

NO. D-1-GN-25-002446

JERRY B. REED.

*Plaintiff,*

v.

ROOK TX LP, et al.

*Defendants.*

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IN THE DISTRICT COURT

TRAVIS COUNTY, TEXAS

353RD JUDICIAL DISTRICT

**DEFENDANTS ROOK TX LP AND ROOK GP LLC'S RESPONSE TO PLAINTIFF'S  
MOTION TO COMPEL COMPLIANCE WITH BUSINESS COURT DISCOVERY  
ORDER**

Defendants Rook TX LP and Rook GP LLC (“Defendants”) file this Response<sup>1</sup> in opposition to Plaintiff Jerry B. Reed’s (“Plaintiff”) Motion to Compel Compliance with the Business Court Discovery Order (the “Motion”).

Plaintiff has amended his petition four times since filing this suit to recover more money than the \$7.5 million he won from the May 2023 Lotto Texas draw.<sup>2</sup> Plaintiff boasts that he is a regular lottery player, but what he does not want to admit is that he is also playing games in prosecuting this lawsuit. *The day after* the Business Court entered its Discovery Order, Plaintiff simultaneously filed (1) his Fourth Amended Petition that stripped nearly all previous allegations against Defendants and dropped five of six causes of action asserted against them,<sup>3</sup> and (2) a renewed motion to remand based on this amended petition to escape the Business Court’s authority. Plaintiff’s last amendment removed the causes of action that supported the Business

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<sup>1</sup> This Response is made subject to and without waiving the relief requested in the Motion to Stay Proceedings and Petition for Writ of Mandamus filed in the Fifteenth Court of Appeals by Defendant ColossusBets Limited, as agreed by Defendants, on September 19, 2025, and Defendants’ Amended 91a Motion to Dismiss, filed on July 11, 2025.

<sup>2</sup> See Original Petition filed with this Court on April 8, 2025; Fourth Amended Petition filed on August 5, 2025.

<sup>3</sup> See Exhibit B to Motion.

Court's Discovery Order. In so doing, Plaintiff fundamentally changed the scope of discovery; a fact that Plaintiff's Motion fails to appreciate (or disingenuously ignores).

Despite successfully absconding from the Business Court's authority upon its remand of the case back to this Court, Plaintiff now argues—without support—that the parties and this Court must heed the Business Court's authority, but only to the extent that it benefits Plaintiff. This Court should reject Plaintiff's gameplay because the Discovery Order has been superseded by Plaintiff's Fourth Amended Petition, the very vehicle he used to strip the Business Court of jurisdiction.

Defendants already responded to many of Plaintiff's discovery requests and agreed to produce certain documents. However, Defendants object to Plaintiff's requests that seek records concerning (1) the identities of Defendants' members and limited partners, and (2) events that occurred prior to Defendants' formation.<sup>4</sup> The Business Court held that this information was discoverable based on the allegations in Plaintiff's Third Amended Petition, which specifically asserted that Defendants were formed as shell entities for the purpose of advancing the scheme to “rig” the lottery.<sup>5</sup> But as Plaintiff admits, his live petition “significantly narrows the claims and removes all allegations” about Defendants' formation and internal affairs that initially gave rise to his discovery requests.<sup>6</sup> Specifically, Plaintiff voluntarily non-suited his allegations that Defendants were formed as shell entities.<sup>7</sup> Plaintiff's own pleading rendered the Discovery Order he seeks to enforce improper. This Court should therefore deny Plaintiff's Motion because:

- (1) The Discovery Order is based on Plaintiff's previous pleadings that have since been superseded by his Fourth Amended Petition, which significantly narrowed the scope of discovery;

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<sup>4</sup> See Response to Plaintiff's Discovery Letter, filed on August 1, 2025, attached hereto as Exhibit A.

<sup>5</sup> See Third Am. Pet. ¶ 44, 60, 62.

<sup>6</sup> As noted below, Plaintiff dropped all claims against Defendants except money had and received.

<sup>7</sup> See Plaintiff's Renewed Motion to Remand at 1-2, filed on August 5, 2025.

