

Z E G A R E L L I
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August 2, 2013

William L. Stang, Esq.
Fox Rothschild LLP
625 Liberty Avenue
29th Floor
Pittsburgh, PA 15222-3115, USA

Re: Litman v. Cannery Casino, et. al.
2012-8149 (Washington County, PA)

Dear Bill:

Please find enclosed Plaintiffs' Motion to Compel Discovery. My understanding is that your position is final; however, I am open to discussing a resolution of this matter prior to presentation to Judge O'Dell Seneca on Wednesday.

Very truly yours,

Z E G A R E L L I
Technology & Entrepreneurial
Ventures Law Group, P.C.

By: /Gregg Zegarelli/
Gregg R. Zegarelli

Enclosure

IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

JANINE LITMAN and TIMOTHY MAS-
TROIANNI, individually and
jointly,

Plaintiffs,

v.

CANNERY CASINO RESORTS, LLC, a Ne-
vada limited liability company,
WASHINGTON TROTTER ASSOCIATION,
INC., a Delaware corporation, WTA
ACQUISITION CORP., a Delaware cor-
poration, CANNERY CASINO RESORTS,
LLC, CANNERY CASINO RESORTS and
WASHINGTON TROTTER ASSOCIATION,
INC. t/d/b/a THE MEADOWS RACETRACK
& CASINO, an unincorporated asso-
ciation, CANNERY CASINO RESORTS,
an unincorporated association con-
sisting of one or more yet uniden-
tified natural and/or legal per-
sons, individually and jointly,

Defendants.

CASE NO: 2012-8149

NOTICE OF PRESENTATION
Motion to Compel Discovery

On behalf of Plaintiffs

Counsel of Record for this Party:

Gregg R. Zegarelli, Esq.
PA I.D. #52717

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IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

JANINE LITMAN and TIMOTHY MASTROIANNI,
individually and jointly,

CASE NO: 2012-8149

Plaintiffs,

v.

CANNERY CASINO RESORTS, LLC, a Nevada limited liability company, WASHINGTON TROTting ASSOCIATION, INC., a Delaware corporation, WTA ACQUISITION CORP., a Delaware corporation, CANNERY CASINO RESORTS, LLC, CANNERY CASINO RESORTS and WASHINGTON TROTting ASSOCIATION, INC. t/d/b/a THE MEADOWS RACE-TRACK & CASINO, an unincorporated association, CANNERY CASINO RESORTS, an unincorporated association consisting of one or more yet unidentified natural and/or legal persons, individually and jointly,

Defendants.

NOTICE OF PRESENTATION
Motion to Compel Discovery

TO:

WILLIAM L. STANG, ESQ.
FOX ROTHSCHILD LLP
625 LIBERTY AVENUE, 29TH FLOOR
PITTSBURGH, PA 15222-3115

PLEASE TAKE NOTICE that Plaintiffs will present the following Motion to the Honorable Debbie O'Dell Seneca, Court of Common Pleas of Washington County, Pennsylvania on Wednesday, August 7, 2013 at 9:15 a.m. or at such other time as the Court may deem appropriate. You are invited to attend.
August 2, 2013

TEV LAW GROUP, PC

By: /Gregg Zegarelli/
Gregg R. Zegarelli

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on this date, by depositing the same in the United States Mail, First Class, Postage Pre-Paid, upon the following, except as otherwise stated:

WILLIAM L. STANG, ESQ.
FOX ROTHSCHILD LLP
625 LIBERTY AVENUE, 29TH FLOOR
PITTSBURGH, PA 15222-3115

August 2, 2013

/Gregg Zegarelli/
Gregg R. Zegarelli, Esq.
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IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, PENNSYLVANIA
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ACQUISITION CORP., a Delaware cor-
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LLC, CANNERY CASINO RESORTS and
WASHINGTON TROTting ASSOCIATION,
INC. t/d/b/a THE MEADOWS RACETRACK
& CASINO, an unincorporated asso-
ciation, CANNERY CASINO RESORTS,
an unincorporated association con-
sisting of one or more yet uniden-
tified natural and/or legal per-
sons, individually and jointly,

Defendants.

CASE NO: 2012-8149

MOTION TO COMPEL DISCOVERY

On behalf of Plaintiffs

Counsel of Record for this Party:

Gregg R. Zegarelli, Esq.
PA I.D. #52717

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IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

JANINE LITMAN and TIMOTHY MAS-
TROIANNI, individually and
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CASE NO: 2012-8149

Plaintiffs,

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sisting of one or more yet uniden-
tified natural and/or legal per-
sons, individually and jointly,

Defendants.

MOTION TO COMPEL DISCOVERY

1. Plaintiffs issued their First Set of Interrogatories [Exhibit 1], First Request for Production of Documents [Exhibit 2] and First Set of Request for Admission [Exhibit 3] on June 10, 2013.

2. On June 21, 2013, Defendants served Preliminary Objections to all Plaintiffs' counts in the nature of a demurrer.¹

3. On July 2, 2013, during the pendency of Plaintiffs' discovery requests, counsel for both parties appeared before this Court to extend discovery for 60 days. The Order is attached as Exhibit 4, extending discovery until September 30, 2013.

¹ Plaintiffs' claims are grounded in the same facts regarding which defendants were fined by the Pennsylvania Gaming Board.

4. Notwithstanding the extension for discovery of 60 days, or through September 30, 2013, the next day, Defendants responded with blanket objections to the First Set of Interrogatories [Exhibit 5], blanket objections First Request for Production of Documents [Exhibit 6] and blanket objections to First Set of Request for Admission [Exhibit 7].

5. Plaintiffs' discovery requests were issued prior to the Order of Court extending discovery with the understanding that discovery would be conducted in the ordinary course and without blanket delays.

6. As of this date, Defendants have failed to secure a date for the argument of its Preliminary Objections; accordingly, Plaintiffs believe that Defendants are purposefully delaying discovery and the proceeding to avoid proper progress in this case.

WHEREFORE, Plaintiffs request that this Court compel discovery.

August 2, 2013

Respectfully submitted,

TEV LAW GROUP, PC

By: /Gregg Zegarelli/
Gregg R. Zegarelli

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IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

JANINE LITMAN and TIMOTHY MAS-
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Plaintiffs,

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WASHINGTON TROTting ASSOCIATION,
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& CASINO, an unincorporated asso-
ciation, CANNERY CASINO RESORTS,
an unincorporated association con-
sisting of one or more yet uniden-
tified natural and/or legal per-
sons, individually and jointly,

Defendants.

CIVIL DIVISION

CASE NO: 2012-8149

**PLAINTIFFS' FIRST SET OF INTER-
ROGATORIES**

On behalf of Plaintiffs

Counsel of Record for this
Party:

Gregg R. Zegarelli, Esq.
PA I.D. #52717

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EXHIBIT

1

exhibits.ticker.com

IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

JANINE LITMAN and TIMOTHY MAS-
TROIANI, individually and
jointly,

CIVIL DIVISION

Plaintiffs,

CASE NO: 2012-8149

v.

CANNERY CASINO RESORTS, LLC, a Ne-
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WASHINGTON TROTTER ASSOCIATION,
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sons, individually and jointly,

Defendants.

PLAINTIFFS' FIRST SET OF INTERROGATORIES

Plaintiffs, pursuant to Rules 4005 and 4006 of the Pennsylvania Rules of Civil Procedure ("Pa.R.C.P."), by its undersigned attorney, hereby requests the Defendants, ("Defendants"), to answer separately and fully the following interrogatories, in writing and under oath, and to serve said answers on or before thirty (30) days following the date of service.

I.

INSTRUCTIONS

Please follow these instructions and use the following definitions in answering these interrogatories.

a. Each of the following interrogatories shall be answered separately and fully in writing. The answers shall be signed and verified by the person making them. Objections, if any, shall be signed by the attorney making them. Where the space provided is insufficient, please attach and refer to a separate sheet of paper, sufficient to complete said answer.

b. Once any person, document or other matter required to be identified has been identified properly, it shall be sufficient thereafter, when identifying that same person, document or other matter, to state the name of the person, title of the document or sufficient information to refer to the previous interrogatory in which a complete identification has been given.

c. Where knowledge or information in possession of a party is requested, such request includes knowledge of such party's agents, employees, servants, officers, directors, accountants, attorneys (except only to whatever extent privileged), and any other person acting or purporting to act on behalf of the party to whom these interrogatories are addressed. You must make inquiries of your agents, employees, etc., whenever such inquiry is necessary to enable you to answer these interrogatories completely and accurately.

d. When, after a reasonable and thorough investigation, you are unable to answer any interrogatory, or any part thereof, because of lack of information available to you, specify in full and complete detail the reason the information is not available to you and what has been done to locate such information. In addition, specify what knowledge or belief you have concerning the unanswered portion of the interrogatory and set forth the facts upon which such knowledge or belief is based.

e. Where an interrogatory does not specifically request a particular fact, but where such fact or facts are necessary to make the answer to the interrogatory either comprehensible, or complete, or not misleading, you are requested to include such fact or facts as part of the answer, and the interrogatory shall be deemed specifically to request such fact or facts.

f. If, in answering these interrogatories, you encounter any ambiguity in a question, instruction, or definition, set forth the matter deemed ambiguous and the interpretation you used in answering.

g. If you assert a privilege, work product immunity, or decline to provide an answer on the basis of some other objection:

- i. identify and describe the document or communication in question;
- ii. describe the basis for the asserted privilege or objection;
- iii. identify every person to whom the document was sent, or every person present when the communication was made;
- iv. identify the present custodian of the document, if any; and
- v. Include sufficient facts for the Court to make a full determination of whether the claim or objection is valid.

h. Unless otherwise indicated, these interrogatories refer to the time, places and circumstances of the occurrences mentioned or complained of in Plaintiffs' Complaint. If Defendants has filed (or intends to file prior to answering these interrogatories) an Answer, New Matter, and/or Counter-claim, then unless otherwise indicated, these interrogatories refer to the times, places and circumstances of the occurrences mentioned or complained of in said Answer, New Matter and/or Counterclaim, as the case may be.

i. Unless otherwise specifically stated, the time period to which these interrogatories pertain, and the relevant and material time period, is from January 1, 2010, to the date on which these discovery requests are responded to, inclusive, including any supplemental responses.

j. These interrogatories are deemed to be continuing to the fullest extent provided in Pa.R.C.P. 4007.4.

k. To the extent that any interrogatory made herein duplicates an interrogatory made in a prior Set of Interrogatories, then you may specifically identify such prior Set of Interrogatories in lieu of providing a response for the interrogatory herein.

l. References to July, 2010, means the specific date in July, 2010, upon which The Meadows opened for business.

