


CONNOR & DEMOND, PLLC
ATTORNEYS AND COUNSELORS AT LAW

FILED

OCT 12 2010

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

October 7, 2010

The Honorable James R. Nowlin
U.S. District Court, Western District of Texas
200 West 8th St.
Austin, Texas 78701

RE: *Deliverance Poker, LLC v. Tiltware, LLC and Michael Mizrachi,*
10-CV-664-JRN

Dear Judge Nowlin:

I am writing to explain why we failed to timely execute the Court's order dated September 14, 2010 that directed Plaintiff Deliverance Poker, LLC to serve Defendants Michael Mizrachi and Tiltware, LLC with copies of its Original Complaint (Clerk's Dkt. #1), Motion for Injunctive Relief (Clerk's Dkt. #2), Amended Memorandum in Support of Motion for Injunctive Relief (Clerk's Dkt. #8) and a copy of that Order.

Our failure to timely serve Defendant Michael Mizrachi was due to our mistake and an accidental oversight; we were alerted to this mistake by the Court today, on October 7, 2010. Attached to this letter please find the fax transmission sheet and a copy of the email which were served upon counsel for Defendant Mizrachi. The same was also mailed by first class mail.

I apologize for this mistake and accidental oversight. We have been unable to locate Defendant Tiltware since the beginning of this lawsuit and therefore have been unable to properly serve them. Plaintiff has now decided to petition the Court to allow it to amend the Complaint to remove Tiltware, LLC from the lawsuit. We will be filing a motion for leave to amend to accomplish this purpose.

Plaintiff respectfully requests that the Court accept its explanation for its mistake and continue the hearing on Plaintiff's Motion for Injunctive Relief as it sees fit. Thank you for your time and consideration of this matter.

Very Truly Yours,



William Pieratt Demond
Attorney for Plaintiff,
Deliverance Poker, LLC

cc: John Henry, 407 West Liberty Avenue Round Rock, TX 78664, Attorney for Defendant Michael Mizrachi

encl: as noted

William Pieratt Demond

From: William Pieratt Demond [william.demond@connordemond.com]
Sent: Thursday, October 07, 2010 5:36 PM
To: 'jhenry@jhenrylaw.com'
Cc: 'Meagan Hassan'
Subject: Letter to the Western District in Deliverance v. Tiltware et al
Attachments: copies for opposing counsel (10-7-10).pdf

Dear Mr. Henry,

Attached are documents filed in the Western District in 1:10-cv-00664-JRN – Deliverance v. Tiltware et al. They are being sent pursuant to Judge Nowlin's Order dated September 14, 2010.

Please do not hesitate to contact me with any questions you may have regarding same at your convenience. We will also be placing a copy of these documents to you in the mail today in accordance with the Rules.

I apologize for not getting these documents to you earlier; it was an accidental oversight that will not be repeated again.

Best regards,
William Pieratt Demond
512.917.2111

Licensed to practice in Texas, New York, and Washington, D.C.

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Recipient's Company:

Reference ID:

Fax Quality: Fine

Subject: 1:10-cv-00664-JRN

Cover Page: If you have problems receiving this fax, please call 512-565-8025. Thank you.

copies for opposing counsel (10-7-10).pdf 2819755 bytes Sent [Print this page](#)

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