

**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' MOTION TO COMPEL
RESPONSES TO DEFENDANTS' FIRST
SET OF INTERROGATORIES AND
FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS DIRECTED TO
PLAINTIFFS**

Served on behalf of Defendants,
Cannery Casino Resorts, LLC, Washington
Trotting Association, Inc., and WTA
Acquisition Corp.

Counsel of Record for these Parties:

Patrick L. Abramowich, Esquire
PA ID No. 74494
Mark J. Passero, Esquire
PA ID No. 314298

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

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Defendants.

**DEFENDANTS' MOTION TO COMPEL RESPONSES TO DEFENDANTS'
FIRST SET OF INTERROGATORIES AND FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFFS**

Defendants, Cannery Casino Resorts, LLC ("Cannery"), Washington Trotting
Association, Inc. ("WTA"), and WTA Acquisition Corp. ("WTA Acquisition") (collectively,

¹ Defendants, Cannery Casino Resorts, LLC, Washington Trotting Association, Inc., and WTA Acquisition Corp. (collectively, "Defendants") deny that Cannery Casino Resorts exists as a business organization apart from Cannery Casino Resorts, LLC. Defendants further deny that Cannery Casino Resorts, LLC and/or Washington Trotting Association, Inc. participate in unincorporated associations, and further deny that an unincorporated association can sue as a party. Accordingly, Defendants object to the caption to the extent that it purports to state claims against any entity other than Cannery Casino Resorts, LLC, Washington Trotting Association, Inc., and WTA Acquisition Corp. individually.

“Defendants”), by their attorneys, Fox Rothschild LLP, serve Defendants’ Motion to Compel Responses to Defendants’ First Set of Interrogatories (“Interrogatories”) and First Request for Production of Documents (“Document Requests”) Directed to Plaintiffs, Janine Litman (“Litman”) and Timothy Mastroianni (“Mastroianni”) (collectively, “Plaintiffs”), stating as follows:

I. INTRODUCTION

1. This Motion is brought to address significant deficiencies in Plaintiffs’ responses to Defendants’ Interrogatories and Document Requests, many of which are based on positions directly contrary to those previously advocated by Plaintiffs to this Court.

2. Plaintiff is suing the owner and operator of The Meadows Racetrack & Casino (“The Meadows”), Washington Trotting Association, Inc. (“WTA”), and its parent entity, Cannery Casino Resorts, LLC (“Cannery”) alleging fundamentally (i) that The Meadows improperly collected commissions on certain craps bets, referred to as a “vigorish,” and (ii) that The Meadows fraudulently misrepresented its affiliation with Cannery to the public.

3. In response to Defendants’ comprehensive Document Requests, Plaintiffs produced a total of 119 pages of documents, inexplicably labeled 1001 to 1118. **Only 26 of those pages were new documents**, as the remaining pages were attached as exhibits to Plaintiffs’ Third Amended Complaint.

4. Notwithstanding this Court’s grant of a confidentiality order on discovery drafted by Plaintiffs, which entitles the parties to designate any discovery responses and documents as “Confidential,” Plaintiffs have withheld all remaining responsive documents on the basis of confidentiality.

5. Notwithstanding Plaintiffs' prior contention that it was improper for Defendants to assert objections to discovery requests and provide responses subject to those objections, Plaintiffs have asserted a multitude of objections to the vast majority of Defendants' Interrogatories and Document Requests, answering some "subject to" the objections and refusing to answer other requests altogether.

6. Notably, Plaintiffs have refused to provide any documents or information concerning their alleged damages, objecting that such discovery is premature pending the production of expert reports. Accordingly, Plaintiffs objected to producing discovery regarding (i) the number and dates of their visits to The Meadows (other than total hours that they allegedly gambled), (ii) the amounts that they spent at The Meadows, (iii) the amount of craps vigorish that they allegedly paid to The Meadows, and (iv) the amount of craps vigorish that Plaintiffs contend The Meadows collected without authorization.

7. Notwithstanding Plaintiffs' contention that Defendants were required to produce a privilege log with their responses to document requests, Plaintiffs have not produced a privilege log.

8. In response to Plaintiffs' Objections and Responses to Defendants' Interrogatories and Document Requests ("Objections and Responses"), Defendants provided Plaintiffs with a letter, extensively detailing the deficiencies in Plaintiffs' Objections and Responses.

9. Plaintiffs responded by faxing a cover letter on Friday, March 28, 2014, suggesting that Plaintiffs would produce, via Federal Express, "discovery supplements" and certain categories of documents. Plaintiffs conveniently scheduled the Federal Express delivery on Wednesday, April 2, 2014, with full knowledge that the parties are scheduled to be before the

Court on Friday, April 4, 2014, in order to prevent presentation of the deficiencies at the argument.

10. Defendants accordingly bring this Motion to advance discovery in the case and avoid multiple arguments before this Court.

II. MOTION TO COMPEL

11. Defendants served their Interrogatories and Document Requests directed to Plaintiffs, attached hereto as Exhibits 1 and 2, on February 18, 2014.

12. Plaintiffs served their Objections and Responses to Defendants' Interrogatories and Document Requests, attached hereto as Exhibits 3 and 4, on March 20, 2014. Defendants did not receive Plaintiffs' Objections and Responses until March 24, 2014.

13. Plaintiffs have objected to a multitude of Interrogatories and Document Requests as seeking confidential information and stated that documents will be produced and information provided "with a confidentiality stipulation." This repeat objection is frivolous and asserted in bad faith, as the Court granted the confidentiality order proposed by Plaintiffs on February 27, 2014, attached hereto as Exhibit 5, as follows:

Except for public information, any discovery responses may be identified as "Confidential" and shall be used only for purposes of this litigation and not be publicized without written consent of the party providing the information or pursuant to Court Order; otherwise, any such documents shall be filed only under seal.

14. Moreover, **Plaintiffs have only produced 26 pages of new documents**, as the vast majority of documents that Plaintiffs produced already were attached to Plaintiffs' Third Amended Complaint.

15. Plaintiffs also asserted a host of objections to the majority of Defendants' Interrogatories and Document Requests on the bases of: (i) "burdensomeness, harassing," (ii)

“vagueness,” (iii) “relevance,” (iv) “invasion of privacy; confidential and proprietary information,” (v) “legal conclusions,” (vi) “privilege,” and (vii) “prematurity.” Plaintiffs nonetheless answered certain Interrogatories and responded to certain Document Requests “subject to the foregoing objections.”

16. In Plaintiffs’ Brief in Support of Motion to Compel Discovery, previously presented to the Court, Plaintiffs describe their own practice of answering discovery subject to stated objections as a “crafted variance” that

allows [Plaintiffs] to withhold within the scope of the objection. That is, to give some information and to withhold some information. Stating it another way, if there is no information withheld, then the objection is unnecessary (it is a discovery objection naturally reserving trial evidence objections). If there is an objection stated, it needs to be ruled upon if requested by the party propounding the discovery.

Pursuant to this standard, which the Court accepted in granting Plaintiffs’ Motion to Compel, Plaintiffs, for each and every Interrogatory and Document Request to which Plaintiffs have asserted objections, other than privilege, must confirm whether they are withholding any information and/or documents based upon such objections.

17. Plaintiffs have further failed to provide a privilege log with regard to documents withheld on the basis of privilege, even though they demanded that Defendants produce a privilege log in Plaintiffs’ own motion to compel.

18. Plaintiffs have provided incomplete answers and/or refused to provide any answers to a significant number of Defendants’ Interrogatories, most notably refusing to furnish any information relative to the alleged damages incurred by each Plaintiff as to each claim asserted in their Third Amended Complaint. Plaintiffs have thus refused to provide information regarding the dates of their visits to The Meadows, the amounts that they spent at The Meadows,

the amount of craps vigorish that they wagered at The Meadows, and the amount of craps vigorish that they contend The Meadows collected from them without authorization.

19. On March 26, 2014, Plaintiffs' counsel sent a detailed letter, attached hereto as Exhibit 6, identifying the following deficiencies in Plaintiffs' Objections and Responses to Defendants' Interrogatories:

- a. In response to Interrogatory No. 1, Plaintiffs failed to provide the name(s) of the person(s) who provided information for Plaintiffs' answers to interrogatories.
- b. Plaintiffs refused to answer Interrogatories 2 through 8, requesting that Plaintiffs identify the damages that each Defendant allegedly owes to each Plaintiff by virtue of each claim asserted in the Third Amended Complaint.
- c. Plaintiffs failed to respond to Interrogatory No. 9, which asks Plaintiffs to identify the sums for which they seek an accounting in Count XIII of their Third Amended Complaint.
- d. In response to Interrogatories Nos. 11, 12, and 14, Plaintiffs have failed to provide responsive information regarding Mr. Mastroianni's criminal prosecution for past-posting while playing craps at The Meadows.
- e. Plaintiffs refused to provide substantive responses to Interrogatories Nos. 17, 18, and 19, which ask Plaintiffs to identify (i) all sums that they wagered at The Meadows in the last five (5) years, (ii) the amount(s) of craps vigorish that Plaintiffs paid to The Meadows since The Meadows first offered craps, by date and amount, and (iii) the amount(s) of craps vigorish that Plaintiffs contend The Meadows collected from them without authorization.
- f. In response to Interrogatory No. 20, Plaintiffs failed to provide responsive information regarding Plaintiffs' patron complaint to the Pennsylvania Gaming Control Board.
- g. In response to Interrogatory No. 22, requesting that Plaintiffs identify the number of times that Plaintiffs gambled at The Meadows and the time periods over which their visits occurred, Defendants merely identify a number of hours that Litman and Mastroianni gambled, failing to provide any dates or time frame.

- h. Plaintiffs asserted a confidentiality objection to Interrogatory No. 26, which is baseless, given the Court's February 27, 2014 confidentiality order that Plaintiffs authored.
- i. Plaintiffs' answers to Interrogatory No. 27 do not contain any responsive information regarding their educational backgrounds, including without limitation the schools that they attended, the years of attendance, the courses of study that they pursued, and the degrees that they obtained.
- j. Plaintiffs have not answered Interrogatories Nos. 31 or 32, which ask them to identify (i) those with whom they communicated regarding the facts underlying their lawsuit and the date(s) and substance of such communications, and (ii) those with knowledge or information of any facts relating to the lawsuit.

20. Defendants' letter also set forth the following deficiencies in Plaintiffs'

Objections and Responses to Defendants' Document Requests:

- a. In response to Document Requests Nos. 35, 36, 56, 57, 58, 59, 60, and 61, Plaintiffs state that "documents have been produced or will be made available for inspection at a mutually agreeable time with a confidentiality stipulation," making it unclear whether or not Plaintiffs have produced responsive documents.
- b. Plaintiffs have alleged in paragraph 26 of their Third Amended Complaint in Civil Action that Defendants "prosecuted" Mr. Mastroianni "in retaliation" for bringing alleged rules violations to their attention. Accordingly, Plaintiffs have placed the validity of Mr. Mastroianni's gambling-related criminal conviction directly at issue. Plaintiffs' Objections and Responses to Document Requests Nos. 38 and 39 are therefore improper.
- c. In response to Document Requests Nos. 52, 53, and 54, Plaintiffs refused to produce documents relating to their alleged damages, including without limitation documents relating to the amounts that Plaintiffs gambled at The Meadows.
- d. Similarly, in response to Document Request No. 55, Plaintiffs refused to produce tax returns and schedules, which would reflect (i) the amounts that Plaintiffs won or lost from gambling and (ii) Plaintiffs' financial means to gamble the amounts claimed.
- e. Plaintiffs refused to produce their transcripts for post-secondary education, as requested in Document Request No. 62, which are directly relevant to

their sophistication and the reasonableness of their reliance on The Meadows' alleged fraud.

21. The discovery sought by Defendants is highly relevant and necessary for Defendants to prepare their defense to Plaintiffs' claims. Plaintiffs' objections are improper, especially in light of the positions that they previously advocated to the Court in support of their own Motion to Compel.

WHEREFORE, Defendants respectfully requests that this Honorable Court grant their Motion to Compel and enter the attached order compelling Plaintiffs to respond to all outstanding discovery requests and produce responsive documents, consistent with the relief requested herein.

FOX ROTHSCHILD LLP

By:



Patrick L. Abramowich, Esquire

PA ID No. 74494

Mark J. Passero, Esquire

PA ID No. 314298

625 Liberty Avenue, 29th Floor

Pittsburgh, PA 15222

Telephone: (412) 391-1334

*Counsel for Defendants,
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Washington Trotting Association, Inc.,
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**DEFENDANTS' FIRST SET OF
INTERROGATORIES DIRECTED TO
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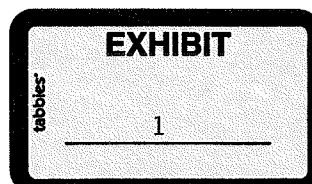
Served on Behalf of:

Defendants Cannery Casino Resorts, LLC,
Washington Trotting Association, Inc., and
WTA Acquisition Corp.