II. DEFINITIONS

All definitions provided in this Section II of these interrogatories shall apply to the term so defined, and also to such term whether or not capitalized, and also to grammatical variations (including, without limitation, mood, tense, number) of such term. Such definitions shall be broadly construed so that the construction provides the broadest request for discovery permitted under the Pennsylvania Rules of Civil Procedure. Specific requests for information made in any interrogatory are intended to supplement the following definitions.

a. "You" (including "your" and "yourself") refers to the party to whom these interrogatories are addressed, acting in any capacity, and any person, including agents, representatives, attorneys (except only to whatever extent privileged), and each person acting or purporting to act on behalf of the party to whom these interrogatories are addressed. Additionally, if "you" is a corporation or other business entity, then "you" refers to each parent, predecessor, subsidiary, affiliate, and each present and former officer, employee, agent, representative, and attorney of the party to whom these interrogatories are addressed.

b. "Representative" means any and all agents, employees, servants, officers, directors, attorneys, or other persons acting or purporting to act on behalf of the principal in question.

c. "Person" means any natural individual in any capacity whatsoever or any entity or organization, including divisions, departments, or other units therein, and shall include, but not be limited to, a public or private corporation, partnership, joint venture, voluntary or unincorporated association,

organization, proprietorship, trust, estate, governmental agency, commission, bureau or department.

d. "Document" means any medium in which information, data or intelligence can be contained, recorded or retrieved, and includes, without limitation, the original (or copy if the original is unavailable), regardless of origin and location, and all tangible things of every type and description, however produced, copied or reproduced, whether draft or final, original or reproduction, signed or unsigned, approved, sent, received, redrafted, executed, erased or otherwise defaced or mutilated, from whomever and wherever obtained, along with all non-identical (or, by reason of subsequent annotation, no longer identical) copies, drafts, or versions thereof and all copies thereof containing any commentary, notations or markings, whatsoever, which is or was in your possession, custody or control, including, but not limited to: any book, pamphlet, periodical, letter, memorandum, (including any memorandum or report of a meeting or conversation), invoice, bill, magnetic media, order, form, receipt, financial statement, accounting entry, diary, calendar, telex, telegram, cable, report, record, contract, study, handwritten note, draft, working paper, chart, paper, print, laboratory record, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet, or data processing card, or any other written, recorded, transcribed, punched, taped, filed, or graphic materials.

e. The word "identify" (including, without limitation, "identification" and "identity") when used in reference to:

- i. a natural individual, requires you to state his or her full name, and present or last known residential address, business address, and telephone number;
- ii. a corporation, requires you to state its full corporate name, and any names under which it does business, its state of incorporation, the address and telephone number of its principal place of business, and the name, address and telephone number for each and every officer;
- iii. a business, other than a corporation, requires you to state the full name or style under which the business is conducted, the types of businesses in which it is engaged and the geo-graphic areas in which it conducts those business-es, each business address, its telephone number, and the name, address and telephone number for each and every of person and/or business entity which owns, operates, and/or controls each such business;
- iv. a document, requires you to state its title, its date, the names of its authors and/or recipients, number of pages and nature of the document, and its present or last known location and custodian, including any documents prepared subsequent to any time period; and

v. a communication, requires you: A) if any part of the communication was written, to identify the documents (as proved above in Section II.e.iv) which refer to or evidence the communication; and B) to the extent that the communication is unwritten, to identify each and every person participating in, or otherwise present during, all or any part of the communication, and to describe the communication and to state the date, manner, place and substance of the communication. Where a communication occurs over the telephone, the location of such communication is requested, and state the location of the parties thereto.

f. "Communication" means any oral or written utterance, notation, or statement of any nature whatsoever between or among two or more persons, by or to whomsoever made, and including, without limitation, correspondence, documents, conversations, dialogues, discussions, interviews, consultations, agreements, and other understandings.

g. When an interrogatory requests that you "describe," or to "state the basis of," or to "state the facts" on which you rely to support a particular claim, contention, or allegation, state in your answer each and every fact and legal theory, and identify each and every communication and/or document, which you contend supports, refers to, or evidences such claim, contention, or allegation. When an interrogatory requires you otherwise to describe or state the facts relating to any particular set of circumstances, act, event, transaction, occurrence, meeting, purchase, sale, agreement, contract, venture, relationship, conversation, representation, communication, or other item of information, state in your answer the facts (including dates and places) relating to such transaction, occurrence, relationship, set of circumstances, etc., as the case may be; and identify any persons who are or were parties thereto or have knowledge thereof; and identify any communications and documents relating to, or evidencing, such transaction, occurrence, relationship, set of circumstances, etc., as the case may be.

h. "Or" appearing in an interrogatory should not be read so as to eliminate any part of the interrogatory, but, whenever applicable, it should have the same meaning as the word "and." For example, an interrogatory stating "support" or "refer" should be read as "support and refer" if an answer that does both can be made.

i. Unless otherwise specified, any reference to a judicial pleading, including, without limitation, complaint, answer, new matter, and counterclaim, refers to such pleading as served in the same action for which these interrogatories relate.

III. INTERROGATORIES

1. Identify each person who is responsible to ensure that the Meadows operates in accordance with law, and:

- a. The names and addresses of each such person;
- b. The scope and subject of that person's responsibility;
- c. The person's supervisor or person to whom the identified person reports; and
- d. Any person directly under the identified person's management to whom any responsibility and implementation is delegated.

ANSWER:

2. Identify the gross financial income of the craps table at the Meadows for the period from July, 2010 through December 31, 2011.

ANSWER:

3. During the relevant period, how much additional money did the Meadows earn by virtue of the method of collecting the vigorish as described in that certain CONSENT AGREEMENT AND STIPULATION OF SETTLEMENT between Defendant Washington Trotting Association, Inc. d/b/a The Meadows Racetrack and Casino and the Pennsylvania Gaming Control Board on or about February 13, 2013 and the subject matter of the attachment as Exhibit 12 to Plaintiffs' Third Amended Complaint. That is, the additional profit for having collected such vigorish. In responding, describe the method of calculation.

ANSWER:

4. Describe how the collection of the vigorish as described in that certain CONSENT AGREEMENT AND STIPULATION OF SETTLEMENT between Defendant Washington Trotting Association, Inc. d/b/a The Meadows Racetrack and Casino and the Pennsylvania Gaming Control Board on or about February 13, 2013 and the subject matter of the attachment as Exhibit 12 to Plaintiffs' Third Amended Complaint has been described to shareholders. By way of example, this request seeks information on whether Generally Accepted Accounting Principles requires special footnotes or other disclosures of unusual items.

ANSWER:

5. Identify each and every person responsible for or who otherwise participated in the determination to establish the method of operation of the craps tables at the Meadows which was ultimately the subject of that certain CONSENT AGREEMENT AND STIPULATION OF SETTLEMENT between Defendant Washington

Trotting Association, Inc. d/b/a The Meadows Racetrack and Casino and the Pennsylvania Gaming Control Board on or about February 13, 2013 and the subject matter of the attachment as Exhibit 12 to Plaintiffs' Third Amended Complaint.

ANSWER:

6. Identify all business records that record or otherwise reflect the play (financial, statistical and otherwise) of the craps table during the relevant time period, including, but not limited to, financial records, videotapes, profit and loss calculations, and identify:

- a. The date(s) when they were made and what they are;
- b. The names and addresses of the person making them;
- c. The names and addresses of the person possessing them;
- d. The subject that each represents or portrays;
- e. If existing, their respective location; if destroyed, the circumstances of destruction.

ANSWER:

7. Identify all business records that relate to that certain CONSENT AGREEMENT AND STIPULATION OF SETTLEMENT between Defendant Washington Trotting Association, Inc. d/b/a The Meadows Racetrack and Casino and the Pennsylvania Gaming Control Board on or about February 13, 2013 and the subject matter of the attachment as Exhibit 12 to Plaintiffs' Third Amended Complaint, and identify:

- a. The date(s) when they were made and what they are;
- b. The names and addresses of the person making them;
- c. The names and addresses of the person possessing them;
- d. The subject that each represents or portrays;
- e. If existing, their respective location; if destroyed, the circumstances of destruction.

ANSWER:

8. Identify each business retention and/or destruction policy during the relevant time period, and identify:

- a. The date(s) when they were made and effective period;
- b. The subject that each represents or portrays.

ANSWER:

9. Identify each document or thing that would have been responsive to Plaintiffs' First Request for Production of Documents, but was destroyed; in

responding, describe the policy, if any, pursuant to which destruction was made, and identify:

- a. The response to which the document would have been responsive if not destroyed;
- b. The date(s) of destruction;
- c. The names and addresses of the person(s) destroying the document(s).

ANSWER:

10. Identify each document or thing that would have been responsive to Plaintiffs' First Request for Production of Documents, but is not available for reasons other than as disclosed in the immediately prior request; in responding, describe the policy, if any, pursuant to which the document is not available, and identify:

- a. The response to which the document would have been responsive if available;
- b. The date(s) each document became unavailable;
- c. The names and addresses of the person(s) possessing the document(s).

ANSWER:

11. Identify your officers and directors at the present time and at all times material to this proceeding, with the dates of their terms of their respective office.

ANSWER:

12. Identify any and every person, including but not limited to, any officer and/or staff member, who you have any reason to believe has knowledge of, or was otherwise a participant, regarding the circumstances with Timothy Mastroianni, on or about July 11, 2011, and described in substance in Exhibit 11 Plaintiffs' Third Amended Complaint.

ANSWER:

13. Describe in detail, and identify each and every communication or document regarding either or both of the Plaintiffs, including, but not limited to, communications between or among Defendants or officers or other staff of all or any Defendant. This request includes, but is not limited to, the identification of staff meetings, board meetings or other meetings.

ANSWER:

14. Describe in detail, and identify each and every communication or document regarding that certain CONSENT AGREEMENT AND STIPULATION OF SETTLEMENT between Defendant Washington Trotting Association, Inc. d/b/a The Meadows Racetrack and Casino and the Pennsylvania Gaming Control Board on or about February 13, 2013 and the subject matter of the attachment as Exhibit 12 to Plaintiffs' Third Amended Complaint.

ANSWER:

15. Regarding each exhibit attached to Plaintiffs' Third Amended Complaint, describe any inaccuracy existing on the date identified in each document. For example, if the document is an official filed document or government record, identify any errors apparent thereon at the time of the document.

ANSWER:

16. Regarding each exhibit attached to Plaintiffs' Third Amended Complaint, describe any inaccuracy existing on the date of your answer hereto. For example, if the document is an official filed document or government record, identify any errors apparent thereon as of the date of your response.

ANSWER:

17. State whether or not any insurance policy or policies which afford coverage for any liability which you may have in this action were in effect on the date of the incident referred to in the Plaintiffs' Complaint.

ANSWER:

18. If the answer to the immediately preceding Interrogatory is in the affirmative, please state separately and for each policy:

- a. The name and principal place of business of the insurer;
- b. The name and address of the insured;
- c. The policy number for each such policy;
- d. The amounts of coverage for each such policy;
- e. The amounts of coverage and the classification of such coverage;
- f. The types of coverage;
- g. Whether the policy has a deductible to be paid by the insured, and, if so, the amount of the deductible; and

- h. The name, address and occupation of the person who presently has custody of the policy.

ANSWER:

19. If the Answer to the immediately prior Interrogatory is in the affirmative, kindly produce a copy of each such policy as well as the cover or declaration sheet applicable thereto referred to in your answer and attach it to the answers to the Interrogatories.

ANSWER:

20. Do you or does your counsel know or have reason to believe that the company which issued the policy that protected you against the risk which is the subject matter of this proceeding claims or intends to claim that it has grounds for denying coverage provided by the policy?

ANSWER:

21. If your answer to the immediately prior Interrogatory is in the affirmative, describe in detail the nature and extent of such knowledge, and identify any communications in that regard?

ANSWER:

22. State whether an insurer been asked to undertake your defense in this litigation.

ANSWER:

23. If your answer to the immediately prior Interrogatory is in the affirmative, please state the following:

- a. The name and address of such insurer; and
- b. Whether or not the insurer has accepted such defense.

