant to determine whether Defendant Heasley violated any specific rules of the Tournament (The questions for which Examiner Saneman had determined that deception had occurred are denoted as such and are set forth in ***bold italics***):

Question: Did you have any lines in the water before 8:30 am on Tuesday, 8/9/16?

Question: Did you catch the fish before 8:30 am on 8/9/16?

Question: Did you pass the sea buoy before 4:00 am on 8/9/16?

Question: *Did anyone assist the angler reeling in the fish on 8/9/16?* [Deception]

Question: Did you catch the fish by any other means other than fishing rod and line?

Question: *Have you answered truthfully each of these questions?* [Deception]

31. Pursuant to the Polygraph Examination Report prepared by Examiner Saneman, a copy of which is attached hereto as Exhibit 6, Examiner Saneman determined that Hagen had been deceptive when answering the following pertinent examination questions:

Question: Did you, yourself, violate any fishing tournament rules on Tuesday, 8/9/16?
Answer: No.

Question: Did you or anyone else on your boat violate any tournament rules on 8/9/16?
Answer: No.

Question: Were you lying to me when you said you never violated any tournament rules on 8/9/16?
Answer: No.

Question: Did you or anyone else on your boat violate any tournament rules on 8/9/16?
Answer: No.

32. Examiner Saneman also determined that Hagen had been deceptive when he answered two of the following questions that were asked to determine whether Defendant Heasley violated any specific rules of the Tournament. (The questions for which Examiner Saneman had determined that deception had occurred are denoted as such and are set forth in *bold italics*.):

Question: Did you have any lines in the water before 8:30 am on 8/9/16?

Question: Did you catch the fish before 8:30 am on 8/9/16?

Question: Did you pass the sea buoy before 4:00 am on 8/9/16?

Question: *Did the angler have any assistance reeling in the fish on 8/9/16?*

[Deception]

Question: Did you catch the fish by any other means other than fishing rod and line?

Question: *Were you being truthful in answering all these questions?* [Deception]

33. Heasley, Morris, Bohannon, and Hagen were the only individuals on Defendant Heasley's vessel when he caught the white marlin that is the subject of these proceedings. Between the two polygraph examinations administered by Examiner Carey and the other three examinations administered by Examiner Saneman, not one person on Defendant Heasley's vessel passed a polygraph examination.

34. Upon reading Examiner Saneman's report of Bohannon's polygraph examination, the content of Bohannon's Pre-Test Interview as it related to the comment made regarding the time at which the individuals on board the *Kallianassa* put their fishing lines in the water on Monday, August 8, 2016, caught the attention of Tournament officials and caused Tournament officials to review the Official White Marlin Open Catch Report ("Catch Report") submitted by Defendant Heasley and Captain Morris on Tuesday, August 9, 2016, the day Defendant Heasley caught the white marlin that is the subject of these proceedings.

35. A closer review of the Catch Report, a copy of which is attached hereto as Exhibit 7, caused Tournament officials to realize that the time written down for when the subject white marlin was caught by Defendant Heasley appeared to have been altered. Specifically, it appeared that although the time written down was initially "08:15", it had subsequently been altered to read "09:05" before it was submitted to Tournament officials. It would have been a violation of the Rule I.C.6 of the Tournament Rules and Regulations for Defendant Heasley to bring a white marlin

that had been caught before 8:30 am to the scales and hold it out as a fish that was caught within the requirements of the Rules and Regulations.

36. Upon reviewing the circumstances set forth herein, Tournament officials determined on August 22, 2016, that Defendant Heasley would not receive the prize money for the white marlin that is the subject of these proceedings. That afternoon, Tournament officials consulted with the Tournament's three independent judges who concurred with the determination of the Tournament officials.

