

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

DELIVERANCE POKER, LLC,                   §  
  §  
  §  
v.   § CIVIL ACTION NO. 1:10-CV-00664-JRN  
  §  
  
MICHAEL MIZRACHI,                       §  
  §

**PLAINTIFF’S REQUEST TO CANCEL HEARING ON APPLICATION  
FOR PRELIMINARY INJUNCTION**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff Deliverance Poker, LLC files this request to cancel the hearing on its application for preliminary injunction scheduled for November 9, 2010, at 2:00 p.m. and would respectfully show the Court the following:

Plaintiff withdraws its application for preliminary injunction because the injunctive relief requested will not prevent additional harm to Plaintiff if the requested injunction is not in place by November 6, 2010. In particular, as set forth in Plaintiff’s Motion to Accelerate Hearing Date on Application for Preliminary Injunction, the personal services contract that Defendant Michael Mizrachi (“Mizrachi”) signed, agreeing to promote Plaintiff’s business, was specifically for the type of publicity that would be obtained during the “Main Event” of the World Series of Poker (WSOP). The Main Event is scheduled to be broadcast live on ESPN on November 6 and 8, 2010. Mizrachi’s failure to honor that contract during the Main Event and promotion of Plaintiff’s competitor, Tiltware, LLC (commonly known as “Full Tilt Poker”), renders subsequent injunctive relief without benefit to Plaintiff. Plaintiff will not be able to go

forward with the “hard launch”<sup>1</sup> of its website or attract investors based on the promotion of the company by Mizrachi.

For these reasons, Deliverance requests the Court to cancel the hearing on Plaintiff’s Application for Preliminary Injunction scheduled for November 9, 2010, at 2:00 p.m.

Respectfully submitted,

By:           /s/ William Pieratt Demond          

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**DELIVERANCE POKER, LLC**

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<sup>1</sup> As explained more fully in the Appendix to Plaintiff’s Motion to Accelerate Hearing Date on Application for Preliminary Injunction, the “hard launch” was to make Plaintiff’s website fully operational.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 29<sup>th</sup> day of October 2010, I electronically filed the above and foregoing *Plaintiff's Motion to Cancel Hearing on Application for Preliminary Injunctions* with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following counsel for Defendant:

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/s/ William Pieratt Demond  
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