

NO. 25-BC03A-0007

JERRY B. REED	§	IN THE BUSINESS COURT
<i>Plaintiff</i>	§	
	§	THIRD BUSINESS COURT
VS.	§	DIVISION 3A
	§	
ROOK TX, LP et al.	§	
<i>Defendants</i>	§	TRAVIS COUNTY, TEXAS

PLAINTIFF'S MOTION TO REMAND

Plaintiff Jerry Reed files this Motion to Remand under Tex. R. Civ. P. 355(f) and Tex. Gov't Code § 25A.006(d).

A. INTRODUCTION

A consortium of foreign gambling companies, wealthy individuals, and domestic entities conspired to purchase nearly all 25.8 million possible number combinations in the \$95 million April 22, 2023, Texas Lotto drawing. Their calculated scheme ensured a guaranteed victory, securing the jackpot along with millions in smaller prizes.

This manipulation of the Lotto Texas drawing violated Texas criminal statutes and Texas Lottery Commission regulations. Plaintiff Jerry Reed was the rightful winner of the subsequent May 17, 2023, Lotto Texas jackpot. Had the defendants not rigged the April 22 drawing, the \$95 million prize would have rolled over and been included in his winnings.

B. ARGUMENT

Like federal courts, the newly established Texas Business Court possesses limited subject matter jurisdiction. Texas Government Code § 25A.006(d) mandates strict construction in favor of remand, stating:

[I]f the business court does not have jurisdiction of the action, the business court *shall* remand the action to the court in which the action was originally filed." (Emphasis added.)

Defendants Rook TX LP and Rook GP LLC base their removal request on the following assertion:

[Plaintiff] asserts that Rook GP LLC misrepresented the creation date of Rook TX LP to claim the April 22, 2023 prize, thus calling the entity's governing documents into question. Pet. ¶¶ 40-41. Accordingly, the business court has authority and jurisdiction over this case because it is an action regarding the governance and governing documents of an organization and the amount in controversy exceeds \$5 million. TEX. GOV'T CODE § 25A.004(b)(2); TEX. R. CIV. P. 355(b)(2)(A).

—Defendants' Notice of Removal to Business Court, p.2

Defendants' argument is fundamentally flawed. This is **not** an action regarding the governance or governing documents of Rook TX LP or Rook GP LLC. Plaintiff does not allege mismanagement, failure to comply with governance provisions, or internal violations of governing documents within these entities.

Rather, Plaintiff alleges that Defendants misrepresented the formation date of Rook TX LP when presenting the winning ticket to collect the Lotto Texas jackpot. Defendants argue that the court must examine their governing documents to determine the entity's creation date. However, such review is unnecessary.

C. THE PUBLIC RECORD ESTABLISHES MISREPRESENTATION

The falsity of Defendants' claims can be proven through publicly available records—no reference to internal governance or governing documents is required.

On June 27, 2023, New Jersey attorney Glenn Gelband, acting on behalf of Rook GP LLC, submitted a Texas Lottery Winner Claim Form (Exhibit 1), asserting that Rook TX LP was created on March 1, 2023.

However, under Delaware law, "[a] limited partnership is formed at the time of the filing of the initial certificate of limited partnership in the Office of the Secretary of State..." (Del. Code Ann. tit. 6, § 17-201(b)).

Records from the Delaware Division of Corporations confirm that Rook TX LP was **not** formed until June 15, 2023—**over seven weeks after** the April 22 Lotto Texas drawing and more than 15 weeks after the March 1, 2023, creation date falsely asserted by Gelband (Exhibit 2).

Further, Rook TX LP's general partner, Rook GP LLC, **did not exist on March 1, 2023**—it was incorporated **on June 14, 2023**, more than fifteen weeks **after** the date claimed by Gelband (Exhibit 3).

C. CONCLUSION

This case is **unequivocally** about a fraudulent scheme to rig the Texas Lottery and a subsequent misrepresentation made to the State of Texas. It does **not** pertain to the governance or governing documents of an organization, as Defendants argue. This matter is far beyond the scope of disputes intended for the Texas Business Court. Plaintiff respectfully urges the Court to **remand** the case to the 353rd Judicial District Court.

Respectfully submitted,
LAGARDE LAW FIRM, P.C.

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CO-COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing instrument on
opposing counsel on May 14, 2025, as follows:

By electronic service.

/s/ Richard L. LaGarde
Richard L. LaGarde

CERTIFICATE OF CONFERENCE

I certify that I conferred with David E. Harrell, Jr. on May 14, 2025, and have made a reasonable effort to reach an agreement about Plaintiff's Motion to Remand without the need for court intervention. We were unable to reach an agreement because Defendants oppose remand.