37. On the evening of August 22, 2016, Defendant Heasley was advised by both James Motsko, President of Plaintiff White Marlin Open, Inc., and the undersigned counsel for Plaintiff that neither he, nor his captain and mates, passed any of the polygraph examinations administered by Examiner Carey and Examiner Saneman, and that, as a result thereof, Plaintiff had determined that Defendant Heasley was not going to receive the prize money for catching the first place white marlin.

38. During that same conversation, Defendant Heasley rejected the Plaintiff's request to execute a Release that would allow Plaintiff to distribute the \$2,818,662.00 in prize money that, but for the circumstances set forth herein, would have otherwise been paid to Defendant Heasley to the other named Defendants in this matter.

39. The remaining named Defendants are stakeholders in this litigation if Defendant Heasley is determined to be disqualified from receiving the prize money for the first place white marlin, as they would all benefit by being entitled to receive a portion of the prize money that would have been paid to Defendant Heasley had he passed his polygraph examinations. More particularly, Defendant Conway would receive approximately \$254,620.00, Defendant Kosztyu

would receive approximately \$2,312,152.00, Defendant Hutchison would receive approximately \$140,509.00, Defendants Horning and Arnold would each receive approximately \$47,190.50, and Defendants Hammond, Leader, Stuart, Sharp, Russell, Gudelsky, Messler, and Pusey would each receive approximately \$2,125.00.

40. Defendant Heasley's failure to pass the polygraph examinations administered to him and his subsequent refusal to execute a release that would allow Plaintiff to award the \$2,818,662.00 at issue to the remaining named Defendants in this matter creates a controversy among the Defendants and the integrity and reputation of the Open Tournament dictates the need for an Order of Interpleader so that this Honorable Court may determine the rights and liabilities of the parties involved in this litigation.

41. Plaintiff has in its possession escrowed funds in the amount of \$2,818,662.00, which said funds, or a portion thereof, are claimed simultaneously by all Defendants.

42. The claims of the Defendants are hostile, conflicting, and mutually exclusive, and by reason of these claims, Plaintiff White Marlin is unable to determine for itself which Defendant(s) are entitled to receive the escrowed funds without exposing Plaintiff to multiple claims of liability therefor.

43. Plaintiff brings this action as an impartial stakeholder.

44. Maryland Rule 2-221 provides, in pertinent part, that in an action for Interpleader, the Court may award the original plaintiff costs and reasonable attorney's fees from the property if that plaintiff brought the action in good faith as an impartial stakeholder. Similarly, Rule I.F.6 of the Tournament Rules and Regulations provides, in pertinent part, that Plaintiff "shall be entitled to reimbursement for 5 times its costs and fees, including attorneys fees, which result

from the determination and resolution of the validity of unjustified protests. Such attorneys fees include, but are not limited to, providing legal advice, and investigation of legal matters in conjunction with any protest as well as legal fees for any litigation that results. Such matters shall be considered as liquidated damages for the matters described herein.”

WHEREFORE, Plaintiff White Marlin Open, Inc. requests that this Honorable Court:

- A. Upon Defendants' response to this Complaint, if any, promptly schedule a hearing to determine the appropriate Order of Court to be entered;
- B. Direct Plaintiff to deposit the escrowed amount of Two Million, Eight Hundred Eighteen Thousand, Six Hundred Sixty Two Dollars (\$2,818,662.00) claimed by the Defendants into Court to abide the Judgment of the Court;
- C. Discharge Plaintiff from further liability with respect to the funds described herein and deposited with the Court;
- D. Award Plaintiff costs and reasonable attorney's fees from the funds described herein and deposited with the Court, based on Plaintiff's bringing this action in good faith as an impartial stakeholder; and
- E. Grant such other and further relief as the nature of its cause may require.

Respectfully submitted,

WILLIAMS, MOORE,
SHOCKLEY & HARRISON, L.L.P.



Joseph E. Modre
Christopher T. Woodley
3509 Coastal Highway
Ocean City, Maryland 21842
(410) 289-3553

FILED

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SUSAN R. BRANIECKI
CLK. CT. CL.
WOR. CO.