Counsel of Record for these Parties:

Patrick L. Abramowich, Esquire
PA ID No. 74494
Benjamin I. Feldman, Esquire
PA ID No. 312683

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



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DEFENDANTS' FIRST SET OF INTERROGATORIES DIRECTED TO PLAINTIFFS

Defendants Cannery Casino Resorts, LLC, Washington Trotting Association, Inc., and
WTA Acquisition Corp., by and through their attorneys, Fox Rothschild LLP, and pursuant to
Pennsylvania Rule of Civil Procedure 4005, serve the following interrogatories upon Plaintiffs

¹ Defendants, Cannery Casino Resorts, LLC, Washington Trotting Association, Inc., and WTA Acquisition Corp. (collectively, "Defendants") deny that Cannery Casino Resorts exists as a business organization apart from Cannery Casino Resorts, LLC. Defendants further deny that Cannery Casino Resorts, LLC and/or Washington Trotting Association, Inc. participate in unincorporated associations, and further deny that an unincorporated association can sue as a party. Accordingly, Defendants object to the caption to the extent that it purports to state claims against any entity other than Cannery Casino Resorts, LLC, Washington Trotting Association, Inc., and WTA Acquisition Corp. individually.

Janine Litman and Timothy Mastroianni. Unless otherwise agreed, Plaintiffs shall serve answers to these interrogatories at the office of the undersigned counsel on or before March 20, 2014. Answers to these interrogatories shall be deemed to be continuing in nature so as to require the supplementation of your answers if and when additional information should become known in response to these interrogatories subsequent to the serving of answers to same.

DEFINITIONS

As used in this set of interrogatories, the following terms shall have the meanings set forth below:

1. "Litman" shall mean the Plaintiff in this Action, Janine Litman, and her agents, servants, employees, representatives, administrators, heirs, executors, successors, and assigns.

2. "Mastroianni" shall mean the Plaintiff in this Action, Timothy Mastroianni, and his agents, servants, employees, representatives, administrators, heirs, executors, successors, and assigns.

3. "Plaintiffs" shall mean Litman and/or Mastroianni, individually and/or collectively.

4. "You" or "Your" shall mean the Plaintiffs, individually and/or collectively.

5. "Cannery" shall mean Cannery Casino Resorts, LLC, its predecessors, successors, assigns, parents, subsidiaries, divisions, and affiliates; and their respective owners, members, managers, employees, agents and representatives.

6. "WTA" shall mean Washington Trotting Association, Inc., its predecessors, successors, assigns, parents, subsidiaries, divisions, and affiliates; and their respective officers, directors, employees, shareholders, agents and representatives.

7. "WTA Acquisition" shall mean WTA Acquisition Corp., its predecessors,

successors, assigns, parents, subsidiaries, divisions, and affiliates; and their respective officers, directors, employees, shareholders, agents and representatives.

8. "Defendants" shall mean all of the Defendants in this Action: Cannery, WTA, and WTA Acquisition, collectively.

9. "The Meadows" shall mean The Meadows Race Track & Casino.

10. The "Action" shall refer to the above-captioned litigation, docketed at Case No. 2012-8149 in the Court of Common Pleas of Washington County, Pennsylvania.

11. The "Third Amended Complaint" shall mean the Third Amended Complaint in Civil Action filed by the Plaintiffs in the Action.

12. "PCGB" means the Pennsylvania Gaming Control Board.

13. "Person" or "Persons" shall mean any natural individual or any corporation, firm, partnership, proprietorship, association, joint venture, governmental entity, or any other business organization.

14. "Document" shall mean written, printed or graphic matter of every kind or description, however produced or reproduced, whether draft or final, original or reproduction, signed or unsigned, and regardless of whether approved, sent, received, redrafted or executed, including, but not limited to, written communications, letters, correspondence, facsimiles, memoranda, minutes, notes, photographs, slides, digital images, motion pictures, diagrams, sketches, telegrams, telex messages, tapes or sound recordings, recordings of any type, contracts, agreements, purchase or sale orders, records or memoranda of telephone conversations or personal conversations, diaries, calendars, notes of conferences or meetings, interoffice communications, opinions, statistical records, measurements, journals, books, magazines, brochures, newsletters, affidavits, statements, summaries, reports, studies, bills, receipts, logs,

checks, checkbooks, invoices, requisitions, computer printouts, worksheets, work papers, personal expense accounts, copies of tax returns and tax reports, electronic mail (“e-mail”), text messages, social media posts, data files, or material similar to any of the foregoing whether found in tangible form or any electronic format. “Document” shall not include exact duplicates when originals are available, but shall include all copies made different from originals by virtue of any writings or notations thereof.

15. “All Documents” or “each and every Document” means any and all Documents as defined above known to You, and every such Document that can be located or discovered by reasonably diligent efforts.

16. “Communication” means, without limitation, oral or written communications of any kind, such as electronic communications, e-mails, facsimiles, telephone communications, correspondence, exchanges of written or recorded information, or face-to-face meetings.

17. The words “describe” and/or “state” and/or “set forth” and/or “list” means to set forth fully and unambiguously each and every fact relevant to the answer called for by the Interrogatory of which You, or Your agents, have knowledge.

18. When the word “each” is used, it is intended to include “any” and “every.”

19. “And” or “or” shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

20. “Relating To,” “Relate(s) To,” or “Related To” in addition to their usual and customary meanings, shall mean mentioning, discussing, reflecting, assessing, summarizing, describing, containing, referring to, relating to, pertaining to, depicting, connected with, embodying, evidencing, constituting, concerning, reporting, purporting or involving an act, occurrence, event, transaction, fact, thing, or course of dealing.

21. The singular shall include the plural and vice versa and the term “including” shall mean “including without limitation.”

22. The masculine gender as used herein includes the feminine and neuter genders.

23. “Date” shall mean the exact date, month and year, if ascertainable or, if not, the best approximation of the date (based upon relationship with other events).

INSTRUCTIONS

1. You shall answer each Interrogatory separately and fully, unless it is objected to, in which event the reason for the objection shall be stated.

2. To the extent, if at all, that You object to any of the Interrogatories herein, whether in whole or in part, You shall respond to as much of the Interrogatories concerned as to which no objection is asserted.

3. In answering these Interrogatories, You shall furnish all information available to You at the time of answering, and shall supplement Your answers upon receipt of any information not previously available, in accordance with the Pennsylvania Rules of Civil Procedure.

4. Where precise or exact information, data or dates are not available or known, state approximate information, data or dates with an indication that such information, data or dates are approximate rather than exact.

5. When a natural Person is required to be identified, state his or her full name, present or last known address (and if last known address, the last known date thereof), present or last known employer, title or job designation, and employer and title or job designation at the time of the events referred to in the Interrogatory or the answer thereto. In addition to the foregoing, state the Person whom he or she was representing or acting for, if any.

6. Where a business organization or governmental entity is required to be identified, state its name, its address, the name and address of each of its agents that acted for it with respect to matters which are relevant to the Interrogatory involved, and its relationship, if any, with the Plaintiffs.

7. Where a meeting is required to be identified, with respect to such meeting:

- a. state the date or dates thereof;
- b. state the location thereof;
- c. identify all individuals who attempted to or participated in such a meeting and all individuals who were asked, invited, or expected to attend such meeting and did not, in fact, attend;
- d. state the Person on whose behalf each such individual acted or purported to act or was believed to be acting;
- e. identify any written or verbal agenda;
- f. describe the subject and all matters discussed or mentioned at the meeting; and
- g. identify all Documents memorializing, referring or Relating To such meeting.

8. In each instance where Interrogatories are answered on information and/or belief, state the basis for such information and/or belief.

9. In each instance where You deny knowledge or information sufficient to answer an Interrogatory or any part thereof, state the name and address of each Person, if any, known or believed to have such knowledge.

10. Where an oral Communication and/or statement is required to be identified, with respect to each such oral Communication:

- a. state by whom and to whom such Communication was made;
- b. state the date and time such Communication was made;
- c. state the location at which such Communication was made, and if received

at a location other than at which it was made, state the location or locations at which such Communication was received;

- d. state the manner in which such Communication was made (*e.g.*, face-to-face conversation, telephone call, etc.);
- e. state all individuals by whom the Communication was heard or overheard;
- f. state the subject matter and the substance of such Communication; and
- g. identify all Documents memorializing, referring, or Relating To such Communication.

11. Where a Document is required to be identified, with respect to each such Document:

- a. state the type of Document (*e.g.*, letter, financial record, memorandum, report, contract, telegram, chart, etc.), or some other means of identifying it;
- b. state the date of the Document; if the exact date is unknown, state insofar as possible the approximate date (*e.g.*, "January, 2012, second quarter, 2012");
- c. state the author or authors of the Document, including all Persons who prepared any drafts thereof;
- d. state all Persons who were sent copies of the Document;
- e. state the present location of the Document and each copy thereof;
- f. state the custodian of the Document and each copy thereof;
- g. if any Document is no longer in the possession, custody or control of Plaintiffs, state whether the Document:
 - i) is missing, lost, or has been stolen;
 - ii) has been destroyed;
 - iii) has been transferred, voluntarily or involuntarily, to others;
 - iv) has been otherwise disposed of; and in each instance, state the date of such disposition, and the manner of and circumstances surrounding such disposition.

12. For Documents which You have or had access to, but which were or are not in

Your possession, custody or control, set forth, in addition to the information indicated above, the circumstances under which Plaintiffs has or had access to such Documents.

13. In lieu of identification of a Document, You may furnish simultaneously with the filing of Your answers to these Interrogatories, such Document for inspection and copying by Defendants at the offices of Defendants' counsel at 625 Liberty Avenue, 29th Floor, Pittsburgh, Pennsylvania 15222-3115, provided that such Document is segregated and identified with respect to each particular Interrogatory requesting an identification thereof.

14. If You object to fully identifying a Document or oral Communication because of a privilege, please provide the following information: (a) the nature of the privilege claimed (including work product); (b) the date of the Document or oral Communication; (c) if a Document, its type (*i.e.*, correspondence, memoranda, facsimile, etc.), custodian, location, and such other information sufficient to identify the Document including where appropriate the author, the addressee and, if not apparent, the relationship between the author and addressee; (d) if an oral Communication, the place where it was made, the names of the Persons present while it was made and, if not apparent, the relationship of the Persons present to the declarant; and (e) the general subject matter of the Document or oral Communication.

INTERROGATORIES

1. Please state the name, addresses and telephone number of each Person answering these Interrogatories.

ANSWER:

2. Please identify all damages that You are seeking to recover in the Action, including without limitation (i) an itemization and calculation of each component of damages, and (ii) the basis for each component of damages claimed.

ANSWER:

3. Please identify the exact amount of damages allegedly owed by Cannery to Litman as a result of the following alleged claims:

- a. Breach of implied contract;
- b. Unjust Enrichment;
- c. Fraud;
- d. Conversion; and
- e. Civil Conspiracy.

Please identify separately for each subpart: (i) an itemization and calculation of each component of damages, and (ii) the basis for each component of damages claimed.

ANSWER:

4. Please identify the exact amount of damages allegedly owed by Cannery to Mastroianni as a result of the following alleged claims:

- a. Breach of implied contract;
- b. Unjust Enrichment;
- c. Fraud;

- d. Conversion; and
- e. Civil Conspiracy.

Please identify separately for each subpart: (i) an itemization and calculation of each component of damages, and (ii) the basis for each component of damages claimed.

ANSWER:

5. Please identify the exact amount of damages allegedly owed by WTA to Litman as a result of the following alleged claims:

- a. Breach of implied contract;
- b. Unjust Enrichment;
- c. Fraud;
- d. Conversion; and
- e. Civil Conspiracy.

Please identify separately for each subpart: (i) an itemization and calculation of each component of damages, and (ii) the basis for each component of damages claimed.

ANSWER:

6. Please identify the exact amount of damages allegedly owed by WTA to Mastroianni as a result of the following alleged claims:

- a. Breach of implied contract;
- b. Unjust Enrichment;

- c. Fraud;
- d. Conversion; and
- e. Civil Conspiracy.

Please identify separately for each subpart: (i) an itemization and calculation of each component of damages, and (ii) the basis for each component of damages claimed.

ANSWER:

7. Please identify the exact amount of damages allegedly owed by WTA Acquisition to Litman as a result of the following alleged claims:

- a. Breach of implied contract;
- b. Unjust Enrichment;
- c. Fraud;
- d. Conversion; and
- e. Civil Conspiracy.

