

CAUSE NO. D-1-GN-14-005114

JAMES STEELE, et al., <i>Plaintiffs,</i>	§	IN THE DISTRICT COURT OF
	§	
	§	
vs.	§	TRAVIS COUNTY, TEXAS
	§	
GTECH CORPORATION, <i>Defendant.</i>	§	
	§	201 <sup>st</sup> JUDICIAL DIISTRCT
	§	

**PLAINTIFFS' NOTICE OF VIDEO TAPED DEPOSITION OF PENELOPE WHYTE  
AND SUBPOENA DUCES TECUM**

TO: GTECH CORPORATION by and through its attorneys of record: Kenneth E. Broughton, Francisco Rivero, and Arturo Munoz, REED SMITH, LLP, 811 Main Street, Suite 1700, Houston, Texas 77002.

Please take notice that under the Texas Rules of Civil Procedure, Plaintiffs will take the deposition of Penelope Whyte at the office of GTECH Corporation, 4100 Frontage Road South, Lakeland, Florida 33815 on **July 23, 2015, at 1:30 p.m.** The deposition will be recorded stenographically and by videotape. The stenographic and videotape recording will be conducted by U.S. Legal Support, 206 Easton Drive, Lakeland, Florida 33803, Tel. 813-876-4722.

Penelope Whyte should produce at the deposition the documents, to the extent not already produced, listed in Exhibit "A" to this notice.

Respectfully submitted,

**LAGARDE LAW FIRM, P.C.**



---

Richard L. LaGarde  
SBN: 11819550  
Mary Ellis LaGarde  
SBN: 24037645  
3000 Wesleyan Street, Suite 380  
Houston, Texas 77027  
Telephone: (713) 993-0660  
Facsimile: (713) 993-9007  
Email: richard@lagardelaw.com  
mary@lagardelaw.com

**COUNSEL FOR PLAINTIFFS**

**MANFRED STERNBERG & ASSOCIATES, P.C.**



---

Manfred Sternberg  
SBN: 19175775  
4550 Post Oak Place Dr. #119  
Houston, TX 77027  
Telephone: (713) 622-4300  
Facsimile: (713)622-9899  
Email: manfred@msternberg.com

**CO-COUNSEL FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause in accordance with Texas Rules of Civil Procedure on the 23<sup>rd</sup> day of April, 2015.

Kenneth E. Broughton  
Francisco Rivero  
Arturo Munoz  
REED SMITH, LLP  
811 Main Street, Suite 1700  
Houston, TX 77002  
Telephone: (713) 469-3819  
Facsimile: (713) 469-3899  
Email: kbroughton@reedsmith.com  
frivero@reedsmith.com  
amunoz@reedsmith.com

Clinton E. Wells JR.  
McDOWELL WELLS, L.L.P.  
603 Avondale  
Houston, TX 77006  
Telephone: (713) 655-9595  
Facsimile: (713) 655-7868  
Email: cew@houstontrialattorneys.com

**COUNSEL FOR INTERVENORS,  
BOGHOSIAN, WILSON, AND BAMBICO**

**COUNSEL FOR DEFENDANT  
GTECH CORPORATION**

Leroy B. Scott  
SCOTT ESQ.  
3131 McKinney Ave., Ste. 600  
Dallas, TX 75204  
Telephone: (214) 224-0802  
Facsimile: (214) 224-0802  
Email: lscott@scottesq.com

Andrew G. Khoury  
KHOURY LAW FIRM  
2002 Judson Road, Ste. 204  
Longview, TX 75606-1151  
Telephone: 903-757-3992  
Facsimile: 903-704-4759  
Email: andy@khourylawfirm.com

**COUNSEL FOR INTERVENOR,  
KENYATTA JACOBS**

James D. Hurst  
JAMES D. HURST, P.C.  
1202 Sam Houston Ave.  
Huntsville, TX 77340  
Telephone: (936) 295-5091  
Facsimile: (936) 295-5792  
Email: jdhurst@sbcglobal.net

