

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,	§	
	§	
Defendants.	§	

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

TO: Plaintiff Deliverance Poker, LLC, by and through its attorney of record, Douglas M. Becker, Gray & Becker, P.C., 800 West Avenue, Austin, Texas 78701.

Pursuant to the provisions of Rule 34 of the Federal Rules of Civil Procedure, Defendant Tiltware, LLC, submits its response to Plaintiff Deliverance Poker, LLC's First Request for Production of Documents. Defendant has not fully completed the investigation of the facts relating to this case, and has not completed discovery. Accordingly, Defendant reserves the right to supplement its answers as additional information becomes known.

Respectfully submitted,

/s/ John P. Henry
 John P. Henry
 The Law Offices of John Henry, P.C.
 407 W. Liberty St.
 Round Rock, Texas 78664
 (512)428-5448
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 Attorneys for Defendant Tiltware, LLC



CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of February, 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

GENERAL OBJECTIONS

1. In responding to these discovery requests ("Requests"), Defendant conducted and will continue to conduct a reasonable search of records presently kept in the ordinary course of business where it would likely expect to find information or documents responsive to a particular Request. To the extent that a given Request contemplates some other type of search or response, including but not limited to ascertaining information or obtaining documents not within Defendant's possession, custody or control, Defendant objects to the request on the grounds that it is overbroad and unduly burdensome, and seeks information beyond the scope of Rules 26 and 34 of the Federal Rule of Civil Procedure.

2. Defendant generally objects to these Requests and their Definitions to the extent that any of them may be construed as calling for the production of documents subject to a claim of privilege or immunity, including, without limitation, the attorney-client privilege and work-product immunity. The inadvertent production of any document or information subject to such privileges or protections is not intended to relinquish any privilege or protection and shall not be deemed to constitute a waiver of any applicable privilege or protection.

3. Defendant objects to these Requests and their Definitions to the extent that they imply the existence of facts or circumstances that do not or did not exist and to the extent that they state or assume legal conclusions. In providing these responses and objections, Defendant does not admit the factual or legal premise of any of the Requests or their Definitions.

4. Any statement herein that Defendant will produce documents responsive to a particular Request is not a representation that such documents exist or are within Defendant's actual possession, custody or control. Rather, such a statement indicates that, if Defendant has responsive documents within its possession, custody or control, and the production of the

documents is not otherwise objected to, it will produce them subject to its objections.

5. Defendant's decision to provide information or documents notwithstanding the objectionable nature of the Requests should not be construed as any of (a) an acknowledgment that the material is relevant; (b) a waiver of the General Objections, or the specific objections asserted in response to specific interrogatories; or (c) an agreement that requests for similar information will be treated in a similar manner.

6. These General Objections, are incorporated into each specific response and objection set forth below, whether generally or as to each or any specific Request, as if fully set forth, and may not be repeated in each specific response or objection. Where a General Objection is repeated or referred to in a specific response, it is for emphasis only.

7. The production of any information or documents pursuant to these Requests is not, and shall not be construed as, an admission to the relevance of the subject matter of any of the individual Requests and, moreover, is without prejudice to all objections to the use of any documents produced or responses made by Defendant.

8. Defendant has not fully completed its investigation of the facts relating to this case, has not completed discovery, and has not completed their preparation for trial. Accordingly, Defendant reserves the right to supplement its responses and production as additional responsive documents, if any, become known. These General Objections are incorporated into and otherwise apply to any such supplementation or amendment, including any additional productions of documents.

RESPONSES

Defendant incorporates the General Objections, into each of its Responses to the Document Requests below as though set forth fully therein.

1. All agreements between Tiltware and any poker player at the 2010 World Series of Poker concerning sponsoring, endorsing, or promoting any service or product of Tiltware at the 2010 World Series of Poker.

RESPONSE: To the extent that this request demands production of agreements unrelated to Defendant Mizrachi, Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence. Subject to the foregoing objections and the General Objections, all agreements between Tiltware and Defendant Mizrachi at the 2010 World Series of Poker concerning sponsoring, endorsing, or promoting any service or product of Tiltware at the 2010 World Series of Poker will be made available for copying and inspection at the Law Offices of John Henry, P.C. at a mutually agreeable time.