Please identify separately for each subpart: (i) an itemization and calculation of each component of damages, and (ii) the basis for each component of damages claimed.

ANSWER:

8. Please identify the exact amount of damages allegedly owed by WTA Acquisition to Mastroianni as a result of the following alleged claims:

- a. Breach of implied contract;

- b. Unjust Enrichment;
- c. Fraud;
- d. Conversion; and
- e. Civil Conspiracy.

Please identify separately for each subpart: (i) an itemization and calculation of each component of damages, and (ii) the basis for each component of damages claimed.

ANSWER:

9. Please identify all sums for which You are seeking an Accounting in the Action.

ANSWER:

10. Please state the names and addresses of all licensed gambling facilities at which You have engaged in gambling transactions in the last five years. For each such gambling facility, please state how often (e.g. daily, weekly, monthly) You engaged in gambling transactions.

ANSWER:

11. Please identify by case caption and case number all litigation, administrative proceedings, investigations, inquires, prosecutions and/or disciplinary actions in which You have been involved during the last ten (10) years, including without limitation any proceeding brought by or involving a state agency, authority and/or gambling facility.

ANSWER:

12. Please state and describe the result of each lawsuit, proceeding, investigation, inquiry, prosecution and/or disciplinary action identified in answer to Interrogatory No. 12 above.

ANSWER:

13. Please state whether You have ever filed for bankruptcy. If so, please state the court, docket number(s) and Date(s) of the bankruptcy filed by You or on Your behalf.

ANSWER:

14. Please identify any instances in which You been arrested and/or charged with criminal misconduct other than summary traffic violations, including for each instance the Date, prosecuting authority, charges made, disposition of such charges, and applicable court and any docket number(s).

ANSWER:

15. Please state whether You have kept an accounting of Your net profit or loss from gambling during any of the last five (5) years. If so, please state Your net profit or loss for each such year.

ANSWER:

16. Please state whether You have kept an accounting of Your net profit or loss from gambling at The Meadows during any of the last five (5) years. If so, please state Your net profit or loss for each such year.

ANSWER:

17. Please identify all sums wagered by You at The Meadows during the last five (5) years.

ANSWER:

18. Please identify, by Date, the amount(s) of craps vigorish that You paid to The Meadows since The Meadows first offered craps.

ANSWER:

19. Please identify the amount(s) of craps vigorish identified in Your answer to the preceding Interrogatory that You believe The Meadows was not entitled to collect.

ANSWER:

20. Please state whether You have filed any type of formal or informal claim against any casino, racetrack or other gambling establishment, other than this Action. If yes, please identify the casino and court, board and/or government agency and provide any docket number(s) for such filings.

ANSWER:

21. Have You ever worked for a casino, racetrack or other gambling establishment? If yes, state the name and address of the casino(s), racetrack or other gambling establishment, and identify Your Dates of employment and job title and duties.

ANSWER:

22. State the number of times You have gambled at The Meadows and the time period over which such visits occurred.

ANSWER:

23. State all names You have ever used or done business under, and/or used in gambling transactions.

ANSWER:

24. Have You ever been ejected from, asked to leave, and/or excluded from a gambling establishment? If yes, state the name of the gambling establishment, the Date of the ejection(s) and/or exclusion(s), and the reason given for why You were ejected, excluded or asked to leave.

ANSWER:

25. Have You ever been placed on the PCGB Exclusion List? If yes, state the Date that You were placed on the Exclusion List and the stated reason therefor.

ANSWER:

26. Please provide the following for the last ten (10) years:
- a. The names and addresses of Your employers and the names and addresses of Your immediate supervisors in each job;

- b. The length of time for each employment, including without limitation, any self-employment;
- c. The exact nature of, and the duties involved in, Your job(s) with any employer(s) listed above, including without limitation, any self-employment;
- d. Whether You applied for employment with any Person(s) other than those listed above and, if so, the name of the Person(s) involved, the date of the application(s), whether each application was written or oral, whether the application was accepted or rejected, and the reason(s) for any rejection(s).

ANSWER:

27. Please provide the following information:

- a. Your full name and/or any names by which You have ever been known;
- b. Your educational background in detail, including without limitation the schools and years attended, courses of study pursued, and degrees obtained;
- c. Your present marital status and, if married, the name of Your spouse and the Date and location of the marriage ceremony;
- d. Whether You have ever been divorced and, if so, the Date and place of the divorce and the court, number and term of the case in which the divorce was granted;
- e. If You have been divorced, the present name and present address of Your former spouse; and
- f. If You have any children, their names, genders, age(s), and addresses.

ANSWER:

28. Please state if Litman and Mastroianni have cohabitated, and if so, the Dates in which the Plaintiffs cohabitated and whether the Plaintiffs are currently cohabitating.

ANSWER:

29. Please state whether Litman and Mastroianni are engaged to be married. If so, please state the Date which You became engaged to be married and on what Date You plan to marry.

ANSWER:

30. Please identify, by address, all of Your residences for the past twenty (20) years.

ANSWER:

31. Please identify, by name, address, and telephone number, all Persons with whom You have communicated regarding the facts underlying this Action and identify the Date and substance of any such Communications, and whether any notes or other audio and/or written recordings of such Communications exist.

ANSWER:

32. Please identify, by name, address, and telephone number, all Persons who have knowledge or information of any facts Relating To this Action.

ANSWER:

33. Please identify, by name, address and telephone number, all attorneys whom You have consulted or by whom You have been represented Relating To matters alleged by You in this Action, and as to each, the Dates of such consultation and/or representation.

ANSWER:

34. Please identify any Person whom You intend to call as a witness in this Action and, as to each such Person, state the general subject matter of his or her testimony.

ANSWER:

35. Please identify any expert whom You intend to call as a witness in this Action or with whom You have consulted in connection with this Action and, as to each such Person, state the general subject matter of his or her testimony.

ANSWER:

36. Please identify any non-testifying expert or consultant with whom You have consulted in connection with this Action and, as to each such Person, state the general subject matter of the Communications and consultation.

ANSWER:

37. Please identify all Documents that You intend to use as exhibits at trial or any other evidentiary hearing in this Action.

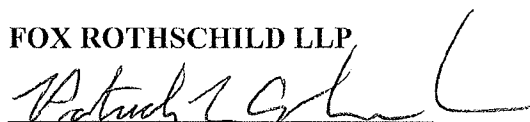
ANSWER:

38. For Documents that are responsive to Defendants' First Request for Production of Documents Directed to Plaintiffs, please identify any Documents destroyed, missing, unavailable or which have otherwise been disposed of. For each such Document, state the Date of such disposition, and describe the manner of and circumstances surrounding such disposition.

ANSWER:

FOX ROTHSCHILD LLP

By:



Patrick L. Abramowich, Esquire

PA ID No. 74494

Benjamin I. Feldman, Esquire

PA ID No. 312683

625 Liberty Avenue, 29th Floor

Pittsburgh, PA 15222

Telephone: (412) 391-1334

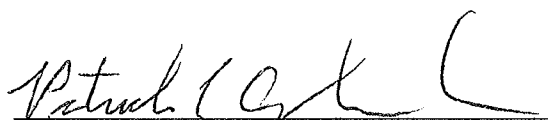
*Counsel for Defendants,
Cannery Casino Resorts, LLC,
Washington Trotting Association, Inc., and WTA
Acquisition Corp.*

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of February, 2014, a true and correct copy of Defendants' First Set of Interrogatories Directed to Plaintiffs was served upon the following counsel of record via e-mail and United States mail, First Class, postage prepaid:

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

*Counsel for Plaintiffs,
Janine Litman and
Timothy Mastroianni*


Patrick L. Abramowich

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 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' FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFFS**

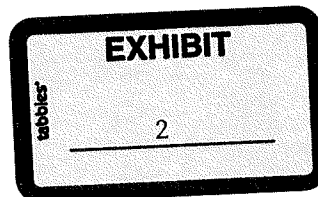
Served on Behalf of:

Defendants Cannery Casino Resorts, LLC,
Washington Trotting Association, Inc., and
WTA Acquisition Corp.

Counsel of Record for these Parties:

Patrick L. Abramowich, Esquire
PA ID No. 74494
Benjamin I. Feldman, Esquire
PA ID No. 312683

FOX ROTHSCHILD LLP
625 Liberty Avenue, 29th Floor
Pittsburgh, PA 15222
Telephone: (412) 391-1334
pabramowich@foxrothschild.com
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,¹

Defendants.

**DEFENDANTS' FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFFS**

Defendants Cannery Casino Resorts, LLC, Washington Trotting Association, Inc., and
WTA Acquisition Corp., by and through their attorneys, Fox Rothschild LLP, and pursuant to
Pennsylvania Rules of Civil Procedure 4009.1 and 4009.11, serve the following request for

¹ Defendants, Cannery Casino Resorts, LLC, Washington Trotting Association, Inc., and WTA Acquisition Corp. (collectively, "Defendants") deny that Cannery Casino Resorts exists as a business organization apart from Cannery Casino Resorts, LLC. Defendants further deny that Cannery Casino Resorts, LLC and/or Washington Trotting Association, Inc. participate in unincorporated associations, and further deny that an unincorporated association can sue as a party. Accordingly, Defendants object to the caption to the extent that it purports to state claims against any entity other than Cannery Casino Resorts, LLC, Washington Trotting Association, Inc., and WTA Acquisition Corp. individually.

production of documents upon Plaintiffs Janine Litman and Timothy Mastroianni. Unless otherwise agreed, Plaintiffs shall respond to the following requests for the production of documents and produce for inspection and copying by Defendants all of the following documents and things which are in the possession, custody, or control of Plaintiffs, and/or Plaintiffs' agents or attorneys, on or before March 20, 2014.

DEFINITIONS

As used in this set of interrogatories, the following terms shall have the meanings set forth below:

1. "Litman" shall mean the Plaintiff in this Action, Janine Litman, and her agents, servants, employees, representatives, administrators, heirs, executors, successors, and assigns.

2. "Mastroianni" shall mean the Plaintiff in this Action, Timothy Mastroianni, and his agents, servants, employees, representatives, administrators, heirs, executors, successors, and assigns.

3. "Plaintiffs" shall mean Litman and/or Mastroianni, individually and/or collectively.

4. "You" or "Your" shall mean the Plaintiffs, individually and/or collectively.

5. "Cannery" shall mean Cannery Casino Resorts, LLC, its predecessors, successors, assigns, parents, subsidiaries, divisions, and affiliates; and their respective owners, members, managers, employees, agents and representatives.

6. "WTA" shall mean Washington Trotting Association, Inc., its predecessors, successors, assigns, parents, subsidiaries, divisions, and affiliates; and their respective officers, directors, employees, shareholders, agents and representatives.

7. "WTA Acquisition" shall mean WTA Acquisition Corp., its predecessors,

successors, assigns, parents, subsidiaries, divisions, and affiliates; and their respective officers, directors, employees, shareholders, agents and representatives.

8. "Defendants" shall mean all of the Defendants in this Action: Cannery, WTA, and WTA Acquisition, collectively.

9. "The Meadows" shall mean The Meadows Race Track & Casino.

10. The "Action" shall refer to the above-captioned litigation, docketed at Case No. 2012-8149 in the Court of Common Pleas of Washington County, Pennsylvania.

11. The "Third Amended Complaint" shall mean the Third Amended Complaint in Civil Action filed by the Plaintiffs in the Action.

12. "PCGB" means the Pennsylvania Gaming Control Board.

13. "Person" or "Persons" shall mean any natural individual or any corporation, firm, partnership, proprietorship, association, joint venture, governmental entity, or any other business organization.

14. "Document" shall mean written, printed or graphic matter of every kind or description, however produced or reproduced, whether draft or final, original or reproduction, signed or unsigned, and regardless of whether approved, sent, received, redrafted or executed, including, but not limited to, written communications, letters, correspondence, facsimiles, memoranda, minutes, notes, photographs, slides, digital images, motion pictures, diagrams, sketches, telegrams, telex messages, tapes or sound recordings, recordings of any type, contracts, agreements, purchase or sale orders, records or memoranda of telephone conversations or personal conversations, diaries, calendars, notes of conferences or meetings, interoffice communications, opinions, statistical records, measurements, journals, books, magazines, brochures, newsletters, affidavits, statements, summaries, reports, studies, bills, receipts, logs,

checks, checkbooks, invoices, requisitions, computer printouts, worksheets, work papers, personal expense accounts, copies of tax returns and tax reports, electronic mail (“e-mail”), text messages, social media posts, data files, or material similar to any of the foregoing whether found in tangible form or any electronic format. “Document” shall not include exact duplicates when originals are available, but shall include all copies made different from originals by virtue of any writings or notations thereof.