- (2) Plaintiff seeks to compel information that is not discoverable because his live petition disclaims all previously pled claims and allegations related to Defendants' formation or internal affairs; and
- (3) Any discovery is premature until this Court rules on Defendants' pending 91a Motion to Dismiss.

### **BACKGROUND**

**A. The Discovery Order is based on Plaintiff's prior petition that included broad allegations concerning Defendants' formation. After the Business Court entered the Discovery Order, Plaintiff dismissed the causes of action that formed the basis for the Discovery Order.**

On August 4, 2024, the Business Court issued its Discovery Order holding that (1) Defendants' individual members and partners and (2) "relevant" documents created prior to or relating to events occurring before Defendants' formation were discoverable.<sup>8</sup> This Order was based on Plaintiff's live pleading at that time, the Third Amended Petition.<sup>9</sup> The Third Amended Petition alleged that Defendants "were formed as vehicles to hide the identity of the company(s) and individual(s) who received the proceeds of the illegal" scheme to rig the April 2023 Lotto draw.<sup>10</sup> Plaintiff further claimed that Defendants misrepresented Rook TX LP's formation date when presenting the winning ticket, thereby claiming and/or assisting in claiming the prize by fraud.<sup>11</sup> Based on these allegations, Plaintiff alleged that Defendants were liable for (1) money had and received, (2) negligence per se, (3) civil theft, (4) conspiracy, (5) aiding and abetting, and (6)

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<sup>8</sup> See Exhibit B to Motion. Defendants provided a more comprehensive summary of the events in this lawsuit since Defendants removed the action to the Business Court on May 9, 2025 in Defendants' Motion to Quash Depositions, filed on August 29, 2025. As such, this Response focusses on the key events that will assist the Court in disposing of Plaintiff's request concerning the Discovery Order.

<sup>9</sup> Plaintiff's Third Amended Petition, filed on July 8, 2025 was Plaintiff's live petition at the time Plaintiff filed his discovery dispute letter and when the Court issued the Order on August 4, 2025. See Third Am. Pet.; Exhibit B to Motion.

<sup>10</sup> See Third Am. Pet. ¶ 62.

<sup>11</sup> See Third Am. Pet. ¶ 64.

assisting and participating.<sup>12</sup> Plaintiff also sought to pierce Defendants’ corporate veils claiming both entities were a sham to perpetrate a fraud.<sup>13</sup>

Plaintiff requested a wide range of discovery from Defendants, including requests to identify Defendants’ limited partners and members, including who received lottery winnings, as well as documents concerning events that occurred prior to and leading to Defendants’ formation.<sup>14</sup> Over Defendants’ objections, the Business Court ordered that Defendants produce this information subject to an agreed Protective Order.

**B. Plaintiff’s live Petition removes allegations about Defendants’ formation and “significantly” narrows the claims.**

Once Plaintiff got the discovery order he wanted, he amended his petition the *next day* in a transparent attempt to divest the Business Court of jurisdiction. In trying to strip the Business Court of jurisdiction, Plaintiff’s Fourth Amended Petition removed all the allegations and causes of action against Defendants that formed the basis for the Discovery Order.<sup>15</sup> Prior to this amendment, the Business Court held that jurisdiction was proper because Plaintiff’s suit concerned Defendants’ governance, governing documents, or internal affairs based on Plaintiff’s allegations that Defendant Rook TX LP “misrepresented its formation date and operated as a shell entity” to advance the alleged conspiracy that enabled all defendants to fraudulently claim the April 2023 lottery winnings.<sup>16</sup>

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<sup>12</sup> See Third Am. Pet.

<sup>13</sup> See Third Am. Pet. ¶ 62.

<sup>14</sup> See Exhibit A, Response to Discovery Letter.

<sup>15</sup> See Renewed Motion to Remand at 1.

<sup>16</sup> Renewed Motion to Remand at 1-2, n. 1 (quoting Opinion Denying Remand, ¶ 18) (“In short, Reed’s action concerns the date of Rook’s formation and whether Rook was formed for improper purposes and in furtherance of the alleged conspiracy to enable Rook to fraudulently claim the April 2023 lottery winnings. The action necessarily concerns Rook’s governance, governing documents, or internal affairs, and therefore falls within this Court’s jurisdiction under Section 25A.004(b)(2).”).