ANSWER:

24. If the insurer listed in your answer to the immediately prior Interrogatory has not accepted the defense of this proceeding, please state the following:

- a. The reason for the denial of coverage or the non-acceptance of the defense;
- b. Whether or not said denial of coverage or non-acceptance of the defense was made orally or in writing; and
- c. If in writing, attach hereto a copy of said denial and/or non-acceptance of the defense.

25. State whether any of the insurance companies referred to in the previous Interrogatories claimed a reservation of rights or requested a non-waiver agreement.

ANSWER:

26. If the answer to the immediately prior Interrogatory is in the affirmative, as to either part concerning a reservation of rights agreement or a non-waiver agreement, please state the following:

- a. Name and address of said insurance company;
- b. The number of said policy;
- c. The grounds for claiming a reservation of rights; and
- d. In the alternative, the grounds for claiming a non-waiver agreement.

ANSWER:

27. If the answer to the immediately prior Interrogatory is in the affirmative, please state the following:

- a. When you received such notification;
- b. The manner in which you received such notification;
- c. The name and address of the insurance company from which notification was received; and
- d. Name, address and job title of the insurance representative from whom said notification was received.
- e. Please produce a copy of any such notification to your answers to these Interrogatories.

ANSWER:

28. Identify each person who:

- a. was a witness to the events claimed to have occurred by the Plaintiffs in Plaintiff's Third Amended Complaint;
- b. has knowledge of facts concerning the events claimed to have occurred by the Plaintiffs in the Third Amended Complaint;
- c. identify the respective paragraph of the Third Amended Complaint when providing your answer.

ANSWER:

29. Have you or anyone acting on your behalf obtained from any person any statement (as defined by the Pennsylvania Rules of Civil Procedure) concerning this action or its subject matter? If so, identify:

- a. each such person;
- b. when, where, by whom and to whom each statement was made, and whether it was reduced to writing or otherwise recorded;
- c. any person who has custody of any such statements that were reduced to writing or otherwise recorded.

ANSWER:

30. Have you given any statement (as defined by the Pennsylvania Rules of Civil Procedure) concerning this action or its subject matter, and including the subject matter of Exhibit 11 to Plaintiffs' Third Amended Complaint? If so, identify:

- a. each such person;
- b. when, where, by whom and to whom each statement was made, and whether it was reduced to writing or otherwise recorded;
- c. any person who has custody of any such statements that were reduced to writing or otherwise recorded.

ANSWER:

31. Do you or anyone acting on your behalf know of the existence of any photographs, motion pictures, video recordings, maps, diagrams or models of the site of the accident, the parties or any other subject matter involved in this action matter, and including the subject matter of Exhibit 11 to Plaintiffs' Third Amended Complaint? If so, identify:

- a. The date(s) when they were made and what they are;
- b. The names and addresses of the person making them;
- c. The names and addresses of the person possessing them;
- d. The subject that each represents or portrays;
- e. If existing, their respective location; if destroyed, the circumstances of destruction.

ANSWER:

32. Identify each witness and expert witness that you intend to present at trial and the nature and substance of their testimony.

ANSWER:

33. Identify each document or thing you intend to present at trial in this matter.

ANSWER:

34. For each and every item identified in the immediately prior Interrogatory, identify and describe the nature and substance of what such item is being introduced to prove.

ANSWER:

35. Describe in full the circumstances why the owners of the Fictitious Name Registration, Exhibit 5 to Plaintiffs' Third Amended Complaint are different than the owners of Exhibit 3 of Plaintiffs' Third Amended Complaint.

ANSWER:

36. Identify each person who contributed to the responses to Plaintiffs' First Request for Production of Documents, Plaintiffs' First Set of Admissions and these Interrogatories, as well as describe the contribution made by each identified person.

ANSWER:

REQUEST FOR PRODUCTION

You are hereby requested to produce, pursuant to Pennsylvania Rule of Civil Procedure 4009, the following documents, writings, photographs or tangible things. Said documents, writings, photographs, or tangible things are to be produced, for the purpose of inspecting, photographing and copying, July 10, 2013, at 10:00 a.m., at the law offices of Technology & Entrepreneurial Ventures Law Group, P.C., 301 Grant Street, Suite 4300, One Oxford Centre, Pittsburgh, PA 15219-1407, USA, on the date required by the aforementioned Rule or upon such earlier date as the Court may order.

1. Each and every document which you have identified in your answers to Plaintiffs' Interrogatories to Defendants.

2. Each and every document whose identification was requested in Plaintiffs' Interrogatories.

June 10, 2013

Gregg R. Zegarelli, Esq.
PA I.D. #52717
Attorney for Plaintiffs
Z E G A R E L L I
Technology & Entrepreneurial
Ventures Law Group, P.C.
2585 Washington Road, Suite 134
Summerfield Commons Office Park
Pittsburgh, PA 15241-2565
412.559.5262

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on the date below, by depositing the same in the United States Mail, First Class, Postage Pre-Paid, upon the following:

June 10, 2013

WILLIAM L. STANG, ESQ.
FOX ROTHSCHILD LLP
625 LIBERTY AVENUE, 29TH FLOOR
PITTSBURGH, PA 15222-3115

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IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

JANINE LITMAN and TIMOTHY MAS-
TROIANNI, individually and
jointly,

Plaintiffs,

v.

CANNERY CASINO RESORTS, LLC, a Ne-
vada limited liability company,
WASHINGTON TROTTER ASSOCIATION,
INC., a Delaware corporation, WTA
ACQUISITION CORP., a Delaware cor-
poration, CANNERY CASINO RESORTS,
LLC, CANNERY CASINO RESORTS and
WASHINGTON TROTTER ASSOCIATION,
INC. t/d/b/a THE MEADOWS RACETRACK
& CASINO, an unincorporated asso-
ciation, CANNERY CASINO RESORTS,
an unincorporated association con-
sisting of one or more yet uniden-
tified natural and/or legal per-
sons, individually and jointly,

Defendants.

CIVIL DIVISION

CASE NO: 2012-8149

**PLAINTIFFS' FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS AND
THINGS**

On behalf of Plaintiffs

Counsel of Record for this
Party:

Gregg R. Zegarelli, Esq.
PA I.D. #52717

Z E G A R E L L I
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EXHIBIT

2

exhibitmaker.com

IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

JANINE LITMAN and TIMOTHY MAS-
TROIANNI, individually and
jointly,

CIVIL DIVISION

CASE NO: 2012-8149

Plaintiffs,

v.

CANNERY CASINO RESORTS, LLC, a Ne-
vada limited liability company,
WASHINGTON TROTTER ASSOCIATION,
INC., a Delaware corporation, WTA
ACQUISITION CORP., a Delaware cor-
poration, CANNERY CASINO RESORTS,
LLC, CANNERY CASINO RESORTS and
WASHINGTON TROTTER ASSOCIATION,
INC. t/d/b/a THE MEADOWS RACETRACK
& CASINO, an unincorporated asso-
ciation, CANNERY CASINO RESORTS,
an unincorporated association con-
sisting of one or more yet uniden-
tified natural and/or legal per-
sons, individually and jointly,

Defendants.

**PLAINTIFFS' FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS AND THINGS**

Plaintiffs, by its attorneys, pursuant to Rule 4009 of the Pennsylvania Rules of Civil Procedure, hereby requests that Defendants, ("Defendants"): (i) respond to this request within the time required by the Pennsylvania Rules of Civil Procedure, and (ii) actually produce to the undersigned for inspection, copying, reproduction, photographing, and/or other duplication, any and all of the documents described in this request, on the date that is 30 calendar days from the date of service hereof or if such date is not a business date, the first business day thereafter, at 9:00 A.M., at the offices of Technology & Entrepreneurial Ventures Law Group, P.C., 301 Grant Street, Suite 4300, One Oxford Centre, Pittsburgh, PA 15219-1407, USA.

I.

INSTRUCTIONS

a. The person or entity to whom this Request For Production of Documents is directed shall produce for inspection and copying any and all of the documents which are described below which are in such person's or entity's possession, custody or control, or which are in the possession, custody or control of any agent, employee, attorney, accountant, director of such person or entity.

b. Where documents in possession of a party is requested, such request includes such party's agents, employees, servants, officers, directors, accountants, attorneys (except only to whatever extent privileged), and any other person acting or purporting to act on behalf of the party to whom this request is addressed. You must make inquiries of your agents, employees, etc., whenever such inquiry is necessary to enable you to respond to this Request completely and accurately.

c. When, after a reasonable and thorough investigation, you are unable to produce the item requested, or any part thereof, because the item is not available to you or subject to your control, specify in full and complete detail the reason that the item not available to you and what has been done to locate and obtain control of such item.

d. If, in attempting to respond to any request, you encounter any ambiguity, in a question, instruction, or definition, you should interpret the same in such a way to respond in every way possibly permitted pursuant to Pa.R.C.P. 4009.

e. If you assert a privilege, work product immunity, or decline to provide an answer on the basis of some other objection:

- i. identify and describe the document or communication in question;
- ii. describe the basis for the asserted privilege or objection;
- iii. identify every person to whom the document was sent, or every person present when the communication was made;
- iv. identify the present custodian of the document, if any; and
- v. Include sufficient facts for the Court to make a full determination of whether the claim or objection is valid.

f. Unless otherwise indicated, this Request refers to the time, places and circumstances of the occurrences mentioned or complained of in Plaintiffs' Complaint.

i. Unless otherwise specifically stated, the time period to which these interrogatories pertain, and the relevant and material time period, is from

January 1, 2010, to the date on which these discovery requests are responded to, inclusive, including any supplemental responses.

h. This Request is deemed to be continuing to the fullest extent provided in Pa.R.C.P. 4007.4.

i. To the extent that any request made herein duplicates a request made in a prior Request for Production of Documents, then you may specifically identify such prior request in lieu of providing a response for the request herein.

j. References to July, 2010, means the specific date in July, 2010, upon which The Meadows opened for business.