15. “All Documents” or “each and every Document” means any and all Documents as defined above known to You, and every such Document that can be located or discovered by reasonably diligent efforts.

16. “Communication” means, without limitation, oral or written communications of any kind, such as electronic communications, e-mails, facsimiles, telephone communications, correspondence, exchanges of written or recorded information, or face-to-face meetings.

17. When the word “each” is used, it is intended to include “any” and “every.”

18. “And” or “or” shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

19. “Relating To,” “Relate(s) To,” or “Related To” in addition to their usual and customary meanings, shall mean mentioning, discussing, reflecting, assessing, summarizing, describing, containing, referring to, relating to, pertaining to, depicting, connected with, embodying, evidencing, constituting, concerning, reporting, purporting or involving an act, occurrence, event, transaction, fact, thing, or course of dealing.

20. The singular shall include the plural and vice versa and the term “including” shall mean “including without limitation.”

21. The masculine gender as used herein includes the feminine and neuter genders.

22. "Date" shall mean the exact date, month and year, if ascertainable or, if not, the best approximation of the date (based upon relationship with other events).

INSTRUCTIONS

1. These requests are continuing in nature so that if You subsequently discover or obtain possession, custody, or control of any Document or thing which has been previously requested, You shall promptly make such Document or thing available.

2. In producing Documents and other materials, You are to furnish all Documents or things in Your possession, custody or control, regardless of whether such Documents or materials are possessed directly by You or Your employees, agents, or investigators, or by Your attorneys or their employees or investigators.

3. All Documents should be produced in the same order as they are kept or maintained by You in the ordinary course of your business. All Documents should be produced in the file folder, envelope or other container in which the Documents are kept or maintained by You. If for any reason the container cannot be produced, You should produce copies of all labels or other identifying marks which may be present on the container.

4. Documents should be produced in such fashion as to identify the department, branch or office in whose possession they were located and, where applicable, the natural Person in whose possession they were found and the business address of each Document's custodian(s).

5. Documents attached to each other should not be separated. If any portion of any Document is responsive to any paragraph or subparagraph of the Document requests below, then the entire Document must be produced.

6. If a Document once existed and subsequently has been lost, destroyed or is otherwise missing, You should provide sufficient information to identify the Document and state,

in writing, the details including whether the Document:

- a. is lost or missing;
- b. has been destroyed and, if so, by whom and at whose request;
- c. has been transferred or delivered, voluntarily or involuntarily, to another person or entity and at whose request; and/or
- d. has otherwise been disposed of.

7. In each instance in which a Document once existed and subsequently has been lost, missing, destroyed or has been otherwise disposed of, explain the circumstances surrounding the disposition of the Document, including, but not limited to:

- a. the identity of the Person who last possessed the Document;
- b. the date or approximate date of the Document's disposition; and
- c. the identities of all Persons who have or had knowledge of the Document's contents.

8. If any Document responsive to any of the requests is privileged, and the Document or any portion of the Document requested is withheld based on a claim of privilege, provide a statement of the claim of privilege and all facts relied upon in support of that claim, including the following information:

- a. the reason for withholding it;
- b. the date of the Document claimed to be privileged;
- c. the medium by which such Document was communicated;
- d. the general subject matter of such Document (such description shall not be considered a waiver of your claimed privilege);
- e. the present location of the Document;

- f. the identity of the Persons who received such Document; and
- g. the paragraph or paragraphs of these requests for production of documents to which such information is responsive.

9. Each Document requested herein should be produced in its entirety and without deletion, redaction or excisions, except as qualified by Instruction 8 above, regardless of whether You consider the entire Document or only part of it to be relevant or responsive to these Document requests. If You have redacted any portion of the Document, stamp the word "REDACTED" beside the redacted information on each page of the Document which You have redacted. Any redactions to Documents produced should be identified in accordance with Instruction 8 above.

10. All Documents produced in paper form should be numbered sequentially, with a unique number on each page, and with a prefix identifying the party producing the Document.

11. All electronic Documents, e-mails and other electronic information or data stored electronically in any medium should be produced in hard copy (paper) form, but should also be produced with all accompanying metadata in a readable, searchable form.

REQUESTS FOR PRODUCTION

1. All Documents reviewed and/or relied upon by You in preparing Your Third Amended Complaint in the Action.

RESPONSE:

2. All Documents Relating To the facts upon which You rely to support the averments of the Third Amended Complaint, and/or which You intend to use as proof of the matters set forth in the Third Amended Complaint.

RESPONSE:

3. All Documents that You intend to introduce as exhibits in the trial of the Action.

RESPONSE:

4. All Documents identified in, referred to or reviewed in preparing Your responses to Defendants' First Set of Interrogatories Directed to Plaintiffs.

RESPONSE:

5. Any and all witness statements that You have obtained or possess Relating To the allegations of the Third Amended Complaint and/or this Action.

RESPONSE:

6. All Documents identifying Persons whom Plaintiffs plan to call as witnesses in the Action.

RESPONSE:

7. All Documents, including without limitation opinions and/or reports, prepared by any and all experts that You have retained to provide testimony in the Action.

RESPONSE:

8. All Documents, including without limitation, reports, manuals, articles, textbooks, data, statistics, and/or authorities reviewed, consulted and/or relied upon by: (a) any expert or potential expert whom You intend to call as a witness in this Action; or (b) any fact witness or potential fact witness.

RESPONSE:

9. All résumés and Documents Relating To the qualifications of any expert whom You have retained to provide testimony in this Action.

RESPONSE:

10. All Documents, including without limitation, all photographs, diagrams, drawings, charts, models, films or video tapes, Relating To the allegations of the Third Amended Complaint.

RESPONSE:

11. All Documents exchanged between You and any other Persons Relating to the Action.

RESPONSE:

12. All Documents exchanged between You and any other Persons Relating To The Meadows.

RESPONSE:

13. All Documents exchanged between You and any of the Defendants.

RESPONSE:

14. All Documents Relating To any and all instances in which You were ejected from, asked to leave, and/or excluded from a gambling establishment in the past twenty (20) years.

RESPONSE:

15. All Documents Relating To Your gambling and/or visits as a patron at The Meadows, including without limitation, Documents Relating To Dates of Your visits, hours played and/or visited, and amounts spent, bet and/or won.

RESPONSE:

16. All Documents Relating To Your craps play at The Meadows, including without limitation, Documents Relating To Dates on which You played craps, hours played, and amounts bet and/or won.

RESPONSE:

17. All Documents Relating To the craps vigorish that You paid to The Meadows.

RESPONSE:

18. All Documents Relating To The Meadows' collection and/or attempted collection of craps vigorish since it began offering craps.

RESPONSE:

19. All guides, rules and/or policies Relating To gaming at The Meadows, including without limitation, gaming guides, rules of the game, published rules, and rules Relating To craps and/or vigorish.

RESPONSE:

20. All Documents Relating To and/or identifying the owner(s) and/or operator(s) of The Meadows.

RESPONSE:

21. All Documents Relating To the fictitious name registrations for The Meadows and/or any of the Defendants.

RESPONSE:

22. All Documents Relating To trademarks used and/or registered by or on behalf of The Meadows and/or any of the Defendants.

RESPONSE:

23. All Documents Relating To The Meadows and/or any of the Defendants registering to do business as a foreign business entity in the Commonwealth of Pennsylvania.

RESPONSE:

24. All Documents Relating To the allegation in Paragraph 86 of Your Third Amended Complaint that Defendants falsely identified the operator of The Meadows as sourced by a "Las Vegas" casino.

RESPONSE:

25. All Documents Relating To Your allegations in Paragraph 22 and 23 of Your Third Amended Complaint that The Meadows has traded off of a “Las Vegas reputation.”

RESPONSE:

26. All Documents Relating To: (a) the gaming licensure of The Meadows and/or any of the Defendants; and/or (b) the authority of any of the Defendants to own and/or operate a gambling establishment and/or casino.

RESPONSE:

27. All Documents Relating To Your allegation that Cannery requires a casino license and/or a foreign business registration in the Commonwealth of Pennsylvania.

RESPONSE:

28. All Documents Relating To Your allegation that any of the Defendants operate as an unincorporated association.

RESPONSE:

29. All Documents Relating To any and all formal and/or informal complaints You have made to the PGCB.

RESPONSE:

30. All Documents Relating To any and all formal and/or informal complaints You have made to the PGCB Relating To the collection of vigorish.

RESPONSE:

31. All Documents Relating To any and all formal and/or informal complaints You have made to the PGCB Relating To The Meadows and/or any of the Defendants, including without limitation, complaints Relating To their collection of vigorish.

RESPONSE:

32. All Documents that You sent to or received from the PCGB Relating To any and all formal or informal complaints You have made to the PGCB.

RESPONSE:

33. All Documents Relating To any and all formal and/or informal complaints You have made to The Meadows and/or any of the Defendants, including without limitations, complaints Relating To the collection of vigorish.

RESPONSE:

34. All Documents Relating To any investigation or inquiry You have performed Relating To the ownership and/or operation of The Meadows.

RESPONSE:

35. All Documents Relating To any data, statistics, or information collected and/or pictures or video collected by You from The Meadows and/or Relating To The Meadows and/or game play at The Meadows.

RESPONSE:

36. All Documents Relating To advertisements published by The Meadows and/or by any of the Defendants Relating To The Meadows, including without limitation, any pamphlets, posters, e-mails and/or online advertisements, which You have received or viewed in the past five (5) years.

RESPONSE:

37. All Documents Relating To The Meadows' solicitation of patrons, including without limitation, the solicitation of retired Persons and/or senior citizens, in the past five (5) years.

RESPONSE:

38. All Documents Relating To Mastroianni's charges, prosecution, conviction and/or sentencing for past-posting at The Meadows.

RESPONSE:

39. All Documents Relating To any criminal charges ever brought against You.

RESPONSE:

40. All Documents Relating To any proceedings which a state agency, authority and/or gambling facility initiated against You, or in which You have been involved, Relating To gaming, including without limitation, Documents Relating To the substance of any such proceeding and the results of any such proceeding.

RESPONSE:

41. All Documents Relating To any offers to enter into a contractual relationship: (a) made by You to any of the Defendants, or (b) made by any of the Defendants to You.

RESPONSE:

42. All Documents Relating To the terms of any contractual relationship that You have with any of the Defendants.

RESPONSE:

43. All Documents Relating To any breach by any of the Defendants or You of the terms of any contractual relationship that You have with any of the Defendants.

RESPONSE:

44. All Documents Relating To or which evidence any alleged fraud committed by any of the Defendants.

RESPONSE:

45. All Documents Relating To or which evidence any alleged false statements and/or misrepresentations made by any of the Defendants.

RESPONSE:

46. All Documents Relating To or which evidence Your reliance on any false statements and/or misrepresentations made by any of the Defendants.

RESPONSE:

47. All Documents Relating To any harm, injury and/or damages You sustained as a result of Your reliance on false statements and/or misrepresentations made by any of the Defendants.

RESPONSE:

48. All Documents Relating To any of the Defendants' knowledge that any statements made by any of the Defendants to You were false at the time of such statements.

RESPONSE:

49. All Documents Relating To and/or which evidence consumer or patron confusion Relating To the ownership, sponsorship, licensure and/or operation of The Meadows, including without limitation, Documents Relating To the Person(s) who own, sponsor, and/or have the authority to operate The Meadows.

RESPONSE:

50. All Documents Relating To any of the Defendants' alleged conversion of Your property and/or money.

RESPONSE:

51. All Documents Relating To the alleged existence of and/or purpose of a conspiracy between or among any of the Defendants Relating To Your allegations in the Action.

RESPONSE:

52. All Documents Relating To and/or supporting the damages and/or calculation of damages that You are seeking to recover in the Action.

RESPONSE:

53. All Documents Relating To Your expenses incurred as a result of gambling at The Meadows since The Meadows first introduced table games, including without limitation, all itemized bills, invoices, and receipts Relating To and/or reflecting such expenses.

RESPONSE:

54. All Documents Relating To Your purchase of chips and/or any similar expenditure used to gamble at The Meadows since The Meadows first introduced table games.

RESPONSE:

55. All Federal, state, and/or municipal income tax returns that You filed in the last five (5) years, including without limitation all schedules, worksheets, and forms, including without limitation IRS Forms W-2 and 1099.

RESPONSE:

56. All Documents Relating To Your income from gambling in the last five (5) years.

RESPONSE:

57. All bank statements Relating To (a) expenditures for gambling at The Meadows, and/or (b) receipts from gambling at The Meadows.