Therefore, this matter is presented to the Court for determination.

Date: May 14, 2025

/s/ Richard L. LaGarde

Richard L. LaGarde

EXHIBIT 1



Rev. 1/20

TEXAS LOTTERY® WINNER CLAIM FORM

(For use by Entities for \$1 Million or More)

OK DCR 6-27-2023

INSTRUCTIONS TO CLAIMANT

- This claim form is to be used when the prize is to be claimed by a **legal entity** rather than an individual. If the prize is to be claimed by a legal entity, entity formation documents must be presented, which includes the entity's taxpayer ID number and identity of the entity's officers and/or members acting on behalf of the entity. All documentation related to the entity will be reviewed and approved by the Legal Services Division prior to processing.
- Complete the claim form items from 6 - 17. Sign and date.
- (NOTE: The Texas Lottery Commission must check claims over a certain amount for warrant holds and IRS reporting. Therefore, U.S. Citizens and Resident Aliens are required to provide a Social Security/Tax ID Number to claim prizes of \$25,000 or more.)
- Prizes less than or equal to \$2,500,000.00, and that are not paid by annuities, may be claimed at any Texas Lottery Claim Center. Prizes less than or equal to \$5,000,000.00, and that are not paid by annuities, may be claimed at Texas Lottery Claim Centers in Austin, Dallas, Fort Worth, Houston and San Antonio.
- Prizes greater than \$5,000,000.00, all Lotto Texas® Powerball® and Mega Millions® jackpot prizes, and prizes paid by annuities must be processed at Texas Lottery headquarters in Austin.
- You may also claim a prize by mail. Staple your ticket(s) to the white copy of the claim form and keep the pink copy for your records. Mail the white and yellow copies of the claim form with the ticket(s) attached to:
Texas Lottery Commission / ATTN: Austin Claim Center
P.O. Box 16600 / Austin, TX 78761-6600
Phone: 800-375-6886

Claim Center Number 103	Claim Number Nº 98005407
Cashier's Initials D.S.	Date Processed 06/27/2023
ID Type <input checked="" type="checkbox"/> Motor <input type="checkbox"/> YES <input type="checkbox"/> NO	ID Number / State Motor Vehicle
Proof of Social Security Number <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Type of Proof COPY OF TAX RETURN (25)
Date Paid	Check/Counter Number
Hold Code	Reason / Agency
Security Bag #	CTS/Unvalidated <input type="checkbox"/> Media Relations and Advertising Form <input type="checkbox"/>

REQUIRED INFORMATION - PLEASE PRINT ALL INFORMATION**SCRATCH TICKET**

1. Ticket Number (Number above the bar code)	
2. Validation Number (Number from lower play area)	

EXCHANGE TICKET

Initials

Date

DRAW TICKET

3. Ticket Number (Number on bottom of ticket)	1216410074340641086321
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PRIZE AMOUNT

4. Total Prize of Claim \$ Lotto Texas Jackpot #3264	5. Included with Claim 01
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6. If the total prize amount paid is \$1 million or more, you may be eligible to remain anonymous in accordance with TEX.GOV Code § 466.411 and TAC § 401.324. I elect to remain anonymous, if eligible: ☒ Yes ☐ No

7. Entity Name **ROOK TX LP**

8. Entity Type: ☒ PARTNERSHIP U.S. non-U.S. ☐ CORPORATION U.S. non-U.S. ☐ TRUST U.S. non-U.S. ☐ LLC U.S. non-U.S. ☐ OTHER

9. Name & Title of Individual w/ Signatory Authority **GLENN GELBAND GENERAL PARTNER**

10. Date of Creation of Entity (MM DD YYYY) **03 01 2023**

11. EIN **932018645**

12. Mailing address

Prize Winner

Street Number and Street Name or PO Box

Prize Winner

City

State

Zip Code

13. County **UNION**

14. Phone # **Prize Winner**

15. ☒ Purchased by Entity Member ☐ Donated ☐ Found ☐ Other (Explain)

16. If purchased, store name and city where ticket purchased:

Hooked on MT Colleyville, TX

17. Date you received the ticket:

04 21 2023

Under penalty of law, I declare that to the best of my knowledge and belief, the information entered above is correct and correctly identifies the person entitled to claim this prize; no other person is entitled to claim any part of this prize; and the recipient is not prohibited by law from purchasing a ticket or claiming, collecting or receiving a lottery prize or share of a prize. I understand it is a violation of law for any person to intentionally or knowingly, claim or aid another in claiming a lottery prize, or a share of a prize, by means of fraud, deceit, or misrepresentation, or to intentionally or knowingly alter or forge a ticket.

