

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

DELIVERANCE POKER, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	C.A. NO. 1:10-CV-00664-JRN
	§	
MICHAEL MIZRACHI and	§	
TILTWARE, LLC,	§	
	§	
Defendants.	§	

REPORT ON ALTERNATIVE DISPUTE RESOLUTION

In accordance with the Scheduling Order entered by the Court on December 13, 2010, and Local Rule CV-88 for the Western District of Texas, Plaintiff Deliverance Poker, LLC (“Deliverance Poker”) and Defendant Michael Mizrachi (“Mizrachi”) submit the following Report on Alternative Dispute Resolution¹:

1. Concerning the status of settlement negotiations, Deliverance Poker and Mizrachi have not had sufficient time to obtain discovery and evaluate the case at this point, so there have been no settlement negotiations.

2. Douglas M. Becker, of the firm Gray & Becker, P.C., the attorney for Deliverance Poker, is the person responsible for the settlement negotiations for Deliverance Poker and evaluating whether alternative dispute resolution is appropriate in this case for Plaintiff. John P. Henry, the attorney for Mizrachi, is the person responsible for settlement negotiations for Mizrachi and evaluating whether alternative dispute resolution is appropriate in this case for Defendant Mizrachi.

¹ Defendant Tiltware, LLC (“Tiltware”) has not made an appearance in this case. Tiltware, through corporate counsel, is aware of the Scheduling Order in this case, but has elected not to offer any input into this report on alternative dispute resolution.

3. Counsel for Deliverance Poker and Mizrachi have informed their respective clients of the ADR procedures available in this district.

4. At this time, Deliverance Poker and Mizrachi are not opposed to mediation and counsel for Deliverance Poker and Mizrachi expect to mediate this case prior to, or upon, the conclusion of the discovery process. These parties agree to select a mediator by mutual agreement and each party shall pay one-third of the cost of the mediator once the parties agree upon a mediator.

Respectfully submitted,

Gray & Becker, P.C.

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By: /s/ Douglas M. Becker

Douglas M. Becker

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By: /s/ John P. Henry

John P. Henry

Texas State Bar No. 24055655

Counsel for Defendant,

Michael Mizrachi

CERTIFICATE OF SERVICE

I certify that on 1/4/2011, I caused the Report on Alternative Dispute Resolution 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 Michael Mizrachi:

John P. Henry
The Law Offices of John Henry, P.C.
P.O. Box 1838
Round Rock, Texas 78680

I further certify that on 1/4/11, I caused the Report on Alternative Dispute Resolution to be served on corporate counsel for Defendant Tiltware, LLC by fax and email as follows:

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/s/ John D. Jacks
John D. Jacks