RESPONSE:

58. Your résumé and/or curriculum vitae.

RESPONSE:

59. All Documents Relating To any books, articles, and/or other publications that You have written, including without limitation drafts, manuscripts, and/or notes Relating thereto.

RESPONSE:

60. All Documents reflecting post-secondary degrees obtained by You.

RESPONSE:

61. All Documents reflecting post-secondary education courses taken by You.

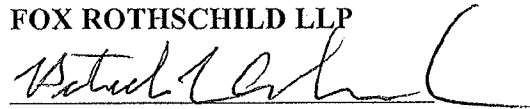
RESPONSE:

62. All transcripts Relating To post-secondary education courses taken by You.

RESPONSE:

FOX ROTHSCHILD LLP

By:



Patrick L. Abramowich, Esquire

PA ID No. 74494

Benjamin I. Feldman, Esquire

PA ID No. 312683

625 Liberty Avenue, 29th Floor

Pittsburgh, PA 15222

Telephone: (412) 391-1334

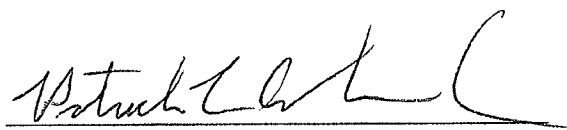
*Counsel for Defendants,
Cannery Casino Resorts, LLC,
Washington Trotting Association, Inc., and WTA
Acquisition Corp.*

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of February, 2014, a true and correct copy of Defendants' First Request for Production of Documents Directed to Plaintiffs was served upon the following counsel of record via e-mail and United States mail, First Class, postage prepaid:

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

*Counsel for Plaintiffs,
Janine Litman and
Timothy Mastroianni*


Patrick L. Abramowich

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 TROTTHING ASSOCIATION,
INC., a Delaware corporation, WTA
ACQUISITION CORP., a Delaware cor-
poration, CANNERY CASINO RESORTS,
LLC, CANNERY CASINO RESORTS and
WASHINGTON TROTTHING 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

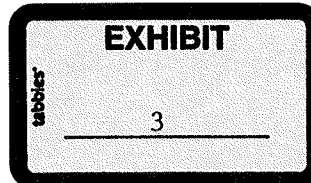
PLAINTIFFS' RESPONSES AND OBJEC-
TIONS TO DEFENDANTS' INTERROGATO-
RIES

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

Plaintiffs,

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WASHINGTON TROTTHING ASSOCIATION,
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sons, individually and jointly,

Defendants.

**PLAINTIFFS' RESPONSES AND OBJECTIONS
TO DEFENDANTS' INTERROGATORIES**

Plaintiffs identify the following General Objections. One or more General Objections are referred to in certain of Plaintiffs' specific responses and any said reference to General Objections shall be deemed to be incorporated into the specific response by the existence of the reference thereto. Objections shall be deemed to be supplemental to each other and not contradictory to the fullest extent possible. All responses are made subject to the objections and without waiver thereof.

1. Burdensomeness, Harassing.

Plaintiffs object to certain of Defendants' discovery requests on the grounds that they are oppressive, vexatious, overbroad, burdensome and calculated, as a practical matter, to harass or embarrass Plaintiffs rather than to lead to the discovery of admissible evidence. In some cases, the objection of burdensomeness is related to or to the extent of the vague or unclear nature of the question.

2. Vagueness.

Plaintiffs objects to certain of Defendants' discovery requests to the extent that they are so vague that a reasoned response cannot be framed thereto. To the extent of that vague requests could be interpreted without limitation on the request being made, the vague request is also burdensome; accordingly, General Objection 1 is incorporated herein by this reference.

3. Relevance.

Plaintiffs objects to certain of Defendants' discovery requests to the extent that they purport to relate to subject matter beyond the proper scope of discovery, not to mention the scope of this action. Accordingly, Plaintiffs are compelled to object upon the grounds that they are not relevant to the issues presented in this action; have been interposed only to increase the cost of litigation; are unreasonable, unduly burdensome and expensive given the needs of this case; and are not reasonably calculated to lead to the discovery of admissible evidence.

4. Invasion of Privacy, Confidential and Proprietary Information.

Plaintiffs object to certain of Defendants' discovery requests to the extent that they purport to require the disclosure of information relating to parties and to non-parties as well. Plaintiffs further object to certain of Defendants' discovery requests to the extent that they purport to require the disclosure of private, confidential and/or proprietary information.

5. Legal Conclusions.

Plaintiffs object to certain of Defendants' discovery requests to the extent that they purport to require Plaintiffs to disclose legal conclusions or to make assumptions as to the application of law.

6. Privilege.

Plaintiffs object to certain of Defendants' discovery requests to the extent that they purport to require Plaintiffs to supply information or to produce documents or information for which there is a right to withhold pursuant to the 5th Amendment of United States Constitution or pursuant to an attorney-client privilege or attorney workproduct. Any response provided in conjunction with this objection is made without waiver of the objection.

7. Prematurity.

Plaintiffs objects to certain of Defendants' discovery requests to the extent that they purport to require Plaintiffs to supply information or produce documents before Plaintiffs is reasonably able to identify such information or documents. Plaintiffs will provide, as appropriate and subject to other Objections asserted herein, such information as is reasonably available at this time without waiving their right to supplement such information at a later date.

RESPONSE TO INTERROGATORIES

1. Please state the name, addresses and telephone number of each Person answering these Interrogatories.

ANSWER:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing). Subject to the foregoing objections, 793 Ella Street, Pittsburgh, PA 15243, USA. All contact through counsel.

2. Please identify all damages that You are seeking to recover in the Action, including without limitation (i) an itemization and calculation of each component of damages, and (ii) the basis for each component of damages claimed.

ANSWER:

Plaintiffs hereby refer to and incorporate any objections made in General 4 (Confidential), 7 (Premature) of its response. The damages will be developed with the aid of an expert and will be provided in due course and pursuant to confidentiality stipulation.

3. Please identify the exact amount of damages allegedly owed by Cannery to Litman as a result of the following alleged claims:

- a. Breach of implied contract;
- b. Unjust Enrichment;
- c. Fraud;
- d. Conversion; and
- e. Civil Conspiracy.

Please identify separately for each subpart: (i) an itemization and calculation of each component of damages, and (ii) the basis for each component of damages claimed.

ANSWER:

Plaintiffs incorporate their response in No. 2.

4. Please identify the exact amount of damages allegedly owed by Cannery to Mastroianni as a result of the following alleged claims:

- a. Breach of implied contract;
- b. Unjust Enrichment;
- c. Fraud;
- d. Conversion; and
- e. Civil Conspiracy.

Please identify separately for each subpart: (i) an itemization and calculation of each component of damages, and (ii) the basis for each component of damages claimed.

ANSWER:

Plaintiffs incorporate their response in No. 2.

5. Please identify the exact amount of damages allegedly owed by WT A to Litman as a result of the following alleged claims:

- a. Breach of implied contract;
- b. Unjust Enrichment;
- c. Fraud;
- d. Conversion; and
- e. Civil Conspiracy.

Please identify separately for each subpart: (i) an itemization and calculation of each component of damages, and (ii) the basis for each component of damages claimed.

ANSWER:

Plaintiffs incorporate their response in No. 2.

6. Please identify the exact amount of damages allegedly owed by WTA to Mastroianni as a result of the following alleged claims:

- a. Breach of implied contract;
- b. Unjust Enrichment;
- c. Fraud;
- d. Conversion; and
- e. Civil Conspiracy.

Please identify separately for each subpart: (i) an itemization and calculation of each component of damages, and (ii) the basis for each component of damages claimed.

ANSWER:

Plaintiffs incorporate their response in No. 2.

7. Please identify the exact amount of damages allegedly owed by WT A Acquisition to Litman as a result of the following alleged claims:

- a. Breach of implied contract;
- b. Unjust Enrichment;
- c. Fraud;
- d. Conversion; and
- e. Civil Congpimcy.

Please identify separately for each subpart: (i) an itemization and calculation of each component of damages, and (ii) the basis for each component of damages claimed.

ANSWER:

Plaintiffs incorporate their response in No. 2.

8. Please identify the exact amount of damages allegedly owed by WTA Acquisition to Mastroianni as a result of the following alleged claims:

- a. Breach of implied contract;
- b. Unjust Enrichment;

- c. Fraud;
- d. Conversion; and
- e. Civil Conspiracy.

Please identify separately for each subpart: (i) an itemization and calculation of each component of damages, and (ii) the basis for each component of damages claimed.

ANSWER:

Plaintiffs incorporate their response in No. 2.

9. Please identify all sums for which You are seeking an Accounting in the Action.

ANSWER:

Plaintiffs incorporate their response in No. 2.

10. Please state the names and addresses of all licensed gambling facilities at which You have engaged in gambling transactions in the last five years. For each such gambling facility, please state how often (e.g. daily, weekly, monthly) You engaged in gambling transactions.

ANSWER:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), 6 (Privilege) of its response. Subject to the foregoing objections: The Meadows, The Rivers, (multiple times weekly) Wheeling Island, Mountaineer (multiple times), Presque Isle (twice) Las Vegas (Mastrianni once; Litman 5 times). Sandia Casino - New Mexico, once.

11. Please identify by case caption and case number all litigation, administrative proceedings, investigations, inquires, prosecutions and/or disciplinary actions in which You have been involved during the last ten (10) years, including without limitation any proceeding

brought by or involving a state agency, authority and/or gambling facility.

ANSWER:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 3 (Relevance), of its response. Subject to the foregoing objections, and other than with the Meadows for Mastroianni: Litman, none. Mastroianni, GD12-009312 (automobile, hit from behind)

12. Please state and describe the result of each lawsuit, proceeding, investigation, inquiry, prosecution and/or disciplinary action identified in answer to Interrogatory No. 12 above.

ANSWER:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 3 (Relevance), of its response. Subject to the foregoing objections, GD12-009312 pending.

13. Please state whether You have ever filed for bankruptcy. If so, please state the court, docket number(s) and Date(s) of the bankruptcy filed by You or on Your behalf.

ANSWER:

No.

14. Please identify any instances in which You been arrested and/or charged with criminal misconduct other than summary traffic violations, including for each instance the Date, prosecuting authority, charges made, disposition of such charges, and applicable court and any docket number(s).

ANSWER:

Plaintiffs incorporate hereby their response in No. 11.

15. Please state whether You have kept an accounting of Your net profit or loss from gambling during any of the last five (5) years. If so, please state Your net profit or loss for each such year.

ANSWER:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 3 (Relevance), of its response. Subject to the foregoing objections, no.

16. Please state whether You have kept an accounting of Your net profit or loss from gambling at The Meadows during any of the last five (5) years. If so, please state Your net profit or loss for each such year.

ANSWER:

Plaintiffs incorporate hereby their response in No. 15.

17. Please identify all sums wagered by You at The Meadows during the last five (5) years.

ANSWER:

Plaintiffs incorporate their response in No. 2.

18. Please identify, by Date, the amount(s) of craps vigorish that You paid to The Meadows since The Meadows first offered craps.

ANSWER:

Plaintiffs incorporate their response in No. 2.

19. Please identify the amount(s) of craps vigorish identified in Your answer to the preceding Interrogatory that You believe The Meadows was not entitled to collect.

ANSWER:

Plaintiffs incorporate their response in No. 2.

20. Please state whether You have filed any type of formal or informal claim against any casino, racetrack or other gambling establishment, other than this Action. If yes, please identify the casino and court, board and/or government agency and provide any docket number(s) for such filings.

ANSWER:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 3 (Relevance), of its response. Subject to the foregoing objections, none.

21. Have You ever worked for a casino, racetrack or other gambling establishment? If yes, state the name and address of the casino(s), racetrack or other gambling establishment, and identify Your Dates of employment and job title and duties.

ANSWER:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 3 (Relevance), of its response. Subject to the foregoing objections, no.

22. State the number of times You have gambled at The Meadows and the time period over which such visits occurred.

ANSWER:

During the period in question, Litman 644 hours; Mastroianni 920 hours.

23. State all names You have ever used or done business under, and/or used in gambling transactions.

ANSWER:

Names used in this proceeding.

24. Have You ever been ejected from, asked to leave, and/or excluded from a gambling establishment? If yes, state the name of the gambling establishment, the Date of the ejection(s) and/or exclusion(s), and the reason given for why You were ejected, excluded or asked to leave.

ANSWER:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 3 (Relevance), of its response. Subject to the foregoing objections, for Mastroianni only the Meadows as averred in the Complaint, and Mountaineer as a result of The Meadows incident.

25. Have You ever been placed on the PCGB Exclusion List? If yes, state the Date that You were placed on the Exclusion List and the stated reason therefor.

ANSWER:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 3 (Relevance), of its response. Subject to the foregoing objections, no.

