

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

JAMES STEELE, et al.,
Plaintiffs

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§
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§
§

IN THE DISTRICT COURT OF

VS.

TRAVIS COUNTY, TEXAS

GTECH CORPORATION,
Defendant

201ST JUDICIAL DISTRICT

**DEFENDANT GTECH CORPORATION'S
RESPONSES TO REQUEST FOR DISCLOSURE**

Subject to GTECH's Plea to the Jurisdiction, Defendant GTECH Corporation ("GTECH") makes the following responses to Plaintiffs' Request for Disclosure pursuant to TEXAS RULE OF CIVIL PROCEDURE 194.

Respectfully submitted,

REED SMITH LLP

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing GTECH Corporation's Responses to Request for Disclosure has been served by electronic transmission on this the 6th day of February, 2015, to the following counsel of record:

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/s/ Kenneth E. Broughton

Kenneth E. Broughton

GTECH'S RESPONSES TO REQUEST FOR DISCLOSURE

(a) The correct names of the parties to the lawsuit.

RESPONSE: GTECH states that its correct name has been used by Plaintiffs in this lawsuit. GTECH has no knowledge if the Plaintiffs and Intervenors have been correctly named.

(b) The name, address, and telephone number of any potential parties.

RESPONSE: None at this time. GTECH specifically reserves the right to supplement this response as discovery goes forward in this lawsuit.

(c) The legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial).

RESPONSE: GTECH incorporates by reference its most recent Plea to the Jurisdiction, Special Exceptions, Motion to Dismiss, and Original Answer filed in this matter the same as if fully set forth herein.

(d) The amount and any method of calculating economic damages.

RESPONSE: GTECH is not aware of the methodology Plaintiffs have used or intend to use to calculate their alleged damages. GTECH is not claiming damages at this point but reserves the right to supplement, if necessary.

(e) The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

RESPONSE: The following persons are identified as having knowledge of relevant facts:

Plaintiffs

Darlene Abney	Ashlie Ansley Pracht	Jeremy Baker
Don Abney	Christopher Ansley Pracht	Brian Baldwin
Michelle Adams	Allan Antich	Lorry Baldwin
Timothy Adams	Jo Antich	Richard Balladares
Chasity Adams Davis	Jose Aranda	Brenda G. Ballard
Adan Alanis	Marissa Aranda	Russell D. Ballard
Luciano T. Alaniz	Everado Armendariz	Jonathan Banks
Pablo Almaguer	Karina Armendariz	Lindsay Banks
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Luis Alvarado	Alifonso Arredondo	Cathy Barr-Baker
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Roel Cantu
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Roland Chandler
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Guadalupe Melgoza
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Lacey Metker
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Lauren Miller
Melody F. Miller
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Adys Mirabal
Oscar Mirabal

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Glenn Moore
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Jose Trevino

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Plaintiffs have knowledge regarding the issues in this lawsuit.

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Intervenor has knowledge regarding the issues in this lawsuit.

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Intervenors have knowledge regarding the issues in this lawsuit.

Fran Edwards, Instant Product Specialist
Dale Bowersock, Instant Product Coordinator
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The Texas Lottery Commission has knowledge regarding the issues in this lawsuit.

Joseph Lapinski, Account Development Manager
Penelope Whyte, Client Services
Laura M. Thurston
Walter Gaddy, Account Executive

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Joseph Lapinski is Account Development Manager at GTECH Corporation and has knowledge regarding the issues in this lawsuit. Penelope Whyte and Laura M. Thurston are Client Services representatives at GTECH Corporation and have knowledge.

GTECH specifically reserves its right to supplement this response as discovery progresses.

(f) For any testifying expert:

- (1) the expert's name, address and telephone number;
- (2) the subject matter on which the expert will testify;
- (3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
- (4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party;
 - (a) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - (b) the expert's current resume and bibliography;

RESPONSE:

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Mr. Broughton is an attorney licensed to practice in Texas and has regularly practiced throughout Texas since 1991. He is familiar with reasonable and necessary attorney's fees in Travis County, Texas and may testify as to the reasonableness and necessity of attorneys' fees incurred by the parties herein. Mr. Broughton has not yet formulated an opinion at this stage of the litigation. Mr. Broughton anticipates that any opinion rendered will be based on the Texas Disciplinary Rules of Professional Conduct, the fees normally incurred for similar cases, and his own experience as an attorney practicing in Texas. Defendant reserves the right to supplement this response as attorney's fees accrue in this matter. Mr. Broughton has reviewed the pleadings filed to date and is familiar with all aspects of this lawsuit. Biography is attached hereto.

GTECH has not yet identified any testifying experts other than Kenneth E. Broughton at this stage of the lawsuit and specifically reserves the right to supplement as discovery progresses.

(g) any indemnity or insuring agreements described in Rule 192.3(g).