(410) 289-4157 – Facsimile
jmoore@whmsh.com
cwoodley@whmsh.com
Attorneys for Plaintiff

Rules & Regulations

I. GENERAL TOURNAMENT RULES

A. Boat Entry Guidelines

1. The Basic Entry Fee is \$1000 per boat on or before June 1st and \$1300 after June 1st.
2. There is no minimum or maximum boat size.
3. An unlimited number of anglers are allowed per boat.
4. Any person listed on the Official White Marlin Open entry form will be considered an angler (i.e. Captain, Mate, Boat Owner). Anglers may also be registered by calling 410-520-2065 or emailing contact@whitemarlinopen.com. All anglers must be registered prior to fishing.
5. In the event of a boat disability, contestants may transfer to a second boat and assume the original boat's number without paying an additional entry fee.
6. Only 1 day need to be fished by at least 1 boat to make the tournament official and for prizes to be awarded.
7. The White Marlin Open reserves the right to cancel the tournament at any time.

B. Federal Legislation and IGFA Rules Apply

1. All-tackle I.C.F.A. rules apply unless otherwise noted.
2. Federal law mandates that all anglers participating in a tournament which bestows points, prizes, or awards for Atlantic billfish (blue & white marlin, sailfish, spearfish or swordfish) must deploy only non-offset circle hooks when using natural bait and/or natural/artificial lure combinations. Anglers in these tournaments may use J-hooks only in artificial lures.
3. Participants are assumed to have all necessary permits, licenses and/or registrations required by law. However, it is not the responsibility of the tournament officials or directors to verify that all required permits, licenses and/or registrations are acquired by anglers participating in the tournament. Failure of a winning angler to have obtained any or all required permits, licenses and or registrations shall not be the basis for a protest to be filed under the General Tournament Rules, or for a fish to be disqualified.
4. In the event that the National Marine Fisheries Service increases the minimum length for landing white and/or blue marlin over and above the current White Marlin Open minimums, then the new NMFS minimum length shall become the new White Marlin Open minimum length.
5. With the intention of preserving sportsmanship, rewarding angling skills and billfish conservation, the intentional use of live bait and/or live bait teasers in the attempt to catch billfish is not allowed.
6. The use of Green Sticks is not permitted.
7. Line class shall be limited to the manufacturer's stated rating of no greater than 130 lbs. The use of Tournament Grade Line is not required. If line backing is used, it can not be any greater than the manufacturer's stated rating of 130 lbs. unless it is taped over so no backing is attached to the line that has the hook attached to it.
8. The use of dart gaffs, harpoons, and/or lance gaffs is prohibited.
9. Length Over All (LOA) is the horizontal distance between the outboard side of the foremost part (bow) of the hull and the outboard side of the aftermost part (stern) of the hull. It does not include bowsprits, rudders, outboard motor brackets, swim platforms that do not contain buoyant volume, and other similar fittings and attachments that are not part of the buoyant hull envelope.
10. Any last minute changes will be announced at the Captain's meeting on Sunday, August 7th at 7:00 p.m.

C. Fishing Days, Fishing Times, and Distance Parameters

1. Each boat and/or angler is allowed to fish a maximum of 3 days.
2. Boats must declare their non-fishing day before 8:30 a.m. each day the boat is not fishing, except for Friday. No non-fishing day reporting is required on Friday.
3. To report a non-fishing day, a representative from the boat must notify the White Marlin Open by calling 410-520-2065 before 8:30 a.m.
4. Those boats not reporting by 8:30 a.m. will be declared "fishing" that day.
5. In the event that a boat does not notify the White Marlin Open by 8:30 a.m. on the non-fishing day, Tournament Directors reserve the right to declare that boat not-fishing.
6. Fishing hours are 8:30 a.m. to 3:30 p.m. each day. No boat may place lines, teasers or chum in the water prior to 8:30 a.m. All lines and teasers must be removed from the water at 3:30 p.m.