26. Please provide the following for the last ten (10) years:

a. The names and addresses of Your employers and the names and addresses of Your immediate supervisors in each job;

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 3 (Relevance), of its response. Subject to the foregoing objections, the parties will provide certain information upon stipulation of confidentiality.

27. Please provide the following information:

a. Your full name and/or any names by which You have ever been known;

b. Your educational background in detail, including without limitation the schools and years attended, courses of study pursued, and degrees obtained;

c. Your present marital status and, if married, the name of Your spouse and the Date and location of the marriage ceremony;

d. Whether You have ever been divorced and, if so, the Date and place of the divorce and the court, number and term of the case in which the divorce was granted;

e. If You have been divorced, the present name and present address of Your former spouse; and

f. If You have any children, their names, genders, age(s), and addresses.

ANSWER:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdenome/Harassing), 3 (Relevance), of its response. Subject to the foregoing objections, Mastroianni has only been known by the name herein; Litman's maiden name was Mangieri. Daniel Litman, 436 Austin Avenue, Pittsburgh, PA 15234, divorced 11/30/2006, Allegheny County.

28. Please state if Litman and Mastroianni have cohabitated, and if so, the Dates in which the Plaintiffs cohabitated and whether the Plaintiffs are currently cohabitating.

ANSWER:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdenome/Harassing), 2 (Vagueness), 3 (Relevance), of its response. Subject to the foregoing objections, since January 1, 2011.

29, Please state whether Litman and Mastroianni are engaged to be married. If so, please state the Date which You became engaged to be married and on what Date You plan to marry.

ANSWER:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdenome/Harassing), 2 (Vagueness), 3 (Relevance), of its response. Subject to the foregoing objections, no.

30. Please identify, by address, all of Your residences for the past twenty (20) years.

ANSWER:

Plaintiffs incorporate their response in No. 1; in addition, Litman 436 Austin Auc, Pittsburgh, PA 15243; 473 Parkview Drive, Pittsburgh, PA 15243; Mastroianni 7936 Maple Street Pittsburgh PA 15237.

31. Please identify, by name, address, and telephone number, all Persons with whom You have communicated regarding the facts underlying this Action and identify the Date and substance of any such Communica-

tions, and whether any notes or other audio and/or written recordings of such Communications exist.

ANSWER:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 6 (Privilege), 7 (Premature) of its response. Subject to the foregoing objections, anyone identified in the pleadings or documents produced but there is no information known not otherwise identified where stated.

32. Please identify, by name, address, and telephone number, all Persons who have knowledge or information of any facts Relating To this Action.

ANSWER:

Plaintiffs incorporate their response in No. 31.

33. Please identify, by name, address and telephone number, all attorneys whom You have consulted or by whom You have been represented Relating To matters alleged by You in this Action, and as to each, the Dates of such consultation and/or representation.

ANSWER:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), 6 (Privilege) of its response. Subject to the foregoing objections, counsel for Plaintiffs, Christopher Astorino 412.951.7067.

34. Please identify any Person whom You intend to call as a witness in this Action and, as to each such Person, state the general subject matter of his or her testimony.

ANSWER:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 6 (Privilege) and 7 (Premature), of its response. Names will be provided in accordance with the Rules.

35. Please identify any expert whom You intend to call as a witness in this Action or with whom You have consulted in connection with this Action and, as to each such Person, state the general subject matter of his or her testimony.

ANSWER:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 7 (Premature), of its response. Names will be provided in accordance with the Rules.

36. Please identify any non-testifying expert or consultant with whom You have consulted in connection with this Action and, as to each such Person, state the general subject matter of the Communications and consultation.

ANSWER:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 6 (Privilege) and 7 (Premature), of its response.

37. Please identify all Documents that You intend to use as exhibits at trial or any other evidentiary hearing in this Action.

ANSWER:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 7 (Premature), of its response. Names will be provided in accordance with the Rules.

38. For Documents that are responsive to Defendants' First Request for Production of Documents Directed to Plaintiffs, please identify any Documents destroyed, missing, unavailable or which have otherwise been disposed of. For each such Document, state the Date of such disposition, and describe the manner of and circumstances surrounding such disposition.

ANSWER:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), 6 (Privilege) of its response. Subject to the foregoing, no documents are known.

March 20, 2014

Respectfully submitted,

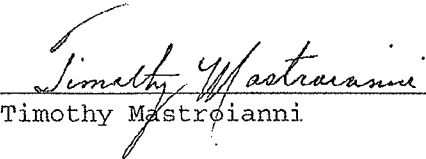
TEV LAW GROUP, PC

By: /Gregg Zegarelli/
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VERIFICATION

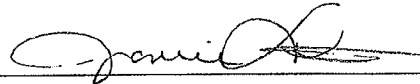
I, Timothy Mastroianni, verify that the facts set forth in the attached document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.



Timothy Mastroianni

VERIFICATION

I, Janine Litman, verify that the facts set forth in the attached document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read "Janine Litman", written over a horizontal line.

Janine Litman

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:

PATRICK ABRAMOWICH, ESQ.
FOX ROTHSCHILD LLP
625 LIBERTY AVENUE, 29TH FLOOR
PITTSBURGH, PA 15222-3115

March 20, 2014

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

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CASE NO: 2012-8149

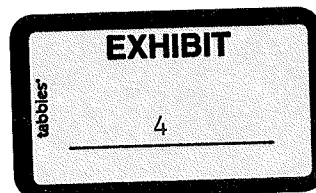
PLAINTIFFS' RESPONSES AND OBJEC-
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PRODUCTION OF DOCUMENTS

On behalf of Plaintiffs

Counsel of Record for this Party:

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

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sons, individually and jointly,

Defendants.

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

Plaintiffs identify the following General Objections. One or more General Objections are referred to in certain of Plaintiffs' specific responses and any said reference to General Objections shall be deemed to be incorporated into the specific response by the existence of the reference thereto. Objections shall be deemed to be supplemental to each other and not contradictory to the fullest extent possible. All responses are made subject to the objections and without waiver thereof.

1. Burdensomeness, Harassing.

Plaintiffs object to certain of Defendants' discovery requests on the grounds that they are oppressive, vexatious, overbroad, burdensome and calculated, as a practical matter, to harass or embarrass Plaintiffs rather than to lead to the discovery of admissible evidence. In some cases, the objection of burdensomeness is related to or to the extent of the vague or unclear nature of the question.

2. Vagueness.

Plaintiffs objects to certain of Defendants' discovery requests to the extent that they are so vague that a reasoned response cannot be framed thereto. To the extent of that vague requests could be interpreted without limitation on the request being made, the vague request is also burdensome; accordingly, General Objection 1 is incorporated herein by this reference.

3. Relevance.

Plaintiffs objects to certain of Defendants' discovery requests to the extent that they purport to relate to subject matter beyond the proper scope of discovery, not to mention the scope of this action. Accordingly, Plaintiffs are compelled to object upon the grounds that they are not relevant to the issues presented in this action; have been interposed only to increase the cost of litigation; are unreasonable, unduly burdensome and expensive given the needs of this case; and are not reasonably calculated to lead to the discovery of admissible evidence.

4. Invasion of Privacy, Confidential and Proprietary Information.

Plaintiffs object to certain of Defendants' discovery requests to the extent that they purport to require the disclosure of information relating to parties and to non-parties as well. Plaintiffs further object to certain of Defendants' discovery requests to the extent that they purport to require the disclosure of private, confidential and/or proprietary information.

5. Legal Conclusions.

Plaintiffs object to certain of Defendants' discovery requests to the extent that they purport to require Plaintiffs to disclose legal conclusions or to make assumptions as to the application of law.

6. Privilege.

Plaintiffs object to certain of Defendants' discovery requests to the extent that they purport to require Plaintiffs to supply information or to produce documents or information for which there is a right to withhold pursuant to the 5th Amendment of United States Constitution or pursuant to an attorney-client privilege or attorney workproduct. Any response provided in conjunction with this objection is made without waiver of the objection.

7. Prematurity.

Plaintiffs objects to certain of Defendants' discovery requests to the extent that they purport to require Plaintiffs to supply information or produce documents before Plaintiffs is reasonably able to identify such information or documents. Plaintiffs will provide, as appropriate and subject to other Objections asserted herein, such information as is reasonably available at this time without waiving their right to supplement such information at a later date.

RESPONSE TO REQUESTS FOR PRODUCTION

1. All Documents reviewed and/or relied upon by You in preparing Your Third Amended Complaint in the Action.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), 6 (Privilege) of its response, "all reviewed." Plaintiffs specifically object to producing the entire Gaming Commission website and the Internet. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith and additional confidential documents will be made available for inspection at a mutually agreeable time with a confidentiality stipulation. Plaintiffs further object on 7 (Premature) as Plaintiffs reserve the right to amend the pleading when the identity of certain actors become known.

2. All Documents Relating To the facts upon which You rely to support the averments of the Third Amended Complaint, and/or which You intend to use as proof of the matters set forth in the Third Amended Complaint.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), 6 (Privilege), 7 (Premature) of its response. Discovery is continuing. Plaintiffs specifically object to producing the entire Gaming Commission website and the Internet. Subject to the foregoing objections, Bates 1000-1118 have been produced

herewith and additional confidential documents will be made available for inspection at a mutually agreeable time with a confidentiality stipulation. Plaintiffs further object on 7 (Premature) as Plaintiffs reserve the right to amend the pleading when the identity of certain actors become known.

3. All Documents that You intend to introduce as exhibits in the trial of the Action.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objection 7 (Premature). Discovery is continuing. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith and additional confidential documents will be made available for inspection at a mutually agreeable time with a confidentiality stipulation. Exhibits will be provided in a timely fashion in accordance with the Rules.

4. All Documents identified in, referred to or reviewed in preparing Your responses to Defendants' First Set of Interrogatories Directed to Plaintiffs.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), 6 (Privilege), 7 (Premature) of its response. Discovery is continuing. Plaintiffs specifically object to producing the entire Gaming Commission website and the Internet. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith and additional confidential documents will be made available for inspection at a mutually agreeable time with a confidentiality stipulation.

5. Any and all witness statements that You have obtained or possess Relating To the allegations of the Third Amended Complaint and/or this Action.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 7 (Premature) of its response. Discovery is continuing. No such documents currently exist.

6. All Documents identifying Persons whom Plaintiffs plan to call as witnesses in the Action.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 6 (Privilege) and 7 (Premature) of its response. Discovery is continuing. No such documents currently exist.

7. All Documents, including without limitation opinions and/or reports, prepared by any and all experts that You have retained to provide testimony in the Action.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 6 (Privilege) and 7 (Premature) of its response. Discovery is continuing. No such documents currently exist.

8. All Documents, including without limitation, reports, manuals, articles, textbooks, data, statistics, and/or authorities reviewed, consulted and/or relied upon by: (a) any expert or potential expert whom You intend to call as a witness in this Action; or (b) any fact witness or potential fact witness.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 6 (Privilege) and 7 (Premature) of its response. Discovery is continuing. No such documents currently exist.

9. All resumes and Documents Relating To the qualifications of any expert whom You have retained to provide testimony in this Action.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 6 (Privilege) and 7 (Premature) of its response. Discovery is continuing. No such documents currently exist.

10. All Documents, including without limitation, all photographs, diagrams, drawings, charts, models, films or video tapes, Relating To the allegations of the Third Amended Complaint.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), 6 (Privilege), 7 (Premature) of its response. Discovery is continuing. Plaintiffs specifically object to producing the entire Gaming Commission website and the Internet. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith and additional confidential documents will be made available for inspection at a mutually agreeable time with a confidentiality stipulation.

11. All Documents exchanged between You and any other Persons Relating to the Action.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), 6 (Privilege), 7 (Premature) of its response. Discovery is continuing. Plaintiffs specifically object to producing the entire Gaming Commission website and the Internet. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith and additional confidential documents will be made available for inspection at a mutually agreeable time with a confidentiality stipulation.

12. All Documents exchanged between You and any other Persons Relating To The Meadows.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), 6 (Privilege), 7 (Premature) of its response. Discovery is continuing. Plaintiffs specifically object to producing the entire Gaming Commission website and the Internet. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith and additional confidential documents will be made available for inspection at a mutually agreeable time with a confidentiality stipulation.

13. All Documents exchanged between You and any of the Defendants.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential) of its response. Discovery is continuing. Plaintiffs specifically object to producing the entire Gaming Commission website and the Internet. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith and additional confidential documents will be made available for inspection at a mutually agreeable time with a confidentiality stipulation.

14. All Documents Relating To any and all instances in which You were ejected from, asked to leave, and/or excluded from a gambling establishment in the past twenty (20) years.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), 7 (Privilege) of its response. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith

and additional confidential documents will be made available for inspection at a mutually agreeable time with a confidentiality stipulation.

