

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

DELIVERANCE POKER, LLC,  
Plaintiff,

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v.

CIVIL ACTION NO. 1:10-CV-00664-JRN

MICHAEL MIZRACHI,  
Defendant

**JOINT MOTION TO EXTEND TIME FOR SUBMITTING PROPOSED SCHEDULING  
ORDER REQUIRED BY LOCAL RULE CV-16(c)**

Plaintiff Deliverance Poker, LLC and Defendant Michael Mizrachi request the Court to extend the time for submitting the proposed scheduling order required by Local Rule CV-16(c).

1. This suit was filed on September 7, 2010, and Defendant Michael Mizrachi (“Mizrachi”) answered on September 29, 2010. The parties’ proposed scheduling order is due today.

2. Plaintiff seeks to amend its complaint in order to add Tiltware, LLC (“Tiltware”) as a defendant. Plaintiff will file its motion for leave to amend its complaint today. Mizrachi does not oppose Plaintiff’s motion to amend to add Tiltware as a defendant.<sup>1</sup>

3. The parties request to extend the time for the proposed scheduling order to be submitted in order to include Tiltware in the scheduling process or, if they are not party, in order to submit a scheduling order tailored to just Plaintiff and Mizrachi.

4. The parties propose to extend the time to file a motion to submit a proposed scheduling order until 10 days after Tiltware files an answer in this suit, if leave is granted to add

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<sup>1</sup> As set forth in Plaintiff’s Motion for Leave to Amend and Memorandum in Support, Mizrachi does oppose Plaintiff’s amendment of its complaint to the extent the changes affect him. Mizrachi opposes the amendments as to him due to the uncertainty of whether leave will be granted to add Tiltware as a defendant and the concomitant involvement as Tiltware of a party to this suit.

Tiltware as a party, or 10 days after the denial of a motion to amend Plaintiff's complaint in order to allow Plaintiff to add Tiltware as a defendant.

For the foregoing reasons, Plaintiff Deliverance Poker, LLC and Defendant Michael Mizrachi request the Court to extend the time for submitting the proposed scheduling order as required by Local Rule CV-16(c).

Respectfully submitted,

By: /s/ Douglas M. Becker

**Douglas M. Becker**

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By: /s/ John P. Henry

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**COUNSEL FOR DEFENDANT**

**MICHAEL MIZRACHI**

**CERTIFICATE OF SERVICE**

I certify that on 11/29/2010, I caused the Joint Motion to Extend Time for Submitting Proposed Scheduling Order Required by Local Rule CV-16(c) to be electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following counsel for Defendant:

John P. Henry  
The Law Offices of John Henry, P.C.  
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/s/ John D. Jacks  
John D. Jacks