

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

DELIVERANCE POKER, LLC,
Plaintiff,

v.

MICHAEL MIZRACHI and
TILTWARE, LLC,
Defendant

§
§
§
§
§
§
§
§
§
§

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

ORDER

Before the Court it Defendant Tiltware, LLC’s (“Tiltware’s”) Expedited Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(h)(3) for Lack of Subject Matter Jurisdiction and Response to Expedited Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(h)(3) and Plaintiff’s Motion to Dismiss Any Non-Diverse Party Under Fed. R. Civ. P. 21. After considering Tiltware’s motion to dismiss, the response, and Plaintiff’s motion to dismiss any non-diverse party, the Court is of the opinion that Plaintiff’s motion to dismiss any non-diverse party should be GRANTED and Tiltware’s motion to dismiss should be DENIED.

IT IS THEREFORE ORDERED that Defendant Michael Mizrachi is hereby dismissed without prejudice.

IT IS FURTHER ORDERED that Defendant Tiltware, LLC’s motion to dismiss is denied.

SIGNED on _____, 2011.

JUDGE PRESIDING