EXHIBIT

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7. Any fish hooked prior to 3:30 p.m. may be played until boated or released, but it must be made available for weigh-ins by 9:15 p.m. that day (see exception under rule C8).
8. Any boat still fighting a blue marlin after the 3:30 p.m. deadline:
 - 8a. will be permitted to fight that fish until boated, released or lost – except that in order to be eligible for prize money, the blue marlin must be made available for weighing no later than 12:15 a.m. on Saturday, August 13th, regardless of which fishing day the hookup occurred.
 - 8b. If that boat has any other fish on board intended for weighing, it must report to another registered tournament boat, Tournament Directors or another boat that can be verified by 3:30 p.m. the species of boated fish, the exact length and girth, estimated weight and when the fish was boated. Only fish that match the reported length and girth will be weighed.
 - 8c. If that boat does not return inside the sea buoy by 4:00 a.m. on the day after the hookup, that boat cannot return outside the sea buoy and fish that day.
9. Boats may leave from any Inlet between Barnegat Inlet in New Jersey and Rudee Inlet in Virginia.
10. No boat may pass the sea buoy of any Inlet prior to 4:00 a.m. on any fishing day. Any boat leaving early will be disqualified for that fishing day.
11. There is a fishing distance limit of 100 nautical miles from the Ocean City Inlet sea buoy. Boats must fish within this limit regardless of the Inlet of departure.

D. Reporting and Weigh-In Procedures

1. All fish must be made available for weighing between the hours of 4:00 p.m. and 9:15 p.m. on the day the boat left the inlet to go fishing. Any fish not available for weighing by 9:15 p.m. for any reason other than a drawbridge malfunction or line at the scale of fish to be weighed, will not be counted (see exception under General Rule C8).
2. All fish to be eligible for prizes must be weighed in on the official scale at Harbour Island Marina.
3. In the event of a malfunction in the primary weighing system, the Tournament shall switch to a calibrated backup system.
4. All weights registered on either system will be considered official.
5. All fish must be accompanied by a signed catch report. Signed catch and release reports must be turned in to the scorer's table or designated drop off area by 9:15 p.m. that day to be counted. **BOATS FISHING FROM AN INLET OTHER THAN OCEAN CITY, MD MAY FAX OR EMAIL CATCH REPORTS TO 410-289-4490 or contact@whitemarlinopen.com.** Any catch report received after 9:15 p.m. deadline will lose 1/2 of its total value.
6. If any boat still fighting a blue marlin after the 3:30 p.m. deadline has any other fish on board intended for weighing, it must report to another registered tournament boat, Tournament Directors or another boat that can be verified by 3:30 p.m. the species of boated fish, the exact length and girth, estimated weight and when the fish was boated. Only fish that match the reported length and girth will be weighed. (see General Rule C8)
7. Once a fish is completely in the boat, an angler may use any means to make his boated fish available for weighing. This includes switching his boated fish to another boat to get it to the scales, being towed by another boat, or trucking the fish to the scale.
8. In order to ensure that the tournament rules are preserved, tournament directors reserve the right to not weigh any fish that will clearly not place first, second, or third based on the following formula: $\text{Length(in.)} \times \text{Girth}^2(\text{in.}) / 800$.

E. Fishing Guidelines

1. For the purpose of identification and prize money eligibility during the White Marlin Open, a hatchet marlin/round scale spearfish will be considered a white marlin.
2. **In the event of a tie in the weight of a white marlin, the fish that is not gaffed will be considered the winner of the two.**
3. A fish may be hooked by anyone other than the angler (Captain, Mate or other registered angler) however the fishing rod must be transferred immediately to the angler after hookup. **The angler, from that time on, shall fight the fish alone until boated or released.**
4. No help, in either manpower or equipment, can be given by another boat nor can anglers from another boat help in any aspect of fighting, boating or releasing the fish.
5. In the event of a boat disability while fighting a fish, the angler may not switch to another boat nor can anglers from another boat help with either manpower or equipment in any aspect of fighting, boating, or releasing the fish.

