

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

Deliverance Poker, LLC,
Plaintiff,

v.

Tiltware, LLC and
Michael Mizrachi,
Defendants.

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Civil Action No. 10-CV-664-JRN

TEMPORARY RESTRAINING ORDER

After considering Plaintiff Deliverance Poker, LLC's application for a temporary restraining order against Defendant Michael Mizrachi, as well as the pleadings, the court FINDS as follows:

1. Plaintiff will suffer the following immediate and irreparable injury, loss, or damage. Plaintiff will not receive the benefit of its bargain with Defendant Mizrachi and will not receive televised exposure via Defendant Mizrachi's advancement within the World Series of Poker tournament. There is no adequate remedy at law if Defendant Mizrachi is not enjoined from continuing to promote a competing company in violation of his contractual obligations. In other words, Plaintiff cannot acquire additional advertisements from Defendant Mizrachi that will reach an international audience in the event that he is not enjoined from promoting a competing company. Further, Plaintiff cannot undo the harm inflicted by Defendant Mizrachi's advertisement of a competing company.
2. This injury is irreparable insofar as Plaintiff is not receiving the benefit of its bargain, to wit: the televised advertisement of Deliverance Poker by Defendant Mizrachi. The benefit that is being accrued by Full Tilt Poker to Plaintiff's detriment cannot be recouped by Plaintiff and the Plaintiff cannot be adequately compensated in damages for Defendant Mizrachi's conduct.
3. This *ex parte* Order is granted without notice to Defendant, Michael Mizrachi, because Plaintiff will suffer immediate and irreparable injury, loss, or damage if the Order is not granted before Defendant can be heard, and notice would be impractical because the harm is already being suffered.

For these reasons, the court ORDERS the following:

4. Defendant Mizrachi, his officers, agents, servants, employees, and attorneys, and all persons acting in concert with them, to be restrained from promoting Plaintiff's competitor, Full Tilt Poker.

5. The clerk to issue notice to Defendants that the hearing on Plaintiff's request for preliminary injunction is set for _____, 20____, at _____ a.m./p.m.

6. Plaintiff to post bond in the amount of \$ _____.

This order will expire on September _____, 2010.

SIGNED on _____, 20____, at _____ a.m./p.m.

THE HONORABLE JUDGE JAMES R. NOWLIN
UNITED STATES DISTRICT JUDGE
WESTERN DISTRICT OF TEXAS

APPROVED & ENTRY REQUESTED:

William Pieratt Demond
ATTORNEY IN CHARGE FOR
PLAINTIFF, Deliverance Poker, LLC