However, in Plaintiff’s own words, the Fourth Amended Petition—the live Petition—**“significantly narrows the claims and removes all allegations”** concerning the propriety of Defendants’ formation.<sup>17</sup> The Petition dropped all claims against Defendants except “money had and received” and **“expressly disclaims any allegation, legal theory, or request for relief that requires this court to interpret, apply, or enforce the governance, internal affairs, or governing documents of any Defendant entity.”**<sup>18</sup> Defendants now play a passive role: Plaintiff alleges Defendants were provided the winning ticket by co-defendants after the purchase and printing occurred,<sup>19</sup> presented the winning ticket to the Lottery Commission in June of 2023, and then “almost immediately wired” the prize money to accounts controlled by co-defendants who then made further transfers.<sup>20</sup>

His tactic apparently worked, because the Business Court subsequently held that it no longer had jurisdiction over the case because Plaintiff’s live pleading omits his previous allegations concerning Defendants.<sup>21</sup> Incredibly, Plaintiff now asks this Court to believe that “[t]he Rook entities occupy a central role”<sup>22</sup> in this lawsuit—a fact that his Petition expressly disclaims—and to heed the authority of the Business Court by enforcing a Discovery Order that is no longer germane. Plaintiff cannot cherry-pick the aspects of the Business Court’s authority he wants to abide by when it suits his purpose. Plaintiff amended his petition in a transparent effort to strip the Business Court of jurisdiction. By purging allegations and claims against Defendants, his Petition

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<sup>17</sup> Plaintiff’s Renewed Motion to Remand at 1.

<sup>18</sup> Fourth Am. Pet. ¶ 84.

<sup>19</sup> “On information and belief, the U.K. Organizers provided the “winning” jackpot ticket to Rook TX LP.” Fourth Am. Pet. ¶ 70. Defendants ColossusBets Limited, White Swan Data Limited, Bernard Marantelli, and Zeljko Ranogajec are collectively referred to as the U.K. Organizers. *See* Fourth Am. Pet. ¶ 39.

<sup>20</sup> Fourth Am. Pet. ¶ 86. Plaintiff alleges Defendants wired the money to a “client trust account at the Trowbridge Law Firm in Detroit. From there, the funds were sent from one or more U.S. financial institutions to an account in the Isle of Man owned or controlled by the U.K. Organizers.” Plaintiff alleges the U.K. Organizers control the Trowbridge account. Fourth Am. Pet. ¶ 44, f.

<sup>21</sup> Opinion Granting Renewed Motion to Remand at ¶ 7, ¶ 8.

<sup>22</sup> Motion at 2.

significantly reshapes the scope of discovery and sacrifices his ability to obtain certain records from Defendants in favor of prosecuting his suit under the purview of this Court.

### ARGUMENT AND AUTHORITIES

Under the Texas Rules, discovery is based on the subject matter of the pending action, including matters relevant to the claims pleaded. TEX. R. CIV. P. 192.3(a); *Texaco, Inc. v. Sanderson*, 898 S.W.2d 813, 814 (Tex. 1995) (orig. proceeding). Discovery requests must be “reasonably tailored to include only matters relevant to the case.” *In re Am. Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (orig. proceeding). While the scope of discovery is broad, “it is not unlimited” as parties are “are not entitled to conduct discovery on matters unrelated to the subject matter of the dispute.” *Khyber Holdings, LLC v. U.S. Bank Nat'l Ass'n as Tr. to Bank of Am., Nat'l Ass'n*, No. 01-23-00357-CV, 2024 WL 5160511, at \*8 (Tex. App.—Houston [1st Dist.] Dec. 19, 2024, pet. denied). Put simply: “[t]he scope of discovery in a lawsuit is framed by the allegations in the plaintiff’s live pleadings.” *In re Home Depot U.S.A., Inc.*, No. 09-23-00076-CV, 2023 WL 4943328, at \*1 (Tex. App.—Beaumont Aug. 3, 2023, no pet.).