15. All Documents Relating To Your gambling and/or visits as a patron at The Meadows, including without limitation, Documents Relating To Dates of Your visits, hours played and/or visited, and amounts spent, bet and/or won.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), of its response. Discovery is continuing. Plaintiffs specifically object to producing the entire Gaming Commission website and the Internet. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith and additional confidential documents will be made available for inspection at a mutually agreeable time with a confidentiality stipulation.

16. All Documents Relating To Your craps play at The Meadows, including without limitation, Documents Relating To Dates on which You played craps, hours played, and amounts bet and/or won.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), of its response. Discovery is continuing. Plaintiffs specifically object to producing the entire Gaming Commission website and the Internet. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith and additional confidential documents will be made available for inspection at a mutually agreeable time with a confidentiality stipulation.

17. All Documents Relating To the craps vigorish that You paid to The Meadows.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), of its response. Discovery is continuing. Plaintiffs specifically object to producing the entire Gaming Commission website and the Internet. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith and additional confidential documents will be made available for inspection at a mutually agreeable time with a confidentiality stipulation.

18. All Documents Relating To The Meadows' collection and/or attempted collection of craps vigorish since it began offering craps.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), of its response. Discovery is continuing. Plaintiffs specifically object to producing the entire Gaming Commission website and the Internet. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith and additional confidential documents will be made available for inspection at a mutually agreeable time with a confidentiality stipulation.

19. All guides, rules and/or policies Relating To gaming at The Meadows, including without limitation, gaming guides, rules of the game, published rules, and rules Relating To craps and/or vigorish.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), of its response. Discovery is continuing. Plaintiffs specifically object to producing the entire Gaming Commission website and the Internet. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith and additional confidential documents will be made available for inspection at a mutually agreeable time with a confidentiality stipulation.

20. All Documents Relating To and/or identifying the owner(s) and/or operator(s) of The Meadows.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdening/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), 6 (Privilege), 7 (Premature) of its response. Discovery is continuing. Plaintiffs specifically object to producing the entire Gaming Commission website and the Internet. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith and additional confidential documents will be made available for inspection at a mutually agreeable time with a confidentiality stipulation.

21. All Documents Relating To the fictitious name registrations for The Meadows and/or any of the Defendants.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdening/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), 6 (Privilege), 7 (Premature) of its response. Discovery is continuing. Plaintiffs specifically object to producing the entire Gaming Commission website and the Internet. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith and additional confidential documents will be made available for inspection at a mutually agreeable time with a confidentiality stipulation.

22. All Documents Relating To trademarks used and/or registered by or on behalf of The Meadows and/or any of the Defendants.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdening/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), 6 (Privilege), 7 (Premature) of its re-

sponse. Discovery is continuing. Plaintiffs specifically object to producing the entire Gaming Commission website and the Internet. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith and additional confidential documents will be made available for inspection at a mutually agreeable time with a confidentiality stipulation.

23. All Documents Relating To The Meadows and/or any of the Defendants registering to do business as a foreign business entity in the Commonwealth of Pennsylvania.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), 6 (Privilege), 7 (Premature) of its response. Discovery is continuing. Plaintiffs specifically object to producing the entire Gaming Commission website and the Internet. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith.

24. All Documents Relating To the allegation in Paragraph 86 of Your Third Amended Complaint that Defendants falsely identified the operator of The Meadows as sourced by a "Las Vegas" casino.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 7 (Premature) of its response. Discovery is continuing. Plaintiffs specifically object to producing the entire Gaming Commission website and the Internet. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith.

25. All Documents Relating To Your allegations in Paragraph 22 and 23 of Your Third Amended Complaint that The Meadows has traded off of a "Las Vegas reputation."

RESPONSE:

Plaintiffs incorporate by reference the response in No. 24.

26. All Documents Relating To: (a) the gaming licensure of The Meadows and/or any of the Defendants; and/or (b) the authority of any of the Defendants to own and/or operate a gambling establishment and/or casino.

RESPONSE:

Plaintiffs incorporate by reference the response in No. 24.

27. All Documents Relating To Your allegation that Cannery requires a casino license and/or a foreign business registration in the Commonwealth of Pennsylvania.

RESPONSE:

Plaintiffs incorporate by reference the response in No. 24.

28. All Documents Relating To Your allegation that any of the Defendants operate as an unincorporated association.

RESPONSE:

Plaintiffs incorporate by reference the response in No. 24.

29. All Documents Relating To any and all formal and/or informal complaints You have made to the PAGB.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidentiality) of its response. Discovery is continuing. Plaintiffs specifically object to producing the entire Gaming Commission website and the Internet. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith.

30. All Documents Relating To any and all formal and/or informal complaints You have made to the PAGB Relating To the collection of vigorish.

RESPONSE:

Plaintiffs incorporate by reference their response in No. 29.

31. All Documents Relating To any and all formal and/or informal complaints You have made to the PAGB Relating To The Meadows and/or any of the Defendants, including without limitation, complaints Relating To their collection of vigorish.

RESPONSE:

Plaintiffs incorporate by reference their response in No. 29.

32. All Documents that You sent to or received from the PAGB Relating To any and all formal or informal complaints You have made to the PAGB.

RESPONSE:

Plaintiffs incorporate by reference their response in No. 29.

33. All Documents Relating To any and all formal and/or informal complaints You have made to The Meadows and/or any of the Defendants, including without limitations, complaints Relating To the collection of vigorish.

RESPONSE:

Plaintiffs incorporate by reference their response in No. 29.

34. All Documents Relating To any investigation or inquiry You have performed Relating To the ownership and/or operation of The Meadows.

RESPONSE:

Plaintiffs incorporate by reference their response in No. 29, in addition to Objection 7 (Privilege).

35 All Documents Relating To any data, statistics, or information collected and/or pictures or video collected by You from The Meadows and/or Relating To The Meadows and/or game play at The Meadows.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), 6 (Privilege) of its response. Plaintiffs specifically object to producing the entire Gaming Commission website and the Internet. Subject to the foregoing objections, documents have been produced or will be made available for inspection at a mutually agreeable time with a confidentiality stipulation.

36. All Documents Relating To advertisements published by The Meadows and/or by any of the Defendants Relating To The Meadows, including without limitation, any pamphlets, posters, e-mails and/or online advertisements, which You have received or viewed in the past five (5) years.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), 6 (Privilege) of its response. Plaintiffs specifically object to producing the entire Gaming Commission website and the Internet. Subject to the foregoing objections, documents have been produced or will be made available for inspection at a mutually agreeable time with a confidentiality stipulation.

37. All Documents Relating To The Meadows' solicitation of patrons, including without limitation, the solicitation of retired Persons and/or senior citizens, in the past five (5) years.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 7 (Premature) of its response. Discovery is continuing. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith.

38. All Documents Relating To Mastroianni's charges, prosecution, conviction and/or sentencing for past-posting at The Meadows.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), 6 (Privilege) of its response.

39. All Documents Relating To any criminal charges ever brought against You.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), 6 (Privilege) of its response.

40. All Documents Relating To any proceedings which a state agency, authority and/or gambling facility initiated against You, or in which You have been involved, Relating To gaming, including without limitation, Documents Relating To the substance of any such proceeding and the results of any such proceeding.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 6 (Privilege), 7 (Premature) of its response. Discovery is continuing. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith.

41. All Documents Relating To any offers to enter into a contractual relationship: (a) made by You to any of the Defendants, or (b) made by any of the Defendants to You.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidentiality), 7 (Premature) of its response. Discovery is continuing. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith.

42. All Documents Relating To the terms of any contractual relationship that You have with any of the Defendants.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidentiality), 7 (Premature) of its response. Discovery is continuing. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith.

43. All Documents Relating To any breach by any of the Defendants or You of the terms of any contractual relationship that You have with any of the Defendants.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 7 (Premature) of its response. Discovery is continuing. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith.

44. All Documents Relating To or which evidence any alleged fraud committed by any of the Defendants.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 7 (Premature) of its response. Discovery is continuing. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith.

45. All Documents Relating To or which evidence any alleged false statements and/or misrepresentations made by any of the Defendants.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 7 (Premature) of its response. Discovery is continuing. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith.

46. All Documents Relating To or which evidence Your reliance on any false statements and/or misrepresentations made by any of the Defendants.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 7 (Premature) of its response. Discovery is continuing. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith.

47. All Documents Relating To any harm, injury and/or damages You sustained as a result of Your reliance on false statements and/or misrepresentations made by any of the Defendants.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 7 (Premature) of its response. Discovery is continuing. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith.

48. All Documents Relating To any of the Defendants' knowledge that any statements made by any of the Defendants to You were false at the time of such statements.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdening/Harassing), 2 (Vagueness), 3 (Relevance), 7 (Premature) of its response. Discovery is continuing. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith.

49. All Documents Relating To and/or which evidence consumer or patron confusion Relating To the ownership, sponsorship, licensure and/or operation of The Meadows, including without limitation, Documents Relating To the Person(s) who own, sponsor, and/or have the authority to operate The Meadows.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdening/Harassing), 2 (Vagueness), 3 (Relevance), 7 (Premature) of its response. Discovery is continuing. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith.

50. All Documents Relating To any of the Defendants' alleged conversion of Your property and/or money.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdening/Harassing), 2 (Vagueness), 3 (Relevance), 7 (Premature) of its response. Discovery is continuing. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith.

51. All Documents Relating To the alleged existence of and/or purpose of a conspiracy between or among any of the Defendants Relating To Your allegations in the Action.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdening/Harassing), 2 (Vagueness), 3 (Rele-

vance), 7 (Premature) of its response. Discovery is continuing. Subject to the foregoing objections, Bates 1000-1118 have been produced herewith.

52. All Documents Relating To and/or supporting the damages and/or calculation of damages that You are seeking to recover in the Action.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), 7 (Premature) of its response. Subject to the foregoing objections, documents will be produced in due course as the rules require.

53. All Documents Relating To Your expenses incurred as a result of gambling at The Meadows since The Meadows first introduced table games, including without limitation, all itemized bills, invoices, and receipts Relating To and/or reflecting such expenses.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential) of its response.

54. All Documents Relating To Your purchase of chips and/or any similar expenditure used to gamble at The Meadows since The Meadows first introduced table games.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential) of its response.

55. All Federal, state, and/or municipal income tax returns that You filed in the last five (5) years, including without limitation all

schedules, worksheets, and forms, including without limitation IRS Forms W-2 and 1099.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential) of its response.

56. All Documents Relating To Your income from gambling in the last five (5) years.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential) of its response. Subject to the foregoing objections, documents have been produced or will be made available for inspection at a mutually agreeable time with a confidentiality stipulation.

57. All bank statements Relating To (a) expenditures for gambling at The Meadows, and/or (b) receipts from gambling at The Meadows

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential) of its response. Subject to the foregoing objections, documents have been produced or will be made available for inspection at a mutually agreeable time with a confidentiality stipulation.

58. Your resume and/or curriculum vitae.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential) of its response. Subject to the foregoing

objections, documents have been produced or will be made available for inspection at a mutually agreeable time with a confidentiality stipulation.

59. All Documents Relating To any books, articles, and/or other publications that You have written, including without limitation drafts, manuscripts, and/or notes Relating thereto.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential) of its response. Subject to the foregoing objections, documents have been produced or will be made available for inspection at a mutually agreeable time with a confidentiality stipulation.

60. All Documents reflecting post-secondary degrees obtained by You.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential) of its response. Subject to the foregoing objections, documents have been produced or will be made available for inspection at a mutually agreeable time with a confidentiality stipulation.

61. All Documents reflecting post-secondary education courses taken by You.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), 6 (Privilege) of its response. Subject to the foregoing objections, documents have been produced or will be made available for inspection at a mutually agreeable time with a confidentiality stipulation.

62. All transcripts Relating To post-secondary education courses taken by You.

RESPONSE:

Plaintiffs hereby refer to and incorporate any objections made in General Objections 1 (Burdensome/Harassing), 2 (Vagueness), 3 (Relevance), 4 (Confidential), 6 (Privilege) of its response.

March 20, 2014

Respectfully submitted,

TEV LAW GROUP, PC

By: /Gregg Zegarelli/
Gregg R. Zegarelli

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
412.765.0401
mailroom.grz@zegarelli.com

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:

PATRICK ABRAMOWICH, ESQ.
FOX ROTHSCHILD LLP
625 LIBERTY AVENUE, 29TH FLOOR
PITTSBURGH, PA 15222-3115

March 20, 2014

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

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
mailroom.grz@zegarelli.com
412.833.0600

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

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

Plaintiffs,

CASE NO: 2012-8149

v.

