

**SUPREME COURT OF QUEENSLAND**

REGISTRY: Brisbane  
NUMBER: 4104/17

Plaintiff: **KYLE HODGETTS**

**AND**

First Defendant: **NINE NETWORK AUSTRALIA PTY LTD  
ACN 008 685 407**

**AND**

Second Defendant: **LISA CUTHBERT**

**AND**

Third Defendant: **GARY FIELD**

**AFFIDAVIT**

**JOHN STERGESS RODIOS** of 4 Kuthar Street, Pelican Waters, Queensland, 4551: a retiree, states on oath:

1. I, John Stergess Rodios am also known as 'Jack Rodios'.

**My Background**

2. I am the retired owner and editor of Cash Box Australia and Cash Box International magazines that covered the international coin-op Amusement Industry from 1983 to 1999 inclusive. It was the Coin-op Amusement Industry's video games and the technology within them led to the explosion of the home computer video game industry now estimated to be worth over 150 billion dollars a year.

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**AFFIDAVIT**  
Filed on behalf of the plaintiff  
Form 46, Version 1  
Uniform Civil Procedure Rules 1999  
Rule 431

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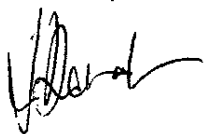
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3. Cash Box Australia and Cash Box International were published monthly. Cash Box International was distributed to subscribers throughout the world.
4. Since entering the Amusement Industry in 1978 I have built, operated, imported, distributed and played possibly thousands of coin operated amusement games and have tested, reviewed and written about almost every new game released.
5. To do this I had to attend Trade Shows in the USA, UK, France, Germany, India, UAE, Brazil, Mexico, China, and Hong Kong, Taiwan, Singapore, Malaysia and Russia on an average of six overseas trips a year.
6. In 1994 and again in 1995 the British Government brought me to the UK at their expense for 3 day conferences on the then fast growing amusement game industry.
7. On my semi-retirement in 1999 I continued in the industry with an internet newsletter that also covered the coming phenomenon of Personal Computer ('PC') games. The newsletter was titled "As It Happens".
8. With this background, I am accepted throughout the industry as an authority on all types of amusement games.

#### **Kyle Hodgetts**

9. I first met Kyle Hodgetts in 1989 at the Australian Trade Show on the Gold Coast where he was exhibiting a Hologram fighting game in direct competition with Sega Corp, the biggest name in the industry at that time.
10. I saw Mr Hodgetts again in the USA in 1990 where he was exhibiting a Virtual Reality (VR) game named Virtual Combat. VR was virtually unknown at that time and I couldn't help but be impressed by this young Australian and his new concept game that was the talk of the show.
11. Then in 1992, Mr Hodgetts produced his biggest and best creation, the first Video Redemption game in "Tickee Tickets".

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12. Tickee Tickets created a whole new arm of the Amusement game industry, opening the door to hundreds of millions of dollars in revenue for game operators. Sega Corp bought exclusive rights to the game and placed an initial order for 200 games which Hodgetts manufactured in the USA.
13. This in itself was a 'first' as it was the first time the mighty Sega had ever allowed an outside manufacturer to make games for them using 'Sega' badging. Tickee Tickets was what would be known today as a "gamechanger". With Tickee Tickets, Mr Hodgetts had revolutionised and revitalised the Amusement game business and created a whole new industry that still prospers today.
14. When back in Australia after completing the Sega deal, Kyle contacted me about other Video Redemption game he had developed and I subsequently set up a showing for the major US manufacturers in a Chicago Hotel. The outcome of that was that Innovative concepts in Entertainment of New York. The biggest manufacturer of redemption games in the world, bought the exclusive rights to the two games shown. Both games enjoyed many years of popularity with one of them (Mouse Attack) staying in production for an exceptional period of more than 10 years when most video games have production runs of a few months.

