

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

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

**DEFENDANT MICHAEL MIZRACHI'S RESPONSES TO PLAINTIFF'S
FIRST INTERROGATORIES**

TO: Plaintiff Deliverance Poker, LLC, by and through its attorney of record, Douglas M. Becker, Gray & Becker, P.C., 900 West Avenue, Austin, Texas 78701.

Pursuant to the provisions of Rule 26 of the Federal Rules of Civil Procedure, Defendant Michael Mizrachi submits his responses to Plaintiff Deliverance Poker, LLC's First Request for Production of Documents.

Respectfully submitted,

/s/ John P. Henry
 John P. Henry
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Attorneys for Defendant
Michael Mizrachi



CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of January, 2011, I caused the foregoing document to be delivered via facsimile to the following parties, through their attorney of record:

/s/ John P. Henry
John P. Henry

Douglas M. Becker
Gray & Becker, P.C.
900 West Avenue
Austin, Texas 78701
(512) 482-0924
Attorneys for Plaintiff

RESPONSES

1. Identify all persons who you believe have knowledge of relevant facts and identify the issues upon which you believe they have knowledge.

RESPONSE:

Carlos Benavides, III: Plaintiff in this matter has knowledge of a wide range of issues, including but not limited to the relationship between Plaintiff and Defendant Mizrachi, agreements and communications between Plaintiff and Mizrachi, agreements and communications between Benavides and Mizrachi, efforts by Plaintiff to develop the website and business which are at issue in this lawsuit, investments in the website and business and the resulting failure of the business.

Michael Mizrachi: Defendant in this matter has knowledge of a wide range of issues, including but not limited to the relationship between Plaintiff and Defendant Mizrachi, agreements and communications between Plaintiff and Mizrachi, agreements and communications between Benavides and Mizrachi, efforts by Plaintiff to develop the website and business which are at issue in this lawsuit, investments in the website and business and the resulting failure of the business, efforts by Mizrachi to promote the website and business, and communications between and among Plaintiff, Mizrachi, Full Tilt Poker, and others regarding matters relevant to this lawsuit.

Eric Mizrachi: Brother of Defendant Mizrachi has knowledge of a wide range of issues, including but not limited to the relationship between Plaintiff and Defendant Mizrachi, agreements and communications between Plaintiff and Mizrachi, agreements and communications between Benavides and Mizrachi, efforts by Plaintiff to develop the website and business which are at issue in this lawsuit, investments in the website and business and the resulting failure of the business, efforts by Mizrachi to promote the website and business, and communications between and among Plaintiff, Mizrachi, Full Tilt Poker, and others regarding matters relevant to this lawsuit.

Robert Mizrachi: Brother of Defendant Mizrachi has knowledge of a wide range of issues, including but not limited to the relationship between Plaintiff and Defendant Mizrachi, agreements and communications between Plaintiff and Mizrachi, agreements and communications between Benavides and Mizrachi, efforts by Plaintiff to develop the website and business which are at issue in this lawsuit, investments in the website and business and the resulting failure of the business, efforts by Mizrachi to promote the website and business, and communications between and among Plaintiff, Mizrachi, Full Tilt Poker, and others regarding matters relevant to this lawsuit.

Daniel Mizrachi: Brother of Defendant Mizrachi has knowledge of a wide range of issues, including but not limited to the relationship between Plaintiff and Defendant Mizrachi, agreements and communications between Plaintiff and Mizrachi, agreements and communications between Benavides and Mizrachi, efforts by Plaintiff to develop the website and business which are at issue in this lawsuit, investments in the website and business and the

resulting failure of the business, efforts by Mizrachi to promote the website and business, and communications between and among Plaintiff, Mizrachi, Full Tilt Poker, and others regarding matters relevant to this lawsuit.

Raymond Bitar: Representative of Full Tilt Poker and Tiltware, LLC is likely to have knowledge of a wide range of matters relevant to this lawsuit. Defendant Mizrachi has not yet communicated with Bitar, and will supplement this response as discovery continues.