II. DEFINITIONS

All definitions provided in this Section II of this Request shall apply to the term so defined, and also to such term whether or not capitalized, and also to grammatical variations (including, without limitation, mood, tense, number) of such term. Such definitions shall be broadly construed so that the construction provides the broadest request for discovery permitted under the Pennsylvania Rules of Civil Procedure. Specific requests for information made in any request are intended to supplement the following definitions.

a. "You" (including "your" and "yourself") refers to the party to whom this Request is addressed, acting in any capacity, and any person, including agents, representatives, attorneys (except only to whatever extent privileged), and each person acting or purporting to act on behalf of the party to whom these requests are addressed. Additionally, if "you" is a corporation or other business entity, then "you" refers to each parent, predecessor, subsidiary, affiliate, and each present and former officer, employee, agent, representative, and attorney of the party to whom these requests are addressed.

b. "Representative" means any and all agents, employees, servants, officers, directors, attorneys, or other persons acting or purporting to act on behalf of the principal in question.

c. "Person" means any natural individual in any capacity whatsoever or any entity or organization, including divisions, departments, or other units therein, and shall include, but not be limited to, a public or private corporation, partnership, joint venture, voluntary or unincorporated association, organization, proprietorship, trust, estate, governmental agency, commission, bureau or department.

d. "Document" means any medium in which information, data or intelligence can be contained, recorded or retrieved, and includes, without limitation, the original (or copy if the original is unavailable), regardless of origin and location, and all tangible things of every type and description, however produced, copied or reproduced, whether draft or final, original or reproduction, signed or unsigned, approved, sent, received, redrafted, executed,

erased or otherwise defaced or mutilated, from whomever and wherever obtained, along with all non-identical (or, by reason of subsequent annotation, no longer identical) copies, drafts, or versions thereof and all copies thereof containing any commentary, notations or markings, whatsoever, which is or was in your possession, custody or control, including, but not limited to: any book, pamphlet, periodical, letter, memorandum, (including any memorandum or report of a meeting or conversation), invoice, bill, magnetic media, order, form, receipt, financial statement, accounting entry, diary, calendar, telex, telegram, cable, report, record, contract, study, handwritten note, draft, working paper, chart, paper, print, laboratory record, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet, or data processing card, or any other written, recorded, transcribed, punched, taped, filed, or graphic materials.

e. The word "identify" (including, without limitation, "identification" and "identity") when used in reference to:

- i. a natural individual, requires you to state his or her full name, and present or last known residential address, business address, and telephone number;
- ii. a corporation, requires you to state its full corporate name, and any names under which it does business, its state of incorporation, the address and telephone number of its principal place of business, and the name, address and telephone number for each and every officer;
- iii. a business, other than a corporation, requires you to state the full name or style under which the business is conducted, the types of businesses in which it is engaged and the geographic areas in which it conducts those businesses, each business address, its telephone number, and the name, address and telephone number for each and every of person and/or business entity which owns, operates, and/or controls each such business;
- iv. a document, requires you to state its title, its date, the names of its authors and/or recipients, number of pages and nature of the document, and its present or last known location and custodian, including any documents prepared subsequent to any time period; and
- v. a communication, requires you: A) if any part of the communication was written, to identify the documents (as proved above in Section II.e.iv) which refer to or evidence the communication; and B) to the extent that the communication is unwritten, to identify each and every person participating in, or otherwise present during, all or any part of the communication, and to describe the communication and to state the date, manner, place and substance of the communication.

tion. Where a communication occurs over the telephone, the location of such communication is requested, and state the location of the parties thereto.

f. "Communication" means any oral or written utterance, notation, or statement of any nature whatsoever between or among two or more persons, by or to whomsoever made, and including, without limitation, correspondence, documents, conversations, dialogues, discussions, interviews, consultations, agreements, and other understandings.

g. "Or" appearing in a request should not be read so as to eliminate any part of the request, but, whenever applicable, it should have the same meaning as the word "and." For example, a request stating "support" or "refer" should be read as "support and refer" if an answer that does both can be made.

h. Unless otherwise specified, any reference to a judicial pleading, including, without limitation, complaint, answer, new matter, and counterclaim, refers to such pleading as served in the same action for which this Request relate.

III. DOCUMENTS TO BE PRODUCED

The persons or entities to whom this Request For Production of Documents shall produce the following items:

A.

1. Any and all documents regarding the CONSENT AGREEMENT AND STIPULATION OF SETTLEMENT between Defendant Washington Trotting Association, Inc. d/b/a The Meadows Racetrack and Casino and the Pennsylvania Gaming Control Board on or about February 13, 2013 and the subject matter of the attachment as Exhibit 12 to Plaintiffs' Third Amended Complaint. This request expressly includes, but is not limited to, financial data provided to the Pennsylvania Gaming Board or otherwise used or relied upon during the course of discussions with the Pennsylvania Gaming Control Board, as well as meeting minutes, reports and communications regarding the subject-matter.
2. Copy of each rules submission submitted to the Commonwealth of Pennsylvania or its agencies, including, but not limited to the Pennsylvania Gaming Control Board, including drafts thereof.
3. Any and all documents and things referring to either or both of the Plaintiffs, including videos, audios, meeting minutes, emails, letters, etc., and including, but not limited to, relating to the subject-matter of circumstances with Timothy Mastroianni, on or about July 11, 2011, and described in substance in Exhibit 1 to Plaintiffs' First Set of Requests for Admission.

4. Any and all written statements of and/or manuals containing Plaintiff training policy or policies on or about January through December 2011, regarding craps table staff.
5. Documents sufficient to evidence advertising online, print, radio, television and any other channel of media soliciting consumer play at the Meadows.
6. Ledgers, journals, cancelled checks, invoices, cash books, credit memos, vouchers, and checkbook stubs in your possession or control relating to any transaction between you and either of the Plaintiffs from July, 2010, to the present.
7. Financial reports of gross revenue for the Meadows craps tables from July, 2010 through December 31, 2011.
8. Financial reports of profitability for the Meadows craps tables from July, 2010 through December 31, 2011.
9. All documents filed or otherwise submitted for filing with any governmental agency in the Commonwealth of Pennsylvania regarding the right or privilege of conducting gambling or other services in this Commonwealth, including, but not limited to, fictitious name applications, applications to qualify as a foreign corporation, trademark filings, gambling license filings.
10. All embodiments of gaming laws, rules and ordinances published by the Commonwealth of Pennsylvania or its agencies. This request specifically seeks to discover the multiple versions of the items requested.
11. All documents regarding acquisition, maintenance or divestiture of trademarks, trade names and copyrights used in conjunction with The Meadows Casino, including each and every license agreement relating thereto. This request specifically includes, but is not limited to, documents regarding the respective rights and operational obligations between or among any entity who is a party to Plaintiffs' Exhibit 3 and 5 to the Third Amended Complaint.
12. All documents, including advertisements, within which any Defendant other than Washington Trotting Association, Inc. is identified as an owner or operator of the Meadows.
13. All documents, including advertisements, which are written terms any conditions of play or Players Club membership that the Meadows used from July, 2010 to December 31, 2011.
14. All documents and financial records which embody the financial and accounting data which contains the financial information regarding the craps table play at the Meadows during the period from July 2010 through December 31, 2011.
15. All documents and financial records which embody the financial and accounting data by which the financial information regarding the

craps table play at the Meadows during the period from July, 2010 through December 31, 2011 can or could be extrapolated.

16. All documents containing statistical play information the craps table play at the Meadows during the period from July, 2010, through December 31, 2011.
17. All documents containing statistical play information by which the craps table play statistics at the Meadows during the period from July, 2010 through December 31, 2011 could be extrapolated.
18. Any and all documents and things requested in Plaintiffs' First Set of Interrogatories and First Set of Request for Admissions, which are, to the extent necessary, incorporated herein by this reference.

B. Any and all electronically stored files constituting or containing any and all of the documents responsive to Request A, and any and all computer hardware and software necessary to render the items responsive to Request A perceivable and reproducible for use in this proceeding.

June 10, 2013

Gregg R. Zegarelli, Esq.
PA I.D. #52717
Attorney for Plaintiffs
Z E G A R E L L I
Technology & Entrepreneurial
Ventures Law Group, P.C.
2585 Washington Road, Suite 134
Summerfield Commons Office Park
Pittsburgh, PA 15241-2565
412.559.5262

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on the date below, by depositing the same in the United States Mail, First Class, Postage Pre-Paid, upon the following:

June 10, 2013

WILLIAM L. STANG, ESQ.
FOX ROTHSCHILD LLP
625 LIBERTY AVENUE, 29TH FLOOR
PITTSBURGH, PA 15222-3115

Gregg R. Zegarelli, Esq.
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Attorney for Plaintiffs
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Ventures Law Group, P.C.
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Pittsburgh, PA 15241-2565
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IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

JANINE LITMAN and TIMOTHY MAS-
TROIANNI, individually and
jointly,

Plaintiffs,

v.

CANNERY CASINO RESORTS, LLC, a Ne-
vada limited liability company,
WASHINGTON TROTting ASSOCIATION,
INC., a Delaware corporation, WTA
ACQUISITION CORP., a Delaware cor-
poration, CANNERY CASINO RESORTS,
LLC, CANNERY CASINO RESORTS and
WASHINGTON TROTting ASSOCIATION,
INC. t/d/b/a THE MEADOWS RACETRACK
& CASINO, an unincorporated asso-
ciation, CANNERY CASINO RESORTS,
an unincorporated association con-
sisting of one or more yet uniden-
tified natural and/or legal per-
sons, individually and jointly,

Defendants.

CIVIL DIVISION

CASE NO: 2012-8149

**PLAINTIFFS' FIRST SET OF REQUEST
FOR ADMISSIONS**

On behalf of Plaintiffs

Counsel of Record for this
Party:

Gregg R. Zegarelli, Esq.
PA I.D. #52717

Z E G A R E L L I
Technology & Entrepreneurial
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EXHIBIT

3

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IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

JANINE LITMAN and TIMOTHY MAS-
TROIANI, individually and
jointly,

CIVIL DIVISION

CASE NO: 2012-8149

Plaintiffs,

v.

CANNERY CASINO RESORTS, LLC, a Ne-
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WASHINGTON TROTTER ASSOCIATION,
INC., a Delaware corporation, WTA
ACQUISITION CORP., a Delaware cor-
poration, CANNERY CASINO RESORTS,
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WASHINGTON TROTTER ASSOCIATION,
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& CASINO, an unincorporated asso-
ciation, CANNERY CASINO RESORTS,
an unincorporated association con-
sisting of one or more yet uniden-
tified natural and/or legal per-
sons, individually and jointly,

Defendants.

PLAINTIFFS' FIRST SET OF REQUEST FOR ADMISSIONS

Plaintiffs, pursuant to Rules 4014 of the Pennsylvania Rules of Civil Proce-
dure ("Pa.R.C.P."), by its undersigned attorney, hereby requests the Defen-
dants, ("Defendants"), to answer separately and fully the following requests,
in writing and under oath, and to serve said answers on or before thirty (30)
days following the date of service.

I.

INSTRUCTIONS

Please follow these instructions and use the following definitions in answer-
ing these requests.

a. Each of the following requests shall be answered separately and fully
in writing. The answers shall be signed and verified by the person making

them. Objections, if any, shall be signed by the attorney making them. Where the space provided is insufficient, please attach and refer to a separate sheet of paper, sufficient to complete said answer.

If your response to any request is not an unqualified admission, your answer shall specifically deny the matter or set forth in detail the reasons why you cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that you qualify your answer or deny only a part of the matter of which an admission is requested, you should specify so much of it as is true and qualify or deny the remainder.

