

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 and  
TILTWARE, LLC,  
Defendant

STATE OF TEXAS       §  
                                  §  
TRAVIS COUNTY       §

DECLARATION UNDER PENALTY OF PERJURY

My name is John Jacks. I am one of the attorneys representing Deliverance Poker, LLC in the above-styled case.

On January 17, 2011, I received Defendant Michael Mizrachi’s Responses to Plaintiff’s First Request for Production and Defendant Michael Mizrachi’s Responses to Plaintiff’s First Set of Interrogatories. I attempted to call John P. Henry, counsel for Michael Mizrachi and Tiltware, regarding the deficiencies in the responses. My call was not answered, so I left a message on Mr. Henry’s voicemail. On the same day, I wrote a letter concerning the deficiencies in the discovery responses. I did not receive any response to my call or letter.

On January 18, 2011, I wrote to Mr. Henry regarding scheduling depositions and asked for him to call me. I did not receive a phone call.

On January 21, 2011, I attempted to call Mr. Henry about discovery responses and whether he opposed Plaintiff’s Motion for Protective Order. My call was not answered, so I left another message for him to call me. I did not receive a call from Mr. Henry.

On January 24, 2011, Mr. Henry sent an email to me regarding my complaints concerning the discovery sent by Defendants in this case. I sent an email back to Mr. Henry in response to his email and again asked for him to call me. I did not receive a call.

On January 24, 2011, I again wrote a letter to Mr. Henry, asking again for him to call me to try to resolve the discovery issues in the case. I did not receive a phone call.



I have had approximately 6 hours in seeking responses to Plaintiff's discovery requests and preparing Plaintiff's Motion to Compel and Memorandum in Support. My hourly rate is \$250.00 per hour, resulting in approximately \$1,500.00 in compensable time dealing with this issue.

I, John Jacks, declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on January 25, 2011.



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John D. Jacks