CANNERY CASINO RESORTS, LLC, a
Nevada limited liability com-
pany, WASHINGTON TROTTHING ASSO-
CIATION, INC., a Delaware corpo-
ration, WTA ACQUISITION CORP., a
Delaware corporation, CANNERY CA-
SINO RESORTS, LLC, CANNERY CA-
SINO RESORTS and WASHINGTON
TROTTHING 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 persons, individually and
jointly.

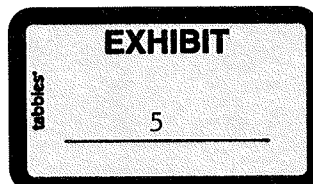
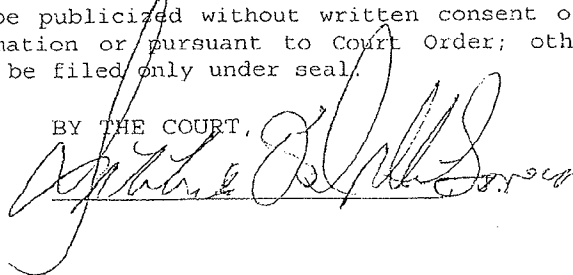
Defendants.

ORDER

AND, NOW, this 27th day of February, 2014, upon consideration of the
Plaintiffs' Motion to Compel, it is hereby ORDERED that each Defendant
shall fully and completely respond to Plaintiffs' requests for produc-
tion and interrogatories, and shall further produce a privilege/workproduct log to the extent relying upon such objection. PA
Gaming materials shall be produced to the extent that the subject-
matter would be otherwise discoverable under an independent request for
the subject-matter (and Defendants shall identify documents withheld in
its privilege log). Defendants shall do so within 20 cal-
endar days or be subject to sanction by this Court.

Except for public information, any discovery responses may be identi-
fied as "Confidential" and shall be used only for purposes of this
litigation and not be publicized without written consent of the party
providing the information or pursuant to Court Order; otherwise, any
such documents shall be filed only under seal.

BY THE COURT,



FILED
FEB 27 2014
MR. MATTHEW PROTHONOTARY



Fox Rothschild LLP
ATTORNEYS AT LAW

625 Liberty Avenue, 29th Floor
Pittsburgh, PA 15222-3115
Tel 412.391.1334 Fax 412.391.6984
www.foxrothschild.com

PATRICK L. ABRAMOWICH
Direct Dial: 412-394-5566
Email Address: P.Abramowich@Foxrothschild.com

March 26, 2014

VIA FACSIMILE AND U.S. MAIL

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

**Re: Janine Litman and Timothy Mastroianni v. Cannery Casino Resorts, LLC, et al.
Court of Common Pleas of Washington County, Pennsylvania; No. 2012-8149**

Dear Mr. Zegarelli:

I am in receipt of (i) Plaintiffs' Responses and Objections to Defendants' Request for Production of Documents (the "Responses to Document Requests") and (ii) Plaintiffs' Responses and Objections to Defendants' Interrogatories (the "Responses to Interrogatories") in the above-captioned matter. The Responses to Document Requests and Responses to Interrogatories are deficient in the following significant respects:

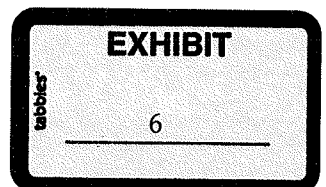
1. Plaintiffs Janine Litman and Timothy Mastroianni (collectively, "Plaintiffs") have objected to a multitude of interrogatories and document requests as seeking confidential information and stated that documents will be produced and information provided "with a confidentiality stipulation." This repeat objection is frivolous and asserted in bad faith, as the Court granted the confidentiality order proposed by Plaintiffs on February 27, 2014 as follows:

Except for public information, any discovery responses may be identified as "Confidential" and shall be used only for purposes of this litigation and not be publicized without written consent of the party providing the information or pursuant to Court Order; otherwise, any such documents shall be filed only under seal.

A Pennsylvania Limited Liability Partnership

California Colorado Connecticut Delaware District of Columbia
Florida Nevada New Jersey New York Pennsylvania

ACTIVE 25216866v1





Fox Rothschild LLP
ATTORNEYS AT LAW

Gregg R. Zegarelli, Esquire
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Defendants demand that Plaintiffs withdraw their confidentiality objection and produce all documents and information withheld on the basis of confidentiality immediately. Defendants further request that Plaintiffs produce copies of any and all documents that they propose to make available for inspection. If those documents are voluminous, Defendants will arrange with a third-party vendor for those copies to be made at Defendants' expense.

2. Plaintiffs have failed to provide a privilege log with regard to documents withheld on the basis of privilege. Please do so immediately.

3. Plaintiffs have asserted a host of objections to the majority of Defendants' Interrogatories and Requests for Production of Documents. Specifically, Plaintiffs have objected to those discovery requests on the bases of: (i) "burdensomeness, harassing," (ii) "vagueness," (iii) "relevance," (iv) "invasion of privacy; confidential and proprietary information," (v) "legal conclusions," (vi) "privilege," and (vii) "prematurity." Plaintiffs have nonetheless answered interrogatories and responded to document requests "subject to the foregoing objections."

In your Brief in Support of Motion to Compel Discovery, you describe this practice as a "crafted variance" that:

allows [Plaintiffs] to withhold within the scope of the objection. That is, to give some information and to withhold some information. Stating it another way, if there is no information withheld, then the objection is unnecessary (it is a discovery objection naturally reserving trial evidence objections). If there is an objection stated, it needs to be ruled upon if requested by the party propounding the discovery."

Pursuant to this standard, which the Court accepted in granting Plaintiffs' Motion to Compel, confirm for each and every Interrogatory and Request for Production of Documents to which Plaintiffs have asserted objections, other than privilege, whether they are withholding any information and/or documents based upon such objections.

4. In response to Requests for Production of Documents Nos. 35, 36, 56, 57, 58, 59, 60, and 61, Plaintiffs state that "documents have been produced or will be made available for inspection at a mutually agreeable time with a confidentiality stipulation." Plaintiffs surely know whether they have produced all responsive documents. If so, please confirm the same for each of



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those requests. If Plaintiffs have not produced all documents responsive to those requests, please do so immediately.

5. Plaintiffs have alleged in paragraph 26 of their Third Amended Complaint in Civil Action that Defendants “prosecuted” Timothy Mastroianni “in retaliation” for bringing alleged rules violations to their attention. Accordingly, Plaintiffs have placed the validity of Mr. Mastroianni’s criminal conviction directly at issue. Plaintiffs’ objections to Requests for Production of Documents Nos. 38 and 39 are improper, and Defendants demand that Plaintiffs produce responsive documents.

6. Defendants are unequivocally entitled to discover documents relating to Plaintiffs’ alleged damages, including without limitation documents relating to the amounts that Plaintiffs gambled at The Meadows. Accordingly, Plaintiffs’ objections to Requests for Production of Documents Nos. 52, 53, and 54 are improper. Similarly, Defendants are entitled in response to Request No. 55 to tax returns reflecting (i) the amounts that Plaintiffs won or lost from gambling and (ii) Plaintiffs’ financial means to gamble the amounts claimed. Defendants therefore demand that Plaintiffs produce responsive documents.

7. Plaintiffs’ transcripts for post-secondary education, as requested in Request for Production of Documents No. 62, are directly relevant to their sophistication and the reasonableness of their reliance on The Meadows’ alleged fraud and must be produced.

8. In response to Interrogatory No. 1, please provide the name(s) of the person(s) who provided information for Plaintiffs’ answers to interrogatories.

9. Interrogatories 2 through 8 ask Plaintiffs to identify the damages that each Defendant allegedly owes to each Plaintiff by virtue of each claim asserted in the Third Amended Complaint. If Plaintiffs are unable to identify any of their alleged damages without expert calculation, please state so and identify the categories of damages that they are seeking in response to each of those Interrogatories and the basis for those damages. If Plaintiffs cannot identify even the categories of damages, they should respond accordingly.

10. Interrogatory No. 9 asks Plaintiffs to identify the sums for which they seek an accounting in Count XIII of their Third Amended Complaint. This Interrogatory does not simply ask Plaintiffs to restate their alleged damages, but rather identify the basis of their claim for an accounting. Plaintiffs’ answer is required.



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11. In response to Interrogatories Nos. 11, 12, and 14, please provide responsive information regarding Mr. Mastroianni's criminal prosecution for past-posting, which was inexplicably omitted.

12. Interrogatories Nos. 17, 18, and 19 ask Plaintiffs to identify (i) all sums that they wagered at The Meadows in the last five (5) years, (ii) the amount(s) of craps vigorish that Plaintiffs paid to The Meadows since The Meadows first offered craps, by date and amount, and (iii) the amount(s) of craps vigorish that Plaintiffs contend The Meadows collected from them without authorization. In response to those Interrogatories, Plaintiffs incorporated their response to Interrogatory No. 2, which says that damages must be calculated by an expert. However, Interrogatories Nos. 17, 18, and 19 do not seek expert calculations, but the underlying facts on which any expert would be required to rely. Plaintiffs' responses are required.

13. In response to Interrogatory No. 20, please provide responsive information regarding Plaintiffs' patron complaint to the Pennsylvania Gaming Control Board.

14. In response to Interrogatory No. 22, please identify the number of times that Plaintiffs gambled at The Meadows and the time periods over which their visits occurred. Merely identifying the number of hours that Litman and Mastroianni gambled does not answer either of those questions. In addition, please produce the documents from which the hourly totals stated in Plaintiffs' answer to Interrogatory No. 22 were derived.

15. Plaintiffs' confidentiality objection to Interrogatory No. 26 is baseless, given the Court's February 27, 2014 confidentiality order that you authored. Please provide answers to Interrogatory No. 26, including the subparts omitted from Plaintiffs' Responses to Interrogatories.

16. Plaintiffs' answers to Interrogatory No. 27 do not contain any information regarding their educational backgrounds, including without limitation the schools that they attended, the years of attendance, the courses of study that they pursued, and the degrees that they obtained. Please provide the missing information.

17. Plaintiffs have not answered Interrogatories Nos. 31 or 32, which ask them to identify (i) those with whom they communicated regarding the facts underlying their lawsuit and the date(s) and substance of such communications, and (ii) those with knowledge or information of any facts relating to the lawsuit. The relevance of these requests is self-evident, and Defendants demand that Plaintiffs provide responses.



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Please provide Plaintiffs' responses to the above deficiencies by 2:00 p.m. on Friday, March 28, 2014. Defendants reserve the right to seek sanctions for responses that contradict the positions Plaintiffs previously advocated in the case, and/or which are asserted to delay the development of the facts.

Very truly yours,

Patrick L. Abramowich

PLA:msh

**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.

ORDER

AND NOW, this _____ day of _____, 2014, upon consideration of Defendants' Motion to Compel Responses to Defendants' First Set of Interrogatories and First Request for Production of Documents Directed to Plaintiffs ("Motion to Compel"), any response thereto, and the arguments of counsel it is hereby ORDERED, ADJUDGED, and DECREED, and that the Motion to Compel is GRANTED. On or before _____, 2014, Plaintiffs shall:

1. Serve amended answers to Defendants' First Set of Interrogatories Directed to Plaintiffs, which include full and complete answers to Interrogatories Nos. 1, 2-8, 9, 11, 12, 14, 17-19, 20, 22, 26, 27, 31, and 32, subject only to claims of privilege;

2. Produce all documents responsive to Requests Nos. 35, 36, 56, 57, 58, 59, 60, and 61 of Defendants' First Request for Production of Documents Directed to Plaintiffs (the "Document Requests"), subject only to claims of privilege, or confirm that all responsive documents already have been produced;
3. Produce all documents responsive to Requests Nos. 38, 39, 52, 53, 54, 55 and 62 of the Document Requests, subject only to claims of privilege; and
4. Produce a privilege log supporting all of Plaintiffs' claims as to documents withheld on the basis of privilege.

BY THE COURT:

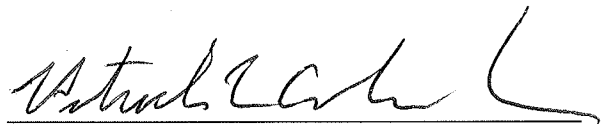
_____ J.

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of March, 2014, a true and correct copy of Defendants' Motion to Compel Responses to Defendants' First Set of Interrogatories and First Request for Production of Documents Directed to Plaintiffs was served upon the following counsel of record via facsimile and United States mail, First Class, postage prepaid:

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

*Counsel for Plaintiffs,
Janine Litman and
Timothy Mastroianni*



Patrick L. Abramowich