**A. This Court should deny the Motion because the Discovery Order has been superseded by Plaintiff’s live petition that narrows the scope of discovery.**

Plaintiff changed the scope of discovery in this case the day after the Business Court entered the Discovery Order by amending his Petition. Defendants no longer occupy a central role in this lawsuit; instead, they are ancillary players who allegedly claimed the lottery prize and then “immediately wired” the money to accounts controlled by other co-defendants.<sup>23</sup> As such,

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<sup>23</sup> See Fourth Am. Pet. ¶ 73.

Plaintiff’s Motion asks this Court to order discovery from Defendants “that exceed that permitted by the rules of procedure.” *In re Burkett*, 657 S.W.3d 728, 733 (Tex. App.—El Paso 2022, no pet.).

The court in *In re Burkett* was faced with an analogous situation. 657 S.W.3d at 736. The defendant sought mandamus relief from the trial court’s order denying his motion for protection from overbroad discovery requests. The court of appeals held that plaintiff amended his petition with different allegations “*after* [defendant] filed his mandamus, that alters the allegations, and thus the scope of what might be relevant information.” *Id.* at 736 (emphasis in original). The court declined “to re-write the requests, or tailor each against the [previous] petition before the trial court at the protective order hearing.” *Id.* Instead, the court remanded, instructing that “if the issue arises under the newly filed petition” that the trial court should “narrow the scope of discovery to the specific issues raised in the pleading” *Id.* at 732, 736. The court concluded “**that it would be largely an academic exercise to opine of which specific discovery request is viable under a superseded pleading.**” *Id.* at 736, n. 4.

The reasoning of *In re Burkett* applies here; the petition that made the basis of Plaintiff’s discovery requests and the Discovery Order contained markedly different—and more robust—allegations against Defendants than the live Petition. *See id.* at 732. Indeed, Plaintiff previously held Defendants liable for six causes of action and expressly alleged that Defendants were shams to perpetrate fraud requiring veil piercing.<sup>24</sup> But his live Petition superseded his original discovery

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<sup>24</sup> Third Am. Pet. ¶ 62.

requests by stripping his pleading of substantive allegations and all claims against Defendants except “money had and received.”<sup>25</sup>

Because Plaintiff’s Petition makes the Discovery Order inapplicable by changing “the scope of what might be relevant information,” Defendants respectfully request that the Court deny Plaintiff’s Motion on this basis alone. *See In re Burkett*, 657 S.W.3d at 736.

**B. Plaintiff seeks to compel information that is not discoverable because his live Petition disclaims all previously pled claims and allegations related to Defendants’ formation or internal affairs.**

Enforcing the Discovery Order would improperly require Defendants to respond to Plaintiff’s discovery that is overbroad and irrelevant. Although the Business Court overruled certain of Defendants’ objections to Plaintiff’s discovery requests when it issued the Discovery Order, Plaintiff’s amended Petition provides a renewed basis for these objections.

“Overly broad requests for irrelevant information are improper, whether they are burdensome or not.” *In re Allstate Cty. Mut. Ins. Co.*, 227 S.W.3d 667, 670 (Tex. 2007) (orig. proceeding). Requests are overbroad and irrelevant if they seek information that may be of no consequence to the issues in the pleadings. *In re Allstate Fire & Cas. Ins. Co.*, 617 S.W.3d 635, 643 (Tex. App.—Houston [14th Dist.] 2021, no pet.). Requests are also an improper fishing expedition if they seek discovery for “the purpose of finding an issue, rather than in support of an issue already raised by the pleadings.” *Id.* (quoting *In re Am. Home Assurance Co.*, 88 S.W.3d 370, 376 (Tex. App.—Texarkana 2002, orig. proceeding)).

(1) Discovery about Defendants’ members or internal governance is improper and overbroad.