This request may seek the admission of the genuineness of various documents. In some cases, there may be printed number and letter codes that run along the bottom of particular documents. In other cases, the word "evidence" and other identification marks may be affixed to the document. Such numbers, letters and identifying words were affixed during the accumulation and copying of the documents for this case and are not to be considered part of the document. The request does not seek your admission regarding the accuracy and genuineness of those numbers and letters, but only of the document on which these numbers and letters have been placed.

b. Once any person, document or other matter required to be identified has been identified properly, it shall be sufficient thereafter, when identifying that same person, document or other matter, to state the name of the person, title of the document or sufficient information to refer to the previous request in which a complete identification has been given.

c. Where knowledge or information in possession of a party is requested, such request includes knowledge of such party's agents, employees, servants, officers, directors, accountants, attorneys (except only to whatever extent privileged), and any other person acting or purporting to act on behalf of the party to whom these requests are addressed. You must make inquiries of your agents, employees, etc., whenever such inquiry is necessary to enable you to answer these requests completely and accurately.

d. When, after a reasonable and thorough investigation, you are unable to answer any request, or any part thereof, because of lack of information available to you, specify in full and complete detail the reason the information is not available to you and what has been done to locate such information. In addition, specify what knowledge or belief you have concerning the unanswered portion of the request and set forth the facts upon which such knowledge or belief is based.

e. Where an request does not specifically request a particular fact, but where such fact or facts are necessary to make the answer to the request either comprehensible, or complete, or not misleading, you are requested to include such fact or facts as part of the answer, and the request shall be deemed specifically to request such fact or facts.

f. If, in answering these requests, you encounter any ambiguity in a question, instruction, or definition, set forth the matter deemed ambiguous and the interpretation you used in answering.

g. If you assert a privilege, work product immunity, or decline to provide an answer on the basis of some other objection:

- i. identify and describe the document or communication in question;
- ii. describe the basis for the asserted privilege or objection;
- iii. identify every person to whom the document was sent, or every person present when the communication was made;
- iv. identify the present custodian of the document, if any; and
- v. Include sufficient facts for the Court to make a full determination of whether the claim or objection is valid.

h. Unless otherwise indicated, these requests refer to the time, places and circumstances of the occurrences mentioned or complained of in Plaintiffs' Complaint. If Defendants has filed (or intends to file prior to answering these requests) an Answer, New Matter, and/or Counter-claim, then unless otherwise indicated, these requests refer to the times, places and circumstances of the occurrences mentioned or complained of in said Answer, New Matter and/or Counterclaim, as the case may be.

i. Unless otherwise specifically stated, the time period to which these interrogatories pertain, and the relevant and material time period, is from January 1, 2010, to the date on which these discovery requests are responded to, inclusive, including any supplemental responses.

j. These requests are deemed to be continuing to the fullest extent provided in Pa.R.C.P. 4007.4.

k. To the extent that any request made herein duplicates an request made in a prior Set of Requests, then you may specifically identify such prior Set of Requests in lieu of providing a response for the request herein.

l. References to July, 2010, means the specific date in July, 2010, upon which The Meadows opened for business.

II. DEFINITIONS

All definitions provided in this Section II of these requests shall apply to the term so defined, and also to such term whether or not capitalized, and also to grammatical variations (including, without limitation, mood, tense, number) of such term. Such definitions shall be broadly construed so that the construction provides the broadest request for discovery permitted under the Pennsylvania Rules of Civil Procedure. Specific requests for information made in any request are intended to supplement the following definitions.

a. "You" (including "your" and "yourself") refers to the party to whom these requests are addressed, acting in any capacity, and any person, includ-

ing agents, representatives, attorneys (except only to whatever extent privileged), and each person acting or purporting to act on behalf of the party to whom these requests are addressed. Additionally, if "you" is a corporation or other business entity, then "you" refers to each parent, predecessor, subsidiary, affiliate, and each present and former officer, employee, agent, representative, and attorney of the party to whom these requests are addressed.

b. "Representative" means any and all agents, employees, servants, officers, directors, attorneys, or other persons acting or purporting to act on behalf of the principal in question.

c. "Person" means any natural individual in any capacity whatsoever or any entity or organization, including divisions, departments, or other units therein, and shall include, but not be limited to, a public or private corporation, partnership, joint venture, voluntary or unincorporated association, organization, proprietorship, trust, estate, governmental agency, commission, bureau or department.

d. "Document" means any medium in which information, data or intelligence can be contained, recorded or retrieved, and includes, without limitation, the original (or copy if the original is unavailable), regardless of origin and location, and all tangible things of every type and description, however produced, copied or reproduced, whether draft or final, original or reproduction, signed or unsigned, approved, sent, received, redrafted, executed, erased or otherwise defaced or mutilated, from whomever and wherever obtained, along with all non-identical (or, by reason of subsequent annotation, no longer identical) copies, drafts, or versions thereof and all copies thereof containing any commentary, notations or markings, whatsoever, which is or was in your possession, custody or control, including, but not limited to: any book, pamphlet, periodical, letter, memorandum, (including any memorandum or report of a meeting or conversation), invoice, bill, magnetic media, order, form, receipt, financial statement, accounting entry, diary, calendar, telex, telegram, cable, report, record, contract, study, handwritten note, draft, working paper, chart, paper, print, laboratory record, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet, or data processing card, or any other written, recorded, transcribed, punched, taped, filed, or graphic materials.

e. The word "identify" (including, without limitation, "identification" and "identity") when used in reference to:

- i. a natural individual, requires you to state his or her full name, and present or last known residential address, business address, and telephone number;
- ii. a corporation, requires you to state its full corporate name, and any names under which it does business, its state of incorporation, the address and telephone number of its principal place of business, and the name, address and telephone number for each and every officer;

- iii. a business, other than a corporation, requires you to state the full name or style under which the business is conducted, the types of businesses in which it is engaged and the geo-graphic areas in which it conducts those business-es, each business address, its telephone number, and the name, address and telephone number for each and every of person and/or business entity which owns, operates, and/or controls each such business;
- iv. a document, requires you to state its title, its date, the names of its authors and/or recipients, number of pages and nature of the document, and its present or last known location and custodian, including any documents prepared subsequent to any time period; and
- v. a communication, requires you: A) if any part of the communication was written, to identify the documents (as proved above in Section II.e.iv) which refer to or evidence the communication; and B) to the extent that the communication is unwritten, to identify each and every person participating in, or otherwise present during, all or any part of the communication, and to describe the communication and to state the date, manner, place and substance of the communication. Where a communication occurs over the telephone, the location of such communication is requested, and state the location of the parties thereto.

f. "Communication" means any oral or written utterance, notation, or statement of any nature whatsoever between or among two or more persons, by or to whomsoever made, and including, without limitation, correspondence, documents, conversations, dialogues, discussions, interviews, consultations, agreements, and other understandings.

g. When an request requests that you "describe," or to "state the basis of," or to "state the facts" on which you rely to support a particular claim, contention, or allegation, state in your answer each and every fact and legal theory, and identify each and every communication and/or document, which you contend supports, refers to, or evidences such claim, contention, or allegation. When an request requires you otherwise to describe or state the facts relating to any particular set of circumstances, act, event, transaction, occurrence, meeting, purchase, sale, agreement, contract, venture, relationship, conversation, representation, communication, or other item of information, state in your answer the facts (including dates and places) relating to such transaction, occurrence, relationship, set of circumstances, etc., as the case may be; and identify any persons who are or were parties thereto or have knowledge thereof; and identify any communications and documents relating to, or evidencing, such transaction, occurrence, relationship, set of circumstances, etc., as the case may be.

h. "Or" appearing in an request should not be read so as to eliminate any part of the request, but, whenever applicable, it should have the same meaning as the word "and." For example, an request stating "support" or "refer" should be read as "support and refer" if an answer that does both can be made.

i. Unless otherwise specified, any reference to a judicial pleading, including, without limitation, complaint, answer, new matter, and counterclaim, refers to such pleading as served in the same action for which these requests relate.

III. REQUESTS FOR ADMISSION

1. Admit that the Meadows solicits consumers to gamble at the Meadows.

ADMITTED / DENIED

2. Admit that the Meadows solicits retired senior citizens to gamble at the Meadows.

ADMITTED / DENIED

3. Admit that retired senior citizens gamble at the craps table at the Meadows.

ADMITTED / DENIED

4. Admit that you collected the vigorish identified in that certain CONSENT AGREEMENT AND STIPULATION OF SETTLEMENT between Defendant Washington Trotting Association, Inc. d/b/a The Meadows Racetrack and Casino and the Pennsylvania Gaming Control Board on or about February 13, 2013 and the subject matter of the attachment as Exhibit 12 to Plaintiffs' Third Amended Complaint.

ADMITTED / DENIED

5. Admit that you collect the vigorish in violation of the applicable statutory or other official rules of the Commonwealth of Pennsylvania.

ADMITTED / DENIED

6. Admit that it was profitable for you to collect the vigorish identified in that certain CONSENT AGREEMENT AND STIPULATION OF SETTLEMENT between Defendant Washington Trotting Association, Inc. d/b/a The Meadows Racetrack and Casino and the Pennsylvania Gaming Control Board on or about February 13, 2013 and the subject matter of the attachment as Exhibit 12 to Plaintiffs' Third Amended Complaint. [That is, by collecting the vigorish, you made more money that you would have made by not collecting the vigorish.]

ADMITTED / DENIED

7. Admit that you collected more than \$500 in improper vigorish.

ADMITTED / DENIED

8. Admit that you are governed by The Sarbanes-Oxley Act of 2002, as it may have been amended.

ADMITTED / DENIED

9. Admit that you are not a domestic Pennsylvania entity.

ADMITTED / DENIED

10. Admit that you are not qualified as a foreign company in Pennsylvania.

ADMITTED / DENIED

11. Admit that you do business in the Commonwealth of Pennsylvania

ADMITTED / DENIED

12. Admit that you are required to qualify as a foreign company in Pennsylvania.

ADMITTED / DENIED

13. Admit that you have an office in Pennsylvania.

ADMITTED / DENIED

14. Admit that you are a licensee to conduct gaming in Pennsylvania.

ADMITTED / DENIED

15. Admit that you are not a licensee to conduct gaming in Pennsylvania.

ADMITTED / DENIED

16. Admit that you are an operator of the Meadows.

ADMITTED / DENIED

17. Admit that you are an owner of the Meadows.

ADMITTED / DENIED

18. Admit that you are an "operator" of the Meadows at that term is used by the Pennsylvania Gaming Board.

ADMITTED / DENIED

19. Admit that WTA Acquisition Corp was doing business in Pennsylvania as "The Meadows" alone or together with others on July, 2000.

ADMITTED / DENIED

20. Admit that WTA Acquisition Corp was doing business in Pennsylvania as "The Meadows" alone or together with others on December 31, 2011.

ADMITTED / DENIED

21. Admit that WTA Acquisition Corp was doing business in Pennsylvania as "The Meadows" alone or together with others on January 1, 2013.

ADMITTED / DENIED

22. Admit that you not are an operator of the Meadows.

ADMITTED / DENIED

23. Admit that each owner identified in Exhibit 3 to Plaintiffs' Third Amended Complaint is an owner of the trademark identified therein.

ADMITTED / DENIED

24. Admit that each owner identified in Exhibit 5 to Plaintiffs' Third Amended Complaint is an owner of the Fictitious Name identified therein.

ADMITTED / DENIED

25. Admit that Cannery Casino Resorts, LLC is the sole owner of the trademark "The Meadows".

ADMITTED / DENIED

26. Admit that Cannery Casino Resorts, LLC is the sole owner of the registered trademark "The Meadows" in Exhibit 3 to Plaintiffs' Third Amended Complaint.

ADMITTED / DENIED

27. Admit that Cannery Casino Resorts, LLC is not identified as an owner of registered fictitious name in the Commonwealth of Pennsylvania.

ADMITTED / DENIED

28. Admit that Cannery Casino Resorts is not identified as an owner of registered fictitious name in the Commonwealth of Pennsylvania.

ADMITTED / DENIED

29. Admit that Washington Trotting Association, Inc. is not identified as an owner of the registered trademark attached as Exhibit 3 to Plaintiffs' Third Amended Complaint.