Maurice Mills: Developer of gaming and poker software is likely to have knowledge of a wide range of matters relevant to this lawsuit, including but not limited to communications between Plaintiff's representatives and Mills and others regarding the needs of Plaintiff to develop poker software, the costs of such software, efforts taken by Plaintiff to procure and develop such software, and the relationship between Mills and Plaintiff. Defendant Mizrachi has not yet communicated with Mills, and will supplement this response as discovery continues.

Representatives of Saber Asset Management, S.A.: Plaintiff has identified Saber as a company from which Plaintiff attempted to procure software to operate the business which is the subject of this lawsuit. Defendant Mizrachi has not yet communicated with representatives of Saber Asset Management, and will supplement this response as discovery continues.

Representatives of AM Holdings, LLC: Plaintiff has identified AM Holdings as a company from which Plaintiff attempted to procure financing to operate the business which is the subject of this lawsuit. Defendant Mizrachi has not yet communicated with representatives of AM Holdings, and will supplement this response as discovery continues.

Luchiano Pelligrino: Pellegrino has knowledge of the relationship between Defendant Mizrachi and Plaintiff as well as between Mizrachi and Benavides.

Christopher Torina: Torina has knowledge of the relationship between Defendant Mizrachi and Plaintiff as well as between Mizrachi and Benavides.

Peter Beshay: Beshay provided website design and other services to Plaintiff, as well as the involvement of both Defendant Mizrachi and Benavides in the development of the business which is the subject of this lawsuit.

Bobby Wallace: Plaintiff has identified Wallace as an individual from which Plaintiff attempted to procure financing to operate the business which is the subject of this lawsuit. Defendant Mizrachi has not yet communicated with Wallace, and will supplement this response as discovery continues.

Donna Marks: Marks has knowledge of the relationship between Defendant Mizrachi and Plaintiff as well as between Mizrachi and Benavides. Marks also has knowledge of the development efforts by Plaintiff and knowledge of the industry in which the business at issue in this lawsuit was intending to compete.

Discovery is ongoing, and Defendant Mizrachi will supplement this response.

2. If you contend that some other person or legal entity is, in whole or in part, liable to Deliverance Poker in this matter, identify that person or legal entity and describe in detail the basis of said liability.

RESPONSE: None at this time. Defendant will supplement as discovery continues.

3. Please list each poker tournament or other public appearance at which you appeared from July 12, 2009, to the present. For each such appearance, please state:
 - (a) the date or dates of such public appearance(s);
 - (b) whether you appeared with Deliverance Poker “site logoed shirts and caps” as provided by your Promotional Representation Agreement during these appearances and the dates on which you wore such “site logoed shirts and caps”;
 - (c) if you wore some other logo for any purpose, the dates on which you wore such logos and the amounts you were paid to wear such logos.

RESPONSE: Defendant Mizrachi cannot state with any certainty every “public appearance” he made during the specified period. Mizrachi further states that he appeared at the following tournaments during this period. Defendant Mizrachi has also requested entry and result information for all tournaments at which he participated for the specified period, and will supplement this response as soon as such information is provided.

October 19, 2009	Festa al Lago Classic
November 10, 2009	World Poker Finals
November 18, 2009	Bellagio 2009 Deep Stack Tournament
January 9, 2009	Pokerstars EPT Caribbean Adventure
June 1, 2010	World Series of Poker, Event 2
June 5, 2010	World Series of Poker, Event 5
June 17, 2010	World Series of Poker, Event 29
June 28, 2010	World Series of Poker, Event 48
Nov 6, 2010	World Series of Poker, Main Event
Nov 17, 2010	NAPT Los Angeles

4. Please state what Tiltware paid you to wear its logos from July 12, 2009, to the present. Please include all cash consideration and identify any other benefit received by you for wearing Tiltware’s logos.

RESPONSE: Defendant Mizrachi has never been paid by Tiltware to wear its logos.

5. Please state the dates on which you appeared on television for the 2010 World Series of Poker.

RESPONSE: Defendant Mizrachi is not aware of each and every date on which he has appeared on television for the 2010 World Series of Poker. Such information is therefore equally available to Plaintiff.

6. Please identify the person or persons with whom you negotiated an agreement to wear Tiltware's logos and state each person's role with Tiltware.

RESPONSE: Defendant Mizrachi never negotiated an agreement to wear Tiltware's logos.