

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

DELIVERANCE POKER, LLC	§	
Plaintiff	§	
	§	
vs.	§	CIVIL ACTION NO. 1:10-CV-00664-JAN
	§	
MICHAEL MIZRAHI and	§	
TILTWARE, LLC	§	
Defendants	§	

**DECLARATION OF JORDAN D. GROTZINGER IN SUPPORT OF EXPEDITED
 MOTION TO DISMISS PURSUANT TO
FED. R. CIV. P. 12(h)(3) FOR LACK OF SUBJECT MATTER JURISDICTION**

I, Jordan D. Grotzinger, pursuant to Section 1746 of title 28 of the United States Code, hereby declare, under penalty of perjury, that the following is true to the best of my knowledge:

1. I am an attorney licensed to practice law in California and will soon be filing a motion for *pro hac vice* admission in order to represent Defendant Tiltware, LLC (“Tiltware”) in this action. I submit this declaration pursuant to Local Rule CV-7(b) in support of Tiltware’s Expedited Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(h)(3) for Lack of Subject Matter Jurisdiction.

2. My firm Greenberg Traurig, LLP is associating as Tiltware’s co-counsel with this motion. On Friday, March 4, 2011, my partner George Belfield and I, along with current Tiltware counsel John Henry, telephoned Plaintiff’s counsel Douglas Becker and John Jacks and discussed the diversity of jurisdiction issues that are the subject of this motion, and asked them to consider the jurisdiction issue over the weekend and stipulate to dismiss this case. A few hours later on March 4, 2011, I also e-mailed Plaintiff’s counsel a draft of our motion. As of this writing, we have not heard back from Plaintiff’s counsel.

3. I have reviewed the Court's docket sheet and certain materials I have received relating to this action. Based on that review, we understand that, on December 13, 2010, the Court issued a Scheduling Order in this action -- before Tiltware had appeared -- and set trial for April 25, 2011, and the discovery cutoff for March 25, 2011. Tiltware has a 12(b)(6) motion to dismiss on file, and has not yet answered the Third Amended Complaint. Needless to say, Plaintiff is pressing forward with depositions and other discovery, so Tiltware requests that this jurisdictional motion be heard on an expedited basis. In an abundance of caution, Tiltware will also file shortly on an expedited basis Defendant Tiltware, LLC's Motion To Continue Trial Date And Discovery Cutoff Or Sever Claims Against Tiltware.

This Declaration was executed on March 7, 2011 in Santa Monica, California.



JORDAN D. GROTZINGER