ADMITTED / DENIED

30. Admit that you are not an "operator" of the Meadows at that term is used by the Pennsylvania Gaming Board.

ADMITTED / DENIED

31. Admit that you own wholly or in part the trademark, "The Meadows".

ADMITTED / DENIED

32. Admit that you are a licensee, exclusive or not, of the trademark, "The Meadows".

ADMITTED / DENIED

33. Admit that you trade and do business as "The Meadows".

ADMITTED / DENIED

34. Admit that you participated in conversations with the other Defendants regarding the circumstances of Timothy Mastroianni's arrest on or about July 11, 2011.

ADMITTED / DENIED

35. Admit that the documents attached hereto, Exhibit 1 to 12 are authentic.

ADMITTED / DENIED

36. Admit that the documents attached hereto, Exhibit 1 to 12 were accurate for what they respectively represent on the dates identified therein.

ADMITTED / DENIED

37. Admit that the documents attached hereto, Exhibit 1 to 12 were accurate for what they respectively represent as of the date of your answers.

ADMITTED / DENIED

38. Admit that the documents attached to the Third Amended Complaint were accurate for what they respectively represent on the dates identified therein.

ADMITTED / DENIED

39. Admit that players at the craps tables of The Meadows rely upon the training of the table staff for proper implementation of the rules of the game.

ADMITTED / DENIED

40. Admit that you had knowledge of the claims by either or both of Plaintiffs that you were conducting illegal or otherwise improper collection of vigorish on or about July 11, 2011, and prior to causing the arrest of Plaintiff Mastroianni.

ADMITTED / DENIED

41. Admit that you performed one or more financial analyses regarding the financial circumstances relating to you collecting the vigorish identified in that certain CONSENT AGREEMENT AND STIPULATION OF SETTLEMENT between Defendant Washington Trotting Association, Inc. d/b/a The Meadows Racetrack and Casino and the Pennsylvania Gaming Control Board on or about February 13, 2013 and the subject matter of the attachment as Exhibit 12 to Plaintiffs' Third Amended Complaint.

ADMITTED / DENIED

42. Admit that craps table staff receive special training to perform duties at the craps table.

ADMITTED / DENIED

43. Admit that Exhibit 5 to Plaintiffs' Third Amended Complaint contains false information regarding ownership at any time during the relevant period.

ADMITTED / DENIED

44. Admit that Exhibit 5 to Plaintiffs' Third Amended Complaint contains incomplete information regarding ownership at any time during the relevant period.

ADMITTED / DENIED

45. Admit that Exhibit 3 to Plaintiffs' Third Amended Complaint contains false information regarding ownership at any time during the relevant period.

ADMITTED / DENIED

46. Admit that Exhibit 3 to Plaintiffs' Third Amended Complaint contains incomplete information regarding ownership at any time during the relevant period.

ADMITTED / DENIED

June 10, 2013

Gregg R. Zegarelli, Esq.
PA F.D. #52717
Attorney for Plaintiffs
Z E G A R E L L I
Technology & Entrepreneurial
Ventures Law Group, P.C.
2585 Washington Road, Suite 134
Summerfield Commons Office Park
Pittsburgh, PA 15241-2565
412.559.5262

IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

JANINE LITMAN and TIMOTHY MAS-
TROIANI, individually and
jointly,

CIVIL DIVISION

CASE NO: 2012-8149

Plaintiffs,

v.

CANNERY CASINO RESORTS, LLC, a
Nevada limited liability com-
pany, WASHINGTON TROTTER ASSO-
CIATION, INC., a Delaware corpo-
ration, WTA ACQUISITION CORP., a
Delaware corporation, CANNERY
CASINO RESORTS, LLC, CANNERY CA-
SINO RESORTS and WASHINGTON
TROTTER ASSOCIATION, INC.
t/d/b/a THE MEADOWS RACETRACK &
CASINO, an unincorporated asso-
ciation, CANNERY CASINO RESORTS,
an unincorporated association
consisting of one or more yet
unidentified natural and/or le-
gal per-sons, individually and
jointly,

Defendants.

FILED

JUL 02 2013

P.R. MATHENY
PROTHONOTARY

ORDER

AND, NOW, this 2nd day of July, 2013, discovery in
this matter is extended and is now set to close on or 90 days
A L-212b conference will be held on in October to set a specific
schedule and trial calendar as stipulated later

BY THE COURT,

[Signature]

EXHIBIT

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exhibitstick.com

**IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION**

JANINE LITMAN and TIMOTHY
MASTROIANNI, individually and
jointly,

Plaintiffs,

v.

CANNERY CASINO RESORTS, LLC, a
Nevada limited liability company,
WASHINGTON TROTTHING ASSOCIATION,
INC., a Delaware corporation, WTA
ACQUISITION CORP., a Delaware corporation,
CANNERY CASINO RESORTS, LLC,
CANNERY CASINO RESORTS and
WASHINGTON TROTTHING ASSOCIATION,
INC., t/d/b/a THE MEADOWS RACETRACK
& CASINO, an unincorporated association,
CANNERY CASINO RESORTS, an
unincorporated association consisting of one
or more yet unidentified natural and/or legal
persons, individually and jointly,

Defendants.

CASE NO. 2012-8149

**DEFENDANTS' OBJECTIONS
TO PLAINTIFFS' FIRST SET OF
INTERROGATORIES**

Filed on behalf of Defendants,
Cannery Casino Resorts, LLC,
Washington Trotting Association,
Inc., WTA Acquisition Corp.,
Cannery Casino Resorts, LLC,
Cannery Casino Resorts and
Washington Trotting Association,
Inc. t/d/b/a The Meadows
Racetrack & Casino, and
Cannery Casino Resorts

Counsel of Record for these
parties:

William L. Stang, Esquire
PA Id. No. 33221
Benjamin I. Feldman, Esquire
PA Id. No. 312683

FOX ROTHSCHILD LLP
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bfeldman@foxrothschild.com

EXHIBIT

5

exhibitsticker.com

**IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION**

JANINE LITMAN and TIMOTHY
MASTROIANNI, individually and
jointly,

CASE NO. 2012-8149

Plaintiffs,

v.

CANNERY CASINO RESORTS, LLC, a
Nevada limited liability company,
WASHINGTON TROTTERING ASSOCIATION,
INC., a Delaware corporation, WTA
ACQUISITION CORP., a Delaware corporation,
CANNERY CASINO RESORTS, LLC, CANNERY
CASINO RESORTS and WASHINGTON TROTTERING
ASSOCIATION, INC. t/d/b/a THE MEADOWS
RACETRACK & CASINO, an unincorporated
association, CANNERY CASINO RESORTS, an
unincorporated association consisting of one
or more yet unidentified natural and/or legal
persons, individually and jointly,

Defendants.

DEFENDANTS' OBJECTIONS TO PLAINTIFFS' FIRST SET OF INTERROGATORIES

Defendants, Cannery Casino Resorts, LLC, a Nevada limited liability company,
Washington Trottering Association, Inc., a Delaware corporation, WTA Acquisition Corp.,
a Delaware corporation, Cannery Casino Resorts, LLC, Cannery Casino Resorts and
Washington Trottering Association, Inc. t/d/b/a The Meadows Racetrack & Casino, an
unincorporated association, Cannery Casino Resorts, an unincorporated association
consisting of one or more yet unidentified natural and/or legal persons, individually and

jointly, by and through their counsel, William L. Stang, Esquire, Benjamin I. Feldman, Esquire and Fox Rothschild LLP, present Objections to Plaintiffs' First Set of Interrogatories as follows:

SPECIFIC OBJECTIONS TO PLAINTIFFS' FIRST SET OF INTERROGATORIES

Defendants, Cannery Casino Resorts, LLC, a Nevada limited liability company, Washington Trotting Association, Inc., a Delaware corporation, WTA Acquisition Corp., a Delaware corporation, Cannery Casino Resorts, LLC, Cannery Casino Resorts and Washington Trotting Association, Inc. t/d/b/a The Meadows Racetrack & Casino, an unincorporated association, Cannery Casino Resorts, an unincorporated association consisting of one or more yet unidentified natural and/or legal persons, individually and jointly (hereinafter "Defendants") object to each and every interrogatory contained in Plaintiffs' First Set of Interrogatories on the following grounds:

1. Plaintiffs have filed a Third Amended Complaint in Civil Action (the "Third Amended Complaint"). Defendants have filed Preliminary Objections to Plaintiffs' Third Amended Complaint which include demurrers and other preliminary objections to all fourteen counts of the Third Amended Complaint. Defendants' Preliminary Objections are pending. The court has not yet determined which claims, if any, will survive. Defendants should not be required to respond to any discovery requests until rulings on the Preliminary Objections have been made. See, *Luckett v. Blaine*, 850 A.2d 811, 819 (Pa. Commw. Ct. 2004) ("Where the defendant has demurred to the complaint, it cannot be determined whether the discovery sought by the plaintiff is even relevant.") (citation omitted). Accordingly, Plaintiffs' Interrogatories are premature.

2. Requiring Defendants to respond to Plaintiffs' premature discovery requests is unreasonably burdensome, oppressive and costly. More specifically, it is unreasonable to require Defendants to take the time away from running their businesses to answer Plaintiffs' 46 Requests for Admissions, 36 Interrogatories, and/or 18 Requests for Documents before it is known which claims, from the Third Amended Complaint, if any, will survive. In addition, Plaintiffs should not be permitted to obtain any information from the Defendants, confidential, proprietary or otherwise, before it is known whether this case will move forward. See, *Deans v. Pollock-Timblin Co., Inc.*, 14 Pa. D. & C.2d 455, 456 (Mercer Cty. 1958) ("If the demurrer is sustained, there will be no case to be tried and the taking of the deposition will have been a vain and useless thing. . . . It would seem to be an unreasonable annoyance to a deponent to require him to take time away from his affairs and subject himself to detailed examination to help plaintiff in his preparation of a case that, as a result of a proceeding now pending and awaiting determination, may be dismissed and never come to trial.").

3. Until the court rules on Defendants' pending Preliminary Objections, Defendants are unable to determine which of Plaintiffs' discovery requests asks for information that is relevant (or irrelevant). See, *Deans v. Pollock-Timblin Co., Inc.*, supra. ("Generally a demurrer acts to stay all proceedings."). In this respect, if all of Defendants' Preliminary Objections are overruled, Plaintiffs can pursue such discovery as they are entitled to. However, if some of Plaintiffs' claims are dismissed, then some of Plaintiffs' existing discovery requests may not be relevant. Also, the nature of the Defendants' discovery responses could change depending upon which of Plaintiffs' claims are dismissed.

4. Defendants reserve the right to assert further objections to Plaintiffs' First Set of Interrogatories after the court determines which counts, if any, of the Third Amended Complaint survive.

GENERAL OBJECTIONS

Notwithstanding the foregoing Specific Objections, the following general objections apply to each of the Interrogatories and are incorporated by reference in each specific response that may be made:

1. Defendants object to the Interrogatories to the extent that they purport to impose obligations on Defendants beyond the requirements of the Pennsylvania Rules of Civil Procedure which will govern Defendants' responses.

2. Defendants object to the Interrogatories to the extent that they seek materials prepared in anticipation of litigation, or which contain or reflect or call for the disclosure of the mental impressions, conclusions, opinions or legal theories of any attorney for Defendants, or any other information protected by the Pennsylvania Rules of Civil Procedure.

3. Defendants object to the Interrogatories to the extent they seek information protected from discovery under the Attorney-Client Privilege, the Work Product Doctrine, the Accountant-Client Privilege or any other privilege recognized under the law. Defendants will not produce such information.