RESPONSE: GTECH is not aware of any at this time but specifically reserves the right to supplement or amend its response.

(h) any settlement agreements described in Rule 192.3(g).

RESPONSE: GTECH is not aware of any at this time but specifically reserves the right to supplement or amend its response.

(i) any witness statements described in Rule 192.3(g).

RESPONSE: GTECH has none but specifically reserves the right to supplement or amend its response.

(j) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills;

RESPONSE: Not applicable.

(k) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party; and

RESPONSE: Not applicable.

(l) the name, address, and telephone number of any person who may be designated as a responsible third party.

RESPONSE: TEXAS LOTTERY COMMISSION

By and through its attorneys

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Education

Baylor University School of Law, J.D., Associate Editor, *Baylor Law Review*

Baylor University, B.A., cum laude

Professional Admissions / Qualifications

Texas

California

Court Admissions

U.S. District Court - Eastern District of Texas

U.S. District Court - Northern District of Texas

U.S. District Court - Southern District of Texas

U.S. District Court - Western District of Texas

U.S. District Court - Southern District of New York

U.S. District Court - Southern District of Indiana

U.S. Court of Appeals - Fifth Circuit

U.S. Court of Appeals - Seventh Circuit

Overview

Ken has many years of experience as a commercial litigator focused upon financial institution litigation, commercial and transactional litigation, shipping/commodities disputes regarding contract and cargo claims, oil and gas, healthcare, technology, and construction litigation, and debtor/creditor disputes.

During his career, Ken has acted as lead counsel in numerous trials and arbitrations and his practice has taken him to a large number of federal, state and bankruptcy court venues and arbitration panels all over Texas and throughout the United States, as well as proceedings in foreign countries including Canada, Mexico, the UK, and Hong Kong.

Representative Matters

- Lead trial team in a breach of contract case where jury awarded \$65.9 million. The National Law Journal ranked the verdict number 27 in its Top 100 Verdicts in 2010
- Successfully prosecuted a dispute with the owner of a gas storage facility resulting in a \$400 million dollar judgment.
- Gas pipeline construction dispute in Mexican arbitration obtaining a \$1 billion dollar award from the tribunal.
- Representing financial institutions in major litigation involving natural gas contracts.
- Representing companies in breach of contract cases.
- Unanimous jury verdict in defending against \$3 million breach of contract, fraud and breach of fiduciary duty claims in Texas state court.
- Obtained multi-million dollar judgment in securities fraud litigation in Texas and Delaware.
- Multi-million dollar fraud and breach of fiduciary duty lawsuit against a large Mexican bank.
- Successfully defended a multi-million dollar fraud claim against an international aviation company.
- Representing commercial clients on claims involving fraudulent transfers, fraud, tortious interference, breach of contract, aiding and abetting fraud, and breach of fiduciary duty.
- Successfully prosecuted a multi-million dollar fraud and breach of fiduciary duty suit against Mexican agent.
- Numerous lawsuits related to real estate disputes.
- Representing management in employee disputes including Title VII and ADA.
- Defending lender liability claims.
- Representing lending institution and trustee in defending against attempts by borrower to obtain injunctive relief and pursuing counterclaims related thereto.

- Representing hospitals and healthcare organizations in disputes with a variety of third persons.
- Representing construction companies in disputes with subcontractors.
- Representing shareholders in disputes with other shareholders.
- Representing banks on derivatives claims.
- Successfully defended lender on multi-million dollar usury claims in a unanimous jury verdict.
- Representing companies in securities litigation disputes.
- Representing lending institutions and lending syndicates in disputes including derivatives litigation, loan and guaranty agreements, debt collection, debt restructurings, prosecutions to avoid fraudulent transfers, claims of equitable subordination and the defense of lender-liability claims.
- Successfully defended against consumer class action lawsuits in several Texas venues.
- Representation of a lending institution in various forums in the United States and the Channel Islands in prosecutions to avoid fraudulent transfers.
- Obtained a federal court judgment for a lender against a large insurance company regarding funds claimed to be covered by ERISA.
- Arbitration regarding a large multi-million dollar contract dispute for a power plant in Illinois involving claims of lack of performance and failure to deliver power

Honors & Awards

- Selected to the Texas Super Lawyers list - Business Litigation (2004-2012, 2014), Employment & Labor (2011-2012)
- Martindale Hubbell® Law Directory with a Peer Review Rating of AV® Preeminent™

Publications

- "New Mexican Anti-Money Laundering Regulations Take Effect," *Reed Smith Client Alert*, 17 October 2013
Co-Author(s): Francisco Rivero

Employment History

- 2013 - Reed Smith
- Haynes and Boone LLP

Professional Affiliations

- American Bar Association
- Houston Bar Association
- State Bar of Texas
- Fellow, Texas Bar Foundation
- California State Bar