**COUNSEL FOR INTERVENORS,  
THOMAS GREGORY, ET AL.**

Daniel H. Byrne  
Lessie G. Fitzpatrick  
FRITZ, BYNRE, HEAD & HARRISON, PLLC  
98 San Jacinto Blvd., Ste. 2000  
Austin, TX 78701  
Telephone: (512) 476-2020  
Facsimile: (512) 477-5267  
Email: dbyrne@fbhh.com  
lfitzpatrick@fbhh.com

**COUNSEL FOR INTERVENORS,  
JAFREH AND BECHTOLD**

**COUNSEL FOR INTERVENORS,  
HIATT, ET AL.**

Leonard E. Cox  
P.O. Box 1127  
Seabrook, TX 77586  
Telephone: (281) 532-0801  
Facsimile: (281) 532-0806  
Email: Lawyercox@lawyercox.com

**COUNSEL FOR INTERVENORS,  
YARBROUGH AND CLARK**

A handwritten signature in black ink, appearing to read "R L Lagarde", written in a cursive style.

---

RICHARD L. LAGARDE

## Exhibit "A"

The deponent is hereby notified to produce at the time of the deposition the following documents. As used in this Notice, the term "document" means, without limitation, the following items, whether printed or recorded or reproduced by any other mechanical process, or written or produced by hand: agreements, communications, state and federal governmental hearings and reports, correspondence, telegrams, memoranda, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, diaries, graphs, reports, notebooks, note charts, plans, drawings, sketches, maps, summaries or records of meetings or conferences, summaries or reports of investigations or negotiations, opinions or reports of consultants, radiographs, photographs, video, brochures, pamphlets, advertisements, circulars, press releases, drafts, letters, any marginal comments appearing on any document, and all other writings.

1. Produce all non-privileged Documents that relate to, refer to, or reflect Communications between you or GTECH Corporation and the Texas Lottery Commission regarding Instant Game No. 1592.
2. Produce all non-privileged Documents that relate to, refer to, or reflect Communications between you or GTECH Corporation and scratch-off ticket retailers regarding Instant Game No. 1592.
3. Produce all non-privileged Documents that relate to, refer to, or reflect Communications between you or GTECH Corporation and persons or entities other than the Texas Lottery Commission regarding Instant Game No. 1592.
4. Produce all non-privileged Documents that relate to, refer to, or reflect Communications internal to GTECH Corporation regarding Instant Game No. 1592.
5. Produce all non-privileged Documents that relate to, refer to, or reflect whether alternative language was considered for the language contained in the official game regulations for Instant Game No. 1592.

6. Produce all non-privileged Documents that relate to, refer to, or reflect whether alternative language was considered for the instructions for Game 5 printed on the Fun 5's tickets.
7. Produce all non-privileged Documents that relate to, refer to, or reflect whether any attempts were made to determine whether reasonable minds might differ as to the meaning of the instructions for Game 5 of the Fun 5's game.
8. Produce all non-privileged Documents that relate to, refer to, or reflect concern that there may be the potential for confusion regarding the meaning of the instructions for Game 5 of the Fun 5's game.
9. Produce all non-privileged Documents that relate to, refer to, or reflect complaints regarding Game 5 of the Fun 5's game.
10. Produce all non-privileged Documents that relate to, refer to, or reflect Communications between Texas legislators and the Texas Lottery Commission regarding the Fun 5's game.
11. Produce all non-privileged Documents that relate to, refer to, or reflect Communications between Texas legislators and GTECH regarding the Fun 5's game.
12. Produce all non-privileged Documents that relate to, refer to, or reflect Communications regarding the closing of Instant Game No. 1592.
13. Produce a copy of all non-privileged Documents that relate to, refer to, or reflect instructions given to the person who (or entity that) prepared the computer validation program for Game No. 1592 which describe under what circumstances a ticket should be declared a winning ticket under the first and second sentences of the instructions for

Game 5 of the Fun 5's game. This request is meant to include any "If-Then" or If-Then-Else" instructions provided for Game 5 of Instant Game No. 1592.