4. Defendants object to the Interrogatories to the extent they call for identification or production of information that is a matter of public record and is equally available to the requesting party.

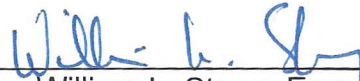
5. In responding, Defendants do not concede that any of the Interrogatories is relevant to the subject matter of this litigation or reasonably calculated to lead to the discovery of admissible evidence. Defendants expressly reserve both the right to object to further discovery and to the subject matter of the Interrogatories and the right to object to introduction into evidence of responses to the Interrogatories. Defendants also reserve the right to question the authenticity, relevance, privilege and admissibility as evidence for any purpose of the information provided and the documents identified and/or produced in response to the Interrogatories, which may arise in any subsequent proceeding in or the trial of, this or any other matter.

6. Defendants' investigation is ongoing. Defendants reserve the right to supplement, amend or revise its responses as necessary up to and including the time of trial.

7. In responding to the Interrogatories, Defendants state that they have conducted a diligent search, reasonable in scope, of the records in Defendants' possession or control believed to be the most likely to contain information responsive to the Interrogatories and have solicited relevant information from the individuals most likely to have information responsive to the Interrogatories. Defendants have not, however, undertaken to search or review all of the files and records in Defendants' possession, custody or control.

Respectfully submitted,

FOX ROTHSCHILD LLP

By: 
William L. Stang, Esquire
Benjamin I. Feldman, Esquire

625 Liberty Avenue, 29th Floor
Pittsburgh, PA 15222
Telephone: (412) 391-1334

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Defendants' Objections to Plaintiffs' First Set of Interrogatories was served upon counsel as addressed below via e-mail and regular mail on the 3rd day of July, 2013:

Gregg R. Zegarelli, Esquire
Zegarelli Technology & Entrepreneurial
Ventures Law Group, P.C.
2585 Washington Road
Suite 134
Summerfield Commons Office Park
Pittsburgh, PA 15241

mailroom.grz@zegarelli.com



William L. Stang, Esquire

**IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION**

JANINE LITMAN and TIMOTHY
MASTROIANNI, individually and
jointly,

Plaintiffs,

v.

CANNERY CASINO RESORTS, LLC, a
Nevada limited liability company,
WASHINGTON TROTTHING ASSOCIATION,
INC., a Delaware corporation, WTA
ACQUISITION CORP., a Delaware corporation,
CANNERY CASINO RESORTS, LLC,
CANNERY CASINO RESORTS and
WASHINGTON TROTTHING ASSOCIATION,
INC., t/d/b/a THE MEADOWS RACETRACK
& CASINO, an unincorporated association,
CANNERY CASINO RESORTS, an
unincorporated association consisting of one
or more yet unidentified natural and/or legal
persons, individually and jointly,

Defendants.

CASE NO. 2012-8149

**DEFENDANTS' OBJECTIONS
TO PLAINTIFFS' FIRST
REQUEST FOR PRODUCTION
OF DOCUMENTS AND THINGS**

Filed on behalf of Defendants,
Cannery Casino Resorts, LLC,
Washington Trotting Association,
Inc., WTA Acquisition Corp.,
Cannery Casino Resorts, LLC,
Cannery Casino Resorts and
Washington Trotting Association,
Inc. t/d/b/a The Meadows
Racetrack & Casino, and
Cannery Casino Resorts

Counsel of Record for these
parties:

William L. Stang, Esquire
PA Id. No. 33221
Benjamin I. Feldman, Esquire
PA Id. No. 312683

FOX ROTHSCHILD LLP
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EXHIBIT

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**IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION**

JANINE LITMAN and TIMOTHY
MASTROIANNI, individually and
jointly,

CASE NO. 2012-8149

Plaintiffs,

v.

CANNERY CASINO RESORTS, LLC, a
Nevada limited liability company,
WASHINGTON TROTTHING ASSOCIATION,
INC., a Delaware corporation, WTA
ACQUISITION CORP., a Delaware corporation,
CANNERY CASINO RESORTS, LLC, CANNERY
CASINO RESORTS and WASHINGTON TROTTHING
ASSOCIATION, INC. t/d/b/a THE MEADOWS
RACETRACK & CASINO, an unincorporated
association, CANNERY CASINO RESORTS, an
unincorporated association consisting of one
or more yet unidentified natural and/or legal
persons, individually and jointly,

Defendants.

**DEFENDANTS' OBJECTIONS TO PLAINTIFFS' FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS AND THINGS**

Defendants, Cannery Casino Resorts, LLC, a Nevada limited liability company,
Washington Trotting Association, Inc., a Delaware corporation, WTA Acquisition Corp.,
a Delaware corporation, Cannery Casino Resorts, LLC, Cannery Casino Resorts and
Washington Trotting Association, Inc. t/d/b/a The Meadows Racetrack & Casino, an
unincorporated association, Cannery Casino Resorts, an unincorporated association

consisting of one or more yet unidentified natural and/or legal persons, individually and jointly, by and through their counsel, William L. Stang, Esquire, Benjamin I. Feldman, Esquire and Fox Rothschild LLP, present Objections to Plaintiffs' First Request for Production of Documents and Things as follows:

SPECIFIC OBJECTIONS TO PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS

Defendants, Cannery Casino Resorts, LLC, a Nevada limited liability company, Washington Trotting Association, Inc., a Delaware corporation, WTA Acquisition Corp., a Delaware corporation, Cannery Casino Resorts, LLC, Cannery Casino Resorts and Washington Trotting Association, Inc. t/d/b/a The Meadows Racetrack & Casino, an unincorporated association, Cannery Casino Resorts, an unincorporated association consisting of one or more yet unidentified natural and/or legal persons, individually and jointly (hereinafter "Defendants") object to each and every document request contained in Plaintiffs' First Request for Production of Documents and Things (the "Document Requests") on the following grounds:

1. Plaintiffs have filed a Third Amended Complaint in Civil Action (the "Third Amended Complaint"). Defendants have filed Preliminary Objections to Plaintiffs' Third Amended Complaint which include demurrers and other preliminary objections to all fourteen counts of the Third Amended Complaint. Defendants' Preliminary Objections are pending. The court has not yet determined which claims, if any, will survive. Defendants should not be required to respond to any discovery requests until rulings on the Preliminary Objections have been made. See, *Lockett v. Blaine*, 850 A.2d 811, 819 (Pa. Commw. Ct. 2004)("Where the defendant has demurred to the complaint, it cannot

be determined whether the discovery sought by the plaintiff is even relevant.”)(citation omitted). Accordingly, Plaintiffs’ Document Requests are premature.

2. Requiring Defendants to respond to Plaintiffs’ premature discovery requests is unreasonably burdensome, oppressive and costly. More specifically, it is unreasonable to require Defendants to take the time away from running their businesses to answer Plaintiffs’ 46 Requests for Admissions, 36 Interrogatories, and/or 18 Requests for Documents before it is known which claims, from the Third Amended Complaint, if any, will survive. In addition, Plaintiffs should not be permitted to obtain any information from the Defendants, confidential, proprietary or otherwise, before it is known whether this case will move forward. See, *Deans v. Pollock-Timblin Co., Inc.*, 14 Pa. D. & C.2d 455, 456 (Mercer Cty. 1958)(“If the demurrer is sustained, there will be no case to be tried and the taking of the deposition will have been a vain and useless thing. . . . It would seem to be an unreasonable annoyance to a deponent to require him to take time away from his affairs and subject himself to detailed examination to help plaintiff in his preparation of a case that, as a result of a proceeding now pending and awaiting determination, may be dismissed and never come to trial.”).

3. Until the court rules on Defendants’ pending Preliminary Objections, Defendants are unable to determine which of Plaintiffs’ discovery requests asks for information that is relevant (or irrelevant). See, *Deans v. Pollock-Timblin Co., Inc.*, supra. (“Generally a demurrer acts to stay all proceedings.”). In this respect, if all of Defendants’ Preliminary Objections are overruled, Plaintiffs can pursue such discovery as they are entitled to. However, if some of Plaintiffs’ claims are dismissed, then some of Plaintiffs’ existing discovery requests may not be relevant. Also, the nature of the

Defendants' discovery responses could change depending upon which of Plaintiffs' claims are dismissed.

4. Defendants reserve the right to assert further objections to Plaintiffs' First Request for Production of Documents and Things after the court determines which counts, if any, of the Third Amended Complaint survive.

GENERAL OBJECTIONS

Notwithstanding the foregoing Specific Objections, the following general objections apply to each of the Requests and are incorporated by reference in each specific response that may be made:

1. Defendants object to the Requests to the extent that they purport to impose obligations on Defendants beyond the requirements of the Pennsylvania Rules of Civil Procedure which will govern Defendants' responses.

2. Defendants object to the Requests to the extent that they seek materials prepared in anticipation of litigation, or which contain or reflect or call for the disclosure of the mental impressions, conclusions, opinions or legal theories of any attorney for Defendants, or any other information protected by the Pennsylvania Rules of Civil Procedure.

3. Defendants object to the Requests to the extent they seek information protected from discovery under the Attorney-Client Privilege, the Work Product Doctrine, the Accountant-Client Privilege or any other privilege recognized under the law. Defendants will not produce such information.

4. Defendants object to the Requests to the extent they call for identification or production of information that is a matter of public record and is equally available to the requesting party.

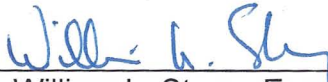
5. In responding, Defendants do not concede that any of the Requests is relevant to the subject matter of this litigation or reasonably calculated to lead to the discovery of admissible evidence. Defendants expressly reserve both the right to object to further discovery and to the subject matter of the Requests and the right to object to introduction into evidence of responses to the Requests. Defendants also reserve the right to question the authenticity, relevance, privilege and admissibility as evidence for any purpose of the information provided and the documents identified and/or produced in response to the Requests, which may arise in any subsequent proceeding in or the trial of, this or any other matter.

6. Defendants' investigation is ongoing. Defendants reserve the right to supplement, amend or revise its responses as necessary up to and including the time of trial.

7. In responding to the Requests, Defendants state that they have conducted a diligent search, reasonable in scope, of the records in Defendants' possession or control believed to be the most likely to contain information responsive to the Requests and have solicited relevant information from the individuals most likely to have information responsive to the Requests. Defendants have not, however, undertaken to search or review all of the files and records in Defendants' possession, custody or control.

Respectfully submitted,

FOX ROTHSCHILD LLP

By: 
William L. Stang, Esquire
Benjamin I. Feldman, Esquire

625 Liberty Avenue, 29th Floor
Pittsburgh, PA 15222
(412) 391-1334

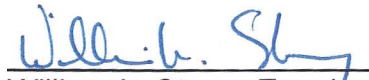
Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Defendants' Objections to Plaintiffs' First Request for Production of Documents and Things was served upon counsel as addressed below via e-mail and regular mail on the 3rd day of July, 2013:

Gregg R. Zegarelli, Esquire
Zegarelli Technology & Entrepreneurial
Ventures Law Group, P.C.
2585 Washington Road
Suite 134
Summerfield Commons Office Park
Pittsburgh, PA 15241

mailroom.grz@zegarelli.com



William L. Stang, Esquire

**IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION**

JANINE LITMAN and TIMOTHY
MASTROIANNI, individually and
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Plaintiffs,

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INC., a Delaware corporation, WTA
ACQUISITION CORP., a Delaware corporation,
CANNERY CASINO RESORTS, LLC,
CANNERY CASINO RESORTS and
WASHINGTON TROTTHING ASSOCIATION,
INC., t/d/b/a THE MEADOWS RACETRACK
& CASINO, an unincorporated association,
CANNERY CASINO RESORTS, an
unincorporated association consisting of one
or more yet unidentified natural and/or legal
persons, individually and jointly,

Defendants.