2. All agreements between Tiltware and Mizrachi.

RESPONSE: Subject to the General Objections, documents responsive to this request will be made available for copying and inspection at the Law Offices of John Henry, P.C. at a mutually agreeable time.

3. All videos or audios of any interview given by Mizrachi in the possession of Tiltware.

RESPONSE: Subject to the General Objections, documents responsive to this request will be made available for copying and inspection at the Law Offices of John Henry, P.C. at a mutually agreeable time.

4. All documents you provided to Mizrachi.

RESPONSE: Subject to the General Objections, documents responsive to this request will be made available for copying and inspection at the Law Offices of John Henry, P.C. at a mutually agreeable time.

5. All documents received by you from Mizrachi.

RESPONSE: Subject to the General Objections, documents responsive to this request will be made available for copying and inspection at the Law Offices of John Henry, P.C. at a mutually agreeable time.

6. All documents you provided to Benavides.

RESPONSE: Subject to the General Objections, documents responsive to this request will be made available for copying and inspection at the Law Offices of John Henry, P.C. at a mutually agreeable time.

7. All documents received by you from Benavides.

RESPONSE: Subject to the General Objections, documents responsive to this request will be made available for copying and inspection at the Law Offices of John Henry, P.C. at a mutually agreeable time.

8. Produce the personnel file of each individual identified in response to Interrogatory Nos. 4 and 5 served on Tiltware with these Requests for Production. This request does not seek the part of the personnel file pertaining to tax matters or health care matters.

RESPONSE: Defendant Tiltware objects to this request on the ground that it demands material not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence. Defendant Tiltware further objects to this request on the ground that it requests material protected by the right of privacy.

9. Produce all documents concerning your response to Interrogatory No. 7 served on Tiltware with these Requests for Production.

RESPONSE: At the present time and subject to the General Objections, Defendant Tiltware is not aware of any documents responsive to this request in its possession, custody, or control. However, discovery is ongoing and Defendant Tiltware will supplement this response if it becomes aware of any such documents.

10. Produce all documents concerning your response to Interrogatory No. 8 served on Tiltware with these Requests for Production.

RESPONSE: At the present time and subject to the General Objections, Defendant Tiltware is not aware of any documents responsive to this request in its possession, custody, or control. However, discovery is ongoing and Defendant Tiltware will supplement this response if it becomes aware of any such documents.

11. Produce all documents concerning your response to Interrogatory No. 9 served on Tiltware with these Requests for Production.

RESPONSE: At the present time and subject to the General Objections, Defendant Tiltware is not aware of any documents responsive to this request in its possession, custody, or control. However, discovery is ongoing and Defendant Tiltware will supplement this response if it becomes aware of any such documents.

12. Produce all documents concerning your response to Interrogatory No. 10 served on Tiltware with these Requests for Production.

RESPONSE: At the present time and subject to the General Objections, Defendant Tiltware is not aware of any documents responsive to this request in its possession, custody, or control. However, discovery is ongoing and Defendant Tiltware will supplement this response if it becomes aware of any such documents.

13. Produce all documents concerning your response to Interrogatory No. 11 served on Tiltware with these Requests for Production.

RESPONSE: At the present time and subject to the General Objections, Defendant Tiltware is not aware of any documents responsive to this request in its possession, custody, or control. However, discovery is ongoing and Defendant Tiltware will supplement this response if it becomes aware of any such documents.

14. Produce all documents concerning your response to Interrogatory No. 12 served on Tiltware with these Requests for Production.

RESPONSE: At the present time and subject to the General Objections, Defendant Tiltware is not aware of any documents responsive to this request in its possession, custody, or control. However, discovery is ongoing and Defendant Tiltware will supplement this response if it becomes aware of any such documents.

15. Produce all documents concerning your response to Interrogatory No. 13 served on Tiltware with these Requests for Production.