Claimant Representative Signature (must match back of ticket) **ROOK TX LP**

Date

sign here **GENERAL PARTNER**

06/27/2023

Claimant Initials for Check/Receipt Received

Small text block, likely a disclaimer or terms and conditions, partially obscured by a black redaction box.

Prize Winner

Small text block, likely a disclaimer or terms and conditions, partially obscured by a black redaction box.

Prize Winner

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Glenn Gelbont, solely in his capacity as the Managing Member of Rook GR LLC, a Delaware limited liability company, which is the General Partner of Rook TX LP, a Delaware limited partnership, on behalf of Rook TX LP

Prize Winner

Prize Winner

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TEXAS LOTTERY



Extra!

PRINTED ON FRI APR21 2023 23:16:05 CT
RET# 192446-02

LOTTO TEXAS JACKPOT ODDS 1 IN 25,827,165
LOTTO TEXAS OVERALL ODDS 1 IN 71.1
LOTTO TEXAS WITH EXTRA! OVERALL ODDS
1 IN 7.9 (INCLUDING BREAK-EVEN PRIZES)

A.	01	05	18	20	33	35
B.	01	07	21	24	46	50
C.	04	05	14	16	26	47
D.	02	18	27	32	38	48
E.	08	11	18	28	39	40
F.	02	15	24	31	33	48
G.	09	16	20	25	36	39
H.	05	18	21	29	40	54
I.	03	05	18	29	30	52
J.	17	20	21	26	30	38

EXTRA - NO

\$10.00

SAT APR22 2023

DRAW #3264

CASH VALUE OPTION

EST. CASH VALUE

\$50,270,000

015VL9X3

2164-007434064-086321



Redaction Log

Total Number of Redactions in Document: 12

Redaction Reasons by Page

Page	Reason	Description	Occurrences
1	Motor Vehicle	The TLC must withhold motor vehicle records, including driver's license numbers and vehicle registration information. This information is considered confidential under section 552.130 of the Texas Government Code. The TLC may redact this information without a ruling by the OAG, but the TLC must provide the requestor with instruction on how to appeal the redactions.	3
1	Prize Winner	The TLC is required to withhold the street address and telephone number of a prize winner. This information is considered confidential under section 466.022, in conjunction with section 552.101 of the Texas Government Code. The TLC may withhold this information if the requestor has agreed to all exceptions at the time of the request submittal.	5
2	Prize Winner	The TLC is required to withhold the street address and telephone number of a prize winner. This information is considered confidential under section 466.022, in conjunction with section 552.101 of the Texas Government Code. The TLC may withhold this information if the requestor has agreed to all exceptions at the time of the request submittal.	4

Redaction Log

Redaction Reasons by Exemption

Reason	Description	Pages (Count)
Motor Vehicle	The TLC must withhold motor vehicle records, including driver's license numbers and vehicle registration information. This information is considered confidential under section 552.130 of the Texas Government Code. The TLC may redact this information without a ruling by the OAG, but the TLC must provide the requestor with instruction on how to appeal the redactions.	1(3)
Prize Winner	The TLC is required to withhold the street address and telephone number of a prize winner. This information is considered confidential under section 466.022, in conjunction with section 552.101 of the Texas Government Code. The TLC may withhold this information if the requestor has agreed to all exceptions at the time of the request submittal.	1(5) 2(4)

EXHIBIT 2

Department of State: Division of Corporations

[Allowable Characters](#)[HOME](#)

Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

File Number: 7516391 **Incorporation Date /** 6/15/2023
Formation Date: (mm/dd/yyyy)

Entity Name: ROOK TX LP

Entity Kind: Limited Partnership **Entity Type:** General

Residency: Domestic **State:** DELAWARE

REGISTERED AGENT INFORMATION

Name: PHS CORPORATE SERVICES, INC.

Address: 1313 N MARKET ST STE 1000

City: WILMINGTON **County:** New Castle

State: DE **Postal Code:** 19801

Phone: 302-571-1128

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

Would you like ☐ Status ☐ Status, Tax & History Information

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EXHIBIT 3

Department of State: Division of Corporations

Allowable Characters

HOME

Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

File Number: 7514519 Incorporation Date / 6/14/2023
Formation Date: (mm/dd/yyyy)

Entity Name: ROOK GP LLC

Entity Kind: Limited Liability Company Entity Type: General

Residency: Domestic State: DELAWARE

REGISTERED AGENT INFORMATION

Name: PHS CORPORATE SERVICES, INC.

Address: 1313 N MARKET ST STE 1000

City: WILMINGTON County: New Castle

State: DE Postal Code: 19801

Phone: 302-571-1128

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

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