CASE NO. 2012-8149

**DEFENDANTS' OBJECTIONS
TO PLAINTIFFS' FIRST SET OF
REQUEST FOR ADMISSIONS**

Filed on behalf of Defendants,
Cannery Casino Resorts, LLC,
Washington Trotting Association,
Inc., WTA Acquisition Corp.,
Cannery Casino Resorts, LLC,
Cannery Casino Resorts and
Washington Trotting Association,
Inc. t/d/b/a The Meadows
Racetrack & Casino, and
Cannery Casino Resorts

Counsel of Record for these
parties:

William L. Stang, Esquire
PA Id. No. 33221
Benjamin I. Feldman, Esquire
PA Id. No. 312683

FOX ROTHSCHILD LLP
625 Liberty Avenue, 29th Floor
Pittsburgh, PA 15222
(412) 391-1334
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bfeldman@foxrothschild.com

**IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION**

JANINE LITMAN and TIMOTHY
MASTROIANNI, individually and
jointly,

CASE NO. 2012-8149

Plaintiffs,

v.

CANNERY CASINO RESORTS, LLC, a
Nevada limited liability company,
WASHINGTON TROTTHING ASSOCIATION,
INC., a Delaware corporation, WTA
ACQUISITION CORP., a Delaware corporation,
CANNERY CASINO RESORTS, LLC, CANNERY
CASINO RESORTS and WASHINGTON TROTTHING
ASSOCIATION, INC. t/d/b/a THE MEADOWS
RACETRACK & CASINO, an unincorporated
association, CANNERY CASINO RESORTS, an
unincorporated association consisting of one
or more yet unidentified natural and/or legal
persons, individually and jointly,

Defendants.

**DEFENDANTS' OBJECTIONS TO PLAINTIFFS' FIRST SET OF
REQUEST FOR ADMISSIONS**

Defendants, Cannery Casino Resorts, LLC, a Nevada limited liability company,
Washington Trotting Association, Inc., a Delaware corporation, WTA Acquisition Corp.,
a Delaware corporation, Cannery Casino Resorts, LLC, Cannery Casino Resorts and
Washington Trotting Association, Inc. t/d/b/a The Meadows Racetrack & Casino, an
unincorporated association, Cannery Casino Resorts, an unincorporated association

consisting of one or more yet unidentified natural and/or legal persons, individually and jointly, by and through their counsel, William L. Stang, Esquire, Benjamin I. Feldman, Esquire and Fox Rothschild LLP, present Objections to Plaintiffs' First Set of Request for Admissions as follows:

**SPECIFIC OBJECTIONS TO PLAINTIFFS' FIRST SET OF
REQUEST FOR ADMISSIONS**

Defendants, Cannery Casino Resorts, LLC, a Nevada limited liability company, Washington Trotting Association, Inc., a Delaware corporation, WTA Acquisition Corp., a Delaware corporation, Cannery Casino Resorts, LLC, Cannery Casino Resorts and Washington Trotting Association, Inc. t/d/b/a The Meadows Racetrack & Casino, an unincorporated association, Cannery Casino Resorts, an unincorporated association consisting of one or more yet unidentified natural and/or legal persons, individually and jointly (hereinafter "Defendants") object to each and every request for admissions contained in Plaintiffs' First Set of Request for Admissions on the following grounds:

1. Plaintiffs have filed a Third Amended Complaint in Civil Action (the "Third Amended Complaint"). Defendants have filed Preliminary Objections to Plaintiffs' Third Amended Complaint which include demurrers and other preliminary objections to all fourteen counts of the Third Amended Complaint. Defendants' Preliminary Objections are pending. The court has not yet determined which claims, if any, will survive. Defendants should not be required to respond to any discovery requests until rulings on the Preliminary Objections have been made. *See, Lockett v. Blaine*, 850 A.2d 811, 819 (Pa. Commw. Ct. 2004) ("Where the defendant has demurred to the complaint, it cannot be determined whether the discovery sought by the plaintiff is even relevant.") (citation omitted). Accordingly, Plaintiffs' Request for Admissions is premature.

2. Requiring Defendants to respond to Plaintiffs' premature discovery requests is unreasonably burdensome, oppressive and costly. More specifically, it is unreasonable to require Defendants to take the time away from running their businesses to answer Plaintiffs' 46 Requests for Admissions, 36 Interrogatories, and/or 18 Requests for Documents before it is known which claims, from the Third Amended Complaint, if any, will survive. In addition, Plaintiffs should not be permitted to obtain any information from the Defendants, confidential, proprietary or otherwise, before it is known whether this case will move forward. *See, Deans v. Pollock-Timblin Co., Inc.*, 14 Pa. D. & C.2d 455, 456 (Mercer Cty. 1958)("If the demurrer is sustained, there will be no case to be tried and the taking of the deposition will have been a vain and useless thing. . . . It would seem to be an unreasonable annoyance to a deponent to require him to take time away from his affairs and subject himself to detailed examination to help plaintiff in his preparation of a case that, as a result of a proceeding now pending and awaiting determination, may be dismissed and never come to trial.").

3. Until the court rules on Defendants' pending Preliminary Objections, Defendants are unable to determine which of Plaintiffs' discovery requests asks for information that is relevant (or irrelevant). *See, Deans v. Pollock-Timblin Co., Inc.*, supra. ("Generally a demurrer acts to stay all proceedings."). In this respect, if all of Defendants' Preliminary Objections are overruled, Plaintiffs can pursue such discovery as they are entitled to. However, if some of Plaintiffs' claims are dismissed, then some of Plaintiffs' existing discovery requests may not be relevant. Also, the nature of the Defendants' discovery responses could change depending upon which of Plaintiffs' claims are dismissed.

4. Defendants reserve the right to assert further objections to Plaintiffs' First Set of Request for Admissions after the court determines which counts, if any, of the Third Amended Complaint survive.

GENERAL OBJECTIONS

Notwithstanding the foregoing Specific Objections, the following general objections apply to each of the Request for Admissions and are incorporated by reference in each specific response that may be made:

1. Defendants object to the Request for Admissions to the extent that they purport to impose obligations on Defendants beyond the requirements of the Pennsylvania Rules of Civil Procedure which will govern Defendants' responses.

2. Defendants object to the Request for Admissions to the extent that they seek materials prepared in anticipation of litigation, or which contain or reflect or call for the disclosure of the mental impressions, conclusions, opinions or legal theories of any attorney for Defendants, or any other information protected by the Pennsylvania Rules of Civil Procedure.

3. Defendants object to the Request for Admissions to the extent they seek information protected from discovery under the Attorney-Client Privilege, the Work Product Doctrine, the Accountant-Client Privilege or any other privilege recognized under the law. Defendants will not produce such information.

4. Defendants object to the Request for Admissions to the extent they call for identification or production of information that is a matter of public record and is equally available to the requesting party.

5. In responding, Defendants do not concede that any of the Request for Admissions are relevant to the subject matter of this litigation or reasonably calculated to lead to the discovery of admissible evidence. Defendants expressly reserve both the right to object to further discovery and to the subject matter of the Request for Admissions and the right to object to introduction into evidence of responses to the Request for Admissions.

6. Defendants' investigation is ongoing. Defendants reserve the right to supplement, amend or revise responses as necessary up to and including the time of trial.

7. In responding to the Request for Admissions, Defendants state that they have conducted a diligent search, reasonable in scope, of the records in their possession or control believed to be the most likely to contain information responsive to the Request for Admissions. Defendants have not, however, undertaken to search or review all of the files and records in Defendants' possession, custody or control.

Respectfully submitted,

FOX ROTHSCHILD LLP

By: William L. Stang
William L. Stang, Esquire
Benjamin I. Feldman, Esquire

625 Liberty Avenue, 29th Floor
Pittsburgh, PA 15222
Telephone: (412) 391-1334


Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Defendants' Objections to Plaintiffs' First Set of Request for Admissions was served upon counsel as addressed below via e-mail and regular mail on the 3rd day of July, 2013:

Gregg R. Zegarelli, Esquire
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Pittsburgh, PA 15241

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William L. Stang, Esquire

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on the date below, by depositing the same in the United States Mail, First Class, Postage Pre-Paid, upon the following:

June 10, 2013

WILLIAM L. STANG, ESQ.
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IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

JANINE LITMAN and TIMOTHY MAS-
TROIANNI, individually and
jointly,

Plaintiffs,

v.

CANNERY CASINO RESORTS, LLC, a Ne-
vada limited liability company,
WASHINGTON TROTTER ASSOCIATION,
INC., a Delaware corporation, WTA
ACQUISITION CORP., a Delaware cor-
poration, CANNERY CASINO RESORTS,
LLC, CANNERY CASINO RESORTS and
WASHINGTON TROTTER ASSOCIATION,
INC. t/d/b/a THE MEADOWS RACETRACK
& CASINO, an unincorporated asso-
ciation, CANNERY CASINO RESORTS,
an unincorporated association con-
sisting of one or more yet uniden-
tified natural and/or legal per-
sons, individually and jointly,

Defendants.

CIVIL DIVISION

CASE NO: 2012-8149

PROPOSED ORDER

On behalf of Plaintiffs

Counsel of Record for this
Party:

Gregg R. Zegarelli, Esq.
PA I.D. #52717

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IN THE COURT OF COMMON PLEAS
WASHINGTON COUNTY, PENNSYLVANIA
CIVIL DIVISION

JANINE LITMAN and TIMOTHY MAS- CIVIL DIVISION
TROIANNI, individually and
jointly,

Plaintiffs,

v.

CASE NO: 2012-8149

CANNERY CASINO RESORTS, LLC, a
Nevada limited liability com-
pany, WASHINGTON TROTting ASSO-
CIATION, INC., a Delaware corpo-
ration, WTA ACQUISITION CORP., a
Delaware corporation, CANNERY
CASINO RESORTS, LLC, CANNERY CA-
SINO RESORTS and WASHINGTON
TROTting ASSOCIATION, INC.
t/d/b/a THE MEADOWS RACETRACK &
CASINO, an unincorporated asso-
ciation, CANNERY CASINO RESORTS,
an unincorporated association
consisting of one or more yet
unidentified natural and/or le-
gal per-sons, individually and
jointly,

Defendants.

ORDER

AND, NOW, this _____ day of _____, 2012, upon considera-
tion of the Plaintiff's Motion to Compel, it is hereby ORDERED
and DECREED that each defendant shall respond to the requests re-
quested in accordance therewith within TEN (10) days or be sub-
ject to sanction by this Court.

BY THE COURT,

_____, J.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on this date, by depositing the same in the United States Mail, First Class, Postage Pre-Paid, upon the following, except as stated otherwise:

WILLIAM L. STANG, ESQ.
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PITTSBURGH, PA 15222-3115

August 2, 2013

/Gregg Zegarelli/
Gregg R. Zegarelli, Esq.
PA I.D. #52717

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