

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

DELIVERANCE POKER, LLC,

Plaintiff,

v.

MICHAEL MIZRACHI and
TILTWARE, LLC,

Defendants.

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C.A. NO. 1:10-CV-00664-JRN

**PLAINTIFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS
TO DEFENDANT TILTWARE, LLC**

TO: Defendants Michael Mizrachi and Tiltware, LLC, by and through their attorney of record,
John P. Henry, The Law Offices of John Henry, P.C., P.O. Box 1838, Round Rock,
Texas 78680

Pursuant to the provisions of Rule 34 of the Federal Rules of Civil Procedure, Plaintiff
Deliverance Poker, LLC submits its Second Request for Production of Documents to Defendant
Tiltware, LLC.

Respectfully submitted,

By: _____

Douglas M. Beckek

Texas State Bar No. 02012900

John D. Jacks

Texas State Bar No. 00785986

GRAY & BECKER, P.C.

900 West Avenue

Austin, Texas 78701

Telephone: (512) 482-0061

Facsimile: (512) 482-0924

COUNSEL FOR PLAINTIFF

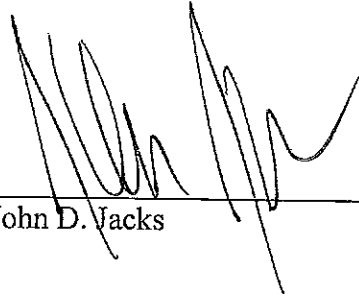
DELIVERANCE POKER, LLC



CERTIFICATE OF SERVICE

I certify that on 1/19/2011, a true and correct copy of Plaintiff's Second Request for Production of Documents to Tiltware, LLC to Defendants Michael Mizrachi and Tiltware, LLC was faxed to the following counsel:

John P. Henry
The Law Offices of John Henry, P.C.
P.O. Box 1838
Round Rock, Texas 78680
*Attorney of record for Defendants
Michael Mizrachi and Tiltware, LLC*



John D. Jacks

A. Definitions

1. *Communication.* The term “communication” means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).
2. *Document.* The term “document” is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a). A draft of a non-identical copy is a separate document within the meaning of this term.
3. *Identify (With Respect to Persons).* When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
4. *Identify (With Respect to Documents).* When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s), and recipient(s).
5. *Parties.*
 - (a) The terms “plaintiff” and “defendant” as well as a party’s full or abbreviated name or pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.
 - (b) “You” or “your” means Defendant, MICHAEL MIZRACHI, his successors, predecessors, divisions, subsidiaries, present and former officers, agents, employees, and all other persons acting on behalf of MICHAEL MIZRACHI or his successors, predecessors, divisions, and subsidiaries.
 - (c) “DELIVERANCE POKER, LLC” shall mean DELIVERANCE POKER, LLC and any of its officers, members, agents, or other representatives.
 - (d) “TILTWARE, LLC” shall mean shall mean TILTWARE, LLC and any of its officers, members, agents, or other representatives.
6. *Person.* The term “person” is defined as any natural person or business, legal or governmental entity or association.
7. *Concerning.* The term “concerning” means relating to, referring to, describing, evidencing or constituting.
8. “You,” “your,” or “Tiltware” means Tiltware, LLC and all of its officers, directors, employees, representatives, agents, partners, corporate parent, subsidiaries and affiliates, including but not limited to the website that is www.fulltiltpoker.com.

9. "Mizrachi" means Defendant Michael Mizrachi and his agents, representatives, and employees.

10. "Market share" means the percentage or proportion of the total available market or market segment serviced by a company.

B. Requests for Production

Please produce the following documents:

1. All documents mentioning or concerning Deliverance Poker, LLC.

Response:

2. All documents mentioning or concerning C.Y. Benavides, III.

Response:

3. All documents concerning the market share of Tiltware.

Response:

4. All documents concerning any effects on the market share of Tiltware.

Response:

5. All marketing plans or concepts for promoting Tiltware.

Response:

6. All documents concerning any entity that is in the online gaming industry.

Response:

7. All documents concerning any entity that is in the online poker industry.

Response:

8. An organizational chart for Tiltware.

Response:

9. All documents concerning advertising for Tiltware.

Response:

10. All documents concerning the advertising budget for Tiltware.

Response:

11. All documents concerning the brand or brand awareness of "Full Tilt Poker."

Response:

12. All documents concerning the development of the brand or brand awareness of "Full Tilt Poker."

Response:

13. All documents concerning audience measurement (e.g., Nielsen Ratings) for the television airing of any of the play of the 2010 World Series of Poker.

Response:

14. All documents concerning audience measurement (e.g., Nielsen Ratings) for the television airing of any of the play of the 2009 World Series of Poker.

