

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

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

**PLAINTIFFS’ MOTION TO COMPEL DEFENDANT TO RESPOND TO
PLAINTIFFS’ FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Plaintiffs, James Steele, et al. ask the Court to compel Defendant, GTECH Corporation, to respond to Plaintiffs’ First Request for Production.

I. INTRODUCTION

Plaintiffs are nearly 1,000 purchasers of Texas Lottery scratch-off game tickets. Defendant is the U.S. subsidiary of an Italian company that operates lotteries around the world and is the independent contractor responsible for operating the Texas Lottery. Plaintiffs purchased Fun 5’s scratch-off tickets that contained misleading and false representations as to the requirements for winning one of the scratch-off prizes.

II. BACKGROUND

On December 18, 2014, Plaintiffs served Defendant with Plaintiffs’ First Request for Production of Documents.

Defendant served its objections and responses to Plaintiffs’ First Request for Production of Documents on February 11, 2015. A copy of its response is attached hereto as Exhibit “A”. Defendant agreed to produce documents responsive to a majority of the

requests but objected to a number of other requests.

Counsel for Plaintiffs and Defendant have conferred regarding the objections and regarding the documents that Defendant agreed to produce. Counsel for Plaintiff sent GTECH's counsel a letter on March 24, 2015 requesting that GTECH produce the documents it promised to produce and withdraw its objections to the other requests. GTECH has not withdrawn its objections to those requests. As for the documents Defendant promised to produce, GTECH has produced some of the documents and counsel for GTECH has repeatedly stated that the remaining promised documents will be produced. However, it has been over 150 days since the requests were made and, to this date, GTECH has failed to produce all of the documents responsive to the requests.

III. ARGUMENT

A. DOCUMENTS PROMISED BUT NOT PRODUCED

Defendant responded to a majority of the document requests with the representation that responsive documents would be produced. More than 150 days have passed since the requests were made. The production of the promised documents remains incomplete. In some cases, documents responsive to requests have been produced but production has either been incomplete or Defendant has failed to confirm that all documents responsive to the requests have been produced. In other cases, no documents responsive to a request have been produced. Plaintiffs ask the court to compel Defendant to produce, without delay, all of the documents responsive to the following requests:

- **Request No. 5 (Communications with TLC);**
- **Request No. 8 (Internal Communications);**
- **Requests Nos. 14-20 (Documents reflecting meaning assigned to and drafts of instructions and rules);**
- **Request No. 26 (Communications re closing of game);**
- **Request No. 27 (Lottery Operations Division Procedure LO-PD-018);**
- **Requests No. 28 - 31 (Drafts of, Comments re, and final version of Working Papers);**
- **Request No. 34 (Proposals for Game 1592);**
- **Requests Nos. 35-38 (Development of, design of, and testing of game and tickets);**
- **Request No. 40 (Approval of game by TLC);**

B. REQUESTS OBJECTED TO BY DEFENDANT

Defendant objected to several document requests. Because the requested documents are relevant and the requests are within the scope of valid discovery, Plaintiffs ask the court to compel the production of the following documents:

- **Requests Nos. 1 - 4 (Contracts):** Defendant objected to producing large portions of the contracts between GTECH Corporation and Texas Lottery Commission on the basis that they contain “confidential, proprietary, and trade secret information. The Court should require Defendant to produce the documents because they outline the responsibilities of GTECH as well as the methods and procedures GTECH agreed to use in fulfilling its contractual responsibilities. The contracts may also outline the responsibilities of other potential parties. As such, the redacted portions are highly relevant and clearly discoverable. To the extent that the contracts contain trade

secrets or confidential information, the Agreed Protective Order signed by the court on March 18, 2015 provides the necessary protection from disclosure.

- **Request No. 6 (Communications with vendors/retailers)**: Defendant objected to producing these documents on the basis that it had no contractual relations with the retailers and the retailers had nothing to do with the design of the game. However, to the extent that communications with retailers show that GTECH had notice that lottery players were complaining, or show the date GTECH received such notice, or contain GTECH's instructions to retailers on how to handle the problem, those communications are highly relevant and should be produced.

PRAYER

For these reasons, Plaintiffs ask the Court to set this motion for hearing and, after the hearing, to compel Defendant to file adequate responses to Plaintiffs' discovery requests without delay.

Respectfully submitted,

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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 18th day of May, 2015.

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A handwritten signature in black ink, appearing to read "R L Lagarde". The signature is fluid and cursive, with a long horizontal stroke at the end.

RICHARD L. LAGARDE