#### **Virtual Earth Online**

15. About five years ago, Kyle contacted me about a game he was developing. He had been working on the game, later named Virtual Earth Online (VEO), for about a year at the time and I felt the potential was enormous. Even though it was incomplete at the time, VEO clearly eclipsed Minecraft in every area from graphics to game play.
16. But knowing amusement games as he did, he knew the game had to be more than a better Minecraft to get players to cross over or to attract new players. He came up with the brilliant idea of combining the gameplay with Google Maps which enabled players to build, farm or mine anywhere in the world as it's mapped by Google. With this quite incredible innovation, players could not only rebuild their own real world house for example, they could rebuild New York, London, Las Vegas or any city, town or house on the planet as they would all be in VEO as well as every roes,

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river mountain, etc. Anyone could go into VEO and see the house they live in as it stands in the real world.

17. Developing the technology for this was a mammoth task that soon required more funding than Hodgetts had at his disposal. He told me he had investors waiting, but if he brought them in at this point, they would be investing in potential at the cheap price such an investment would warrant, whereas if the new technology was fully developed and proven, he would be able to get true value for shares sold to finance the completion and launch of the game.
18. To raise the funds necessary to fully develop VEO's new technology, Mr Hodgetts released another project he had been working on, a low price Solar powered electricity converter that combined with batteries gave users 24 hour power. The Solar unit was another quite brilliant innovation that I had seen working and knew was bona fide, so I was alarmed to see it depicted on Channel Nines "A Current Affair" (ACA) as the vehicle that Kyle Hodgetts was using to "scam" investors.
19. Though it was really none of my business, I has become very interested in VEO and Mr Hodgetts, so day or two after seeing the ACA segment about Mr Hodgetts, I rang him to ask what was going on and found the normally genial and optimistic software developer almost in a state of despair.
20. Mr Hodgetts told me how, as a result of being labelled a "scammer by ACA he had been locked out of the factory he was renting. Although his rent was fully paid up the owner had the locks changed and basically confiscated thousands of dollars worth of his stock and equipment. I asked him were there any grounds for the scammer accusation and he emphatically said "No, everything has been done right and I have all the paperwork".
21. Shortly after this conversation I had severe medical issues and it was several months before I contacted Mr Hodgetts again to ask about the game. He emailed me, asking me to download a new version of VEO that brought Google Maps into play and tell him what I thought.

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22. The new VEO was stunning. Mr Hodgetts had somehow developed the Google Map integration technology to the stage where he could produce a Beta version.. After thoroughly testing the game for over a week, I found it incredibly stable, almost addictive to play; and different to any game I knew of. In my opinion it was well on the way to being highly successful.
23. But Hodgetts told me when I gave him my opinion that the game was at a standstill due to lack of funds. He told me his waiting investors had bailed out, citing the ACA programme as the reason.
24. I knew then that VEO was in serious trouble. Bringing a game of this size to multi-player level was far too big a task for a solitary programmer.
25. Without funding for VEO, a game that in my opinion was far better than the multi billion dollar Minecraft, I could not see how Mr Hodgetts could proceed from a functioning Beta game to multi-player game capable of having, say, 1000 players from all over the world, playing at te one time
26. All the facts and circumstances above deposed to are within my own knowledge save such as are deposed to from information only and my means of knowledge and sources of information appear on the face of this my affidavit.

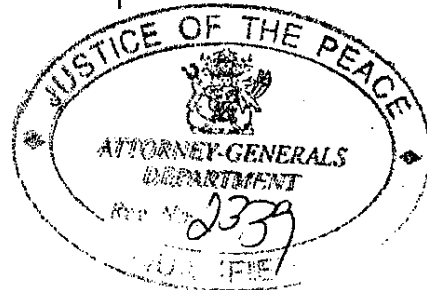
SWORN by JOHN STERGESS RODIOS on [date] *23rd August, 2017*  
At [place] *Pelican Waters* in the presence of:

Deponent

*John Stergess Rodios*

~~Barrister/Solicitor/Justice of the Peace/  
Commissioner for Declarations~~

*Karen*



Signed:

Taken by: *KAREN SUSAN FAA  
3 Reliance Place JP (and)*