Response:

15. All documents concerning audience measurement (e.g., Nielsen Ratings) for the television airing of any of the play of the 2008 World Series of Poker.

Response:

16. All documents concerning audience measurement (e.g., Nielsen Ratings) for the television airing of any of the play of the 2007 World Series of Poker.

Response:

17. All documents concerning audience measurement (e.g., Nielsen Ratings) for the television airing of any of the play of the 2006 World Series of Poker.

Response:

18. All documents concerning website traffic analysis for the website www.fulltiltpoker.com for 2010. This request includes, but is not limited to, number of visits, average time on site, new visits, page visits, bounce rate, and the like.

Response:

19. All documents concerning website traffic analysis for the website www.fulltiltpoker.com for 2009. This request includes, but is not limited to, number of visits, average time on site, new visits, page visits, bounce rate, and the like.

Response:

20. All documents concerning website traffic analysis for the website www.fulltiltpoker.com for 2008. This request includes, but is not limited to, number of visits, average time on site, new visits, page visits, bounce rate, and the like.

Response:

21. All documents concerning website traffic analysis for the website www.fulltiltpoker.com for 2007. This request includes, but is not limited to, number of visits, average time on site, new visits, page visits, bounce rate, and the like.

Response:

22. All documents concerning website traffic analysis for the website www.fulltiltpoker.com for 2006. This request includes, but is not limited to, number of visits, average time on site, new visits, page visits, bounce rate, and the like.

Response:

23. All documents concerning website traffic analysis for the website www.fulltiltpoker.com for 2005. This request includes, but is not limited to, number of visits, average time on site, new visits, page visits, bounce rate, and the like.

Response:

24. All documents concerning website traffic analysis for the website www.fulltiltpoker.com for 2004. This request includes, but is not limited to, number of visits, average time on site, new visits, page visits, bounce rate, and the like.

Response:

25. All documents concerning website traffic analysis for the website www.fulltiltpoker.com for 2003. This request includes, but is not limited to, number of visits, average time on site, new visits, page visits, bounce rate, and the like.

Response:

26. All documents concerning website traffic analysis for the website www.fulltiltpoker.com for 2002. This request includes, but is not limited to, number of visits, average time on site, new visits, page visits, bounce rate, and the like.

Response:

27. All documents concerning website traffic analysis for the website www.fulltiltpoker.com for 2001. This request includes, but is not limited to, number of visits, average time on site, new visits, page visits, bounce rate, and the like.

Response:

28. All documents concerning website traffic analysis for the website www.fulltiltpoker.com during and after any television airing of any of the play of 2010 World Series of Poker. This request includes, but is not limited to, number of visits, average time on site, new visits, page visits, bounce rate, and the like.

Response:

29. All documents concerning website traffic analysis for the website www.fulltiltpoker.com during and after any television airing of any of the play of 2009 World Series of Poker. This request includes, but is not limited to, number of visits, average time on site, new visits, page visits, bounce rate, and the like.

Response:

30. All documents concerning website traffic analysis for the website www.fulltiltpoker.com during and after any television airing of any of the play of 2008 World Series of Poker. This request includes, but is not limited to, number of visits, average time on site, new visits, page visits, bounce rate, and the like.

Response:

31. All documents concerning website traffic analysis for the website www.fulltiltpoker.com during and after any television airing of any of the play of 2007 World Series of Poker. This request includes, but is not limited to, number of visits, average time on site, new visits, page visits, bounce rate, and the like.

Response:

32. All documents concerning website traffic analysis for the website www.fulltiltpoker.com during and after any television airing of any of the play of 2006 World Series of Poker. This request includes, but is not limited to, number of visits, average time on site, new visits, page visits, bounce rate, and the like.

Response:

FAX(TX)

#	DATE	START T.	RECEIVER	COM. TIME	PAGE	TYPE/NOTE	FILE
001	JAN/19	04:55PM	5124286418--3121001#106	0:02:31	9	MEMORY OK	G3 4404

GRAY & BECKER, P.C.
 ATTORNEYS AT LAW
 900 WEST AVENUE
 AUSTIN, TEXAS 78701-2228
 (512) 482-0061
 TELECOPIER (512) 482-0924

TELECOPIER TRANSMITTAL COVER SHEET

January 19, 2011

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TO: Via Fax to (512) 428-6418
 John P. Henry

FROM: John D. Jacks

NUMBER OF PAGES (includes cover page) 9

CONTENTS: Plaintiff's Second Request for Production of Documents to Defendant Tiltware, LLC

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OPERATOR: t.melchor

GRAY & BECKER, P.C.
ATTORNEYS AT LAW
900 WEST AVENUE
AUSTIN, TEXAS 78701-2228
(512) 482-0061
TELECOPIER (512) 482-0924

TELECOPIER TRANSMITTAL COVER SHEET

January 19, 2011

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