RESPONSE: At the present time and subject to the General Objections, Defendant Tiltware is not aware of any documents responsive to this request in its possession, custody, or control. However, discovery is ongoing and Defendant Tiltware will supplement this response if it becomes aware of any such documents.

16. Produce all documents concerning your response to Interrogatory No. 14 served on Tiltware with these Requests for Production.

RESPONSE: At the present time and subject to the General Objections, Defendant Tiltware is not aware of any documents responsive to this request in its possession, custody, or control. However, discovery is ongoing and Defendant Tiltware will supplement this response if it becomes aware of any such documents.

17. Produce all documents concerning your response to Interrogatory No. 15 served on Tiltware with these Requests for Production.

RESPONSE: At the present time and subject to the General Objections, Defendant Tiltware is not aware of any documents responsive to this request in its possession, custody, or control. However, discovery is ongoing and Defendant Tiltware will supplement this response if it becomes aware of any such documents.

18. Produce all documents concerning your response to Interrogatory No. 16 served on Tiltware with these Requests for Production.

RESPONSE: At the present time and subject to the General Objections, Defendant Tiltware is not aware of any documents responsive to this request in its possession, custody, or control. However, discovery is ongoing and Defendant Tiltware will supplement this response if it becomes aware of any such documents.

19. Produce all documents concerning your response to Interrogatory No. 17 served on Tiltware with these Requests for Production.

RESPONSE: At the present time and subject to the General Objections, Defendant Tiltware is not aware of any documents responsive to this request in its possession, custody, or control. However, discovery is ongoing and Defendant Tiltware will supplement this response if it becomes aware of any such documents.

20. Produce all documents concerning your response to Interrogatory No. 18 served on Tiltware with these Requests for Production.

RESPONSE: At the present time and subject to the General Objections, Defendant Tiltware is not aware of any documents responsive to this request in its possession, custody, or control. However, discovery is ongoing and Defendant Tiltware will supplement this response if it becomes aware of any such documents.

21. Produce all documents concerning your response to Interrogatory No. 19 served on Tiltware with these Requests for Production.

RESPONSE: At the present time and subject to the General Objections, Defendant Tiltware is not aware of any documents responsive to this request in its possession, custody, or control. However, discovery is ongoing and Defendant Tiltware will supplement this response if it becomes aware of any such documents.

22. Produce all documents concerning the decision to seek to contract with Mizrachi for providing any service to promote, sponsor, or endorse Full Tilt Poker at the 2010 World Series of Poker.

RESPONSE: Subject to the General Objections, documents responsive to this request will be made available for copying and inspection at the Law Offices of John Henry, P.C. at a mutually agreeable time.

23. Produce documents showing the value of Tiltware at present and as of July 2010.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

24. Produce documents showing the annual income of Tiltware for the years of 2008 through 2010.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

25. Produce the profit and loss statements for Tiltware for the years 2008 through 2010.

RESPONSE: Defendant Tiltware objects to this request on the ground that it is not relevant to Plaintiff's claims nor likely to lead to discovery of admissible evidence.

26. Any indemnity or insuring agreement between Defendant Mizrachi and Defendant Tiltware.

RESPONSE: Subject to the General Objections, documents responsive to this request will be made available for copying and inspection at the Law Offices of John Henry, P.C. at a mutually agreeable time.

27. Any settlement agreement between Defendant Mizrachi and Defendant Tiltware.

RESPONSE: Subject to the General Objections, no documents responsive to this request exist in the possession, custody, or control of Defendant Tiltware.

28. Any witness statement concerning any matter alleged or claim made in this lawsuit, "Witness statement" means regardless of when made, (a) a written statement signed or otherwise adopted or approved in writing by the person making it, or (2) a stenographic, mechanical, electrical, or other type of recording of a witness's oral statement, or any substantially verbatim transcript of such a recording.

RESPONSE: Subject to the General Objections, no documents responsive to this request exist in the possession, custody, or control of Defendant Tiltware

29. Tiltware's file for Mizrachi.

RESPONSE: Subject to the General Objections, documents responsive to this request as to Defendant Mizrachi will be made available for copying and inspection at the Law Offices of John Henry, P.C. at a mutually agreeable time.