6. The following minimum weights/lengths must be met for a fish to qualify for prize money and/or billfish points:

White Marlin 70 lb and 67"

Blue Marlin 114" - no minimum weight. To be eligible for weighing, a blue marlin must meet the minimum length of 114". The winner will be determined by weight.

Tuna 50 lb

Dolphin 20 lb

Wahoo 40 lb

Shark 100 lb

F. Protest

1. A protest may only be filed by a registered angler, registered crew member, or Tournament Director.
2. The White Marlin Open must be notified immediately (by calling 410-289-9229 or speaking directly with a Tournament Director) that a protest is being filed.
3. All protests must be put in writing and include the registered angler(s) names(s), a local contact phone number and \$500 in cash or check made payable to the White Marlin Open. It must contain a detailed description of the protested matter and include any supporting evidence available. It must be signed by the protesting angler(s) or crew member(s) and be delivered to the Tournament Directors as soon as possible from the time the protested action occurs. If no Tournament official is available at Harbour Island, turn in the written report to the guardhouse at the 14th Street entrance to Harbour Island and call 410-289-9229 to report the written protest has been delivered there.
4. All protests in compliance will be given to the judges. That decision is final. If the judges rule in favor of the person(s) that filed a protest, the \$500 protest fee will be refunded.
5. No protest will be accepted after 3:15 a.m. Saturday August 13th.
6. Protests should be carefully considered by contestants as they delay or interfere with the awarding of prizes to the tournament winners. Unjustified protests in recent tournaments have caused expense, turmoil, and unfavorable and unacceptable conditions with respect to the bona fide winners of prizes receiving their awards. Therefore, the White Marlin Open shall be entitled to reimbursement for 5 times its costs and fees, including attorney fees, which result from the determination and resolution of the validity of unjustified protests. Such attorneys fees include, but not limited to, providing legal advice, and investigation of legal matters in conjunction with any protest as well as legal fees for any litigation which results. Such amount shall be considered as liquidated damages for the matters described herein.
7. As a condition for entry into the White Marlin Open, all registrants hereby agree to be bound by all matters in Section F6, and Section H of such tournament rules.

G. Prize Money Payout Procedures

1. If no second or third place fish is weighed, that guaranteed prize money will be divided equally among all winners in that specific category.
2. If a category is not won at all, the guaranteed prize money will be equally divided among the other winning categories.
3. In the event that a winning white marlin is not caught, the Captain's and Mate's guaranteed prize money will go to the Mate and Captain of the heaviest blue marlin.
4. In the event that neither a white or blue marlin is eligible for prize money, the guaranteed prize money will be distributed to winners in the following order: tuna, wahoo, dolphin and shark.
5. Prize money will be awarded to the registered angler catching the winning fish unless a different disbursement is requested in writing (on the Prize Money Distribution Form) by the winning angler.
6. Each winning angler (or boat in Level R and Daily Points) must complete a Prize Money Distribution Form before any award checks will be presented.
7. All anglers winning \$50,000 or more and all anglers winning any amount in Level R may be required, at the discretion of the White Marlin Open, to take and pass, at the determination of the test administrator, a polygraph test prior to the distribution of any awards.
 - 7a. The White Marlin Open may, at its discretion, also request that a polygraph test be taken by any other angler or crew member registered to that boat.
 - 7b. The time and place for the polygraph testing will be announced at the Captain's meeting and listed on the Tournament Information Sheet which is distributed with the boat packets.
 - 7c. In the event that a test cannot be taken at a scheduled time, tournament officials reserve the right to reschedule the test with in 30 days of the date on which the fish was caught. The rescheduled test must be