The Discovery Order requires Defendants to produce information about their members and limited partners. This is based on Plaintiff’s discovery requests that seek to identify Defendants’

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<sup>25</sup> Fourth Am. Pet. ¶ 84.

limited partners and members, including its governing documents, and records about its internal affairs despite the fact that his newly-amended Petition disclaims any related allegations. For example, Request for Production Number 1 requests:

- RFP No. 1: Produce all documents, communications, agreements, and records identifying persons, business entities, and organizations who are now, or were in the past, members in [and partners in] ROOK GP LLC [AND ROOK TX LP], including but not limited to your operating agreement, your articles of incorporation, membership agreements, membership rosters, ownership structure documents, and filings with any government or regulatory body.<sup>26</sup>

This and other requests seeking identification of Defendants’ members or other internal governance records are overbroad, irrelevant, and not reasonably calculated to the discovery of admissible evidence. TEX. R. CIV. P. 192.3(a); *In re Allstate Fire & Cas. Ins. Co.*, 617 S.W.3d at 643 (“Facts that may be of consequence to issues not raised by pleadings are not permissible areas of discovery.”) Plaintiff’s Petition admits this because it “expressly disclaims any allegation, legal theory, or request for relief that requires this Court to interpret, apply, or enforce the governance, internal affairs, or governing documents of any Defendant entity.”<sup>27</sup> Further, the information that Plaintiff seeks is protected from disclosure by the State Lottery Act,<sup>28</sup> which specifically allows individuals who own a beneficial interest in a legal entity that presented the winning ticket, and that holds the lottery prize, to remain anonymous.

Plaintiff argues that his sole claim against Defendants for “money had and received” requires “tracing” and “[i]dentifying members who received disbursements” to determine who

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<sup>26</sup> Defendants objected to this Request based on their statutory right of anonymity under the State Lottery Act, TEX. GOV’T CODE § 466.411, and that the Request is unlimited as to time such that it fails to identify the documents sought with reasonable particularity and is otherwise burdensome. *See* Exhibit A, Response to Discovery Letter.

<sup>27</sup> Fourth Am. Pet. ¶ 84.

<sup>28</sup> The State Lottery Act creates a statutory right to anonymity. *See* TEX. GOV’T CODE § 466.411(a) (“[A] natural person who is a prize winner of a lottery prize in an amount equal to \$1 million or more, or who is an owner of a beneficial interest in a legal entity that is a prize winner of a lottery prize in an amount equal to \$1 million or more, may on the date the winner claims the prize choose to remain anonymous and prohibit all personally identifiable information from being released to the public.”).

actually “holds or benefited from the funds.”<sup>29</sup> But Plaintiff stretches this claim too far. Money had and received is an equitable doctrine designed to prevent unjust enrichment. *Merry Homes, Inc., v. Luc Dao*, 359 S.W.3d 881, 883 (Tex. App.—Houston [14th Dist.] 2012, no pet.). Tracing the money or who benefited from the money is not an element of this claim. *See In re Okedokun*, 593 B.R. 469, 555 (Bankr. S.D. Tex. 2018) (applying Texas law, holding that “‘tracing’ [the money] is not an element of the claim of money had and received.”), *subsequently aff’d and remanded sub nom. Matter of Okedokun*, 968 F.3d 378 (5th Cir. 2020).

Plaintiff admits that Defendants received the Lotto prize that he claims rightfully belongs to him.<sup>30</sup> His claim does not depend on the specific identities of Defendants’ members, nor does it implicate internal governance or financial documents. Plaintiff is simply trying to smuggle in discovery related to the very issues that his Petition expressly disavows any reliance on.

Plaintiff also improperly asks Defendants for financial and other records concerning the distribution of the lottery prize as illustrated in Request for Production Number 9:

- RFP No. 9: Produce all documents and communications regarding the distribution of winnings from “The Bulk Purchase”, including documents identifying the recipients, the amounts received by each recipient, and the financial accounts used to send and receive the disbursements.<sup>31</sup>

Plaintiff claims these records are relevant because after claiming the prize, “Rook then wired portions of the proceeds to its individual members who funded the bulk-purchase scheme.”<sup>32</sup> But this is directly contradicted by his Petition that alleges that the flow of funds went in the other direction. He pleads that once Defendants received the prize, the money “was almost immediately

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<sup>29</sup> Motion at 3.

<sup>30</sup> Fourth Am. Pet. ¶ 86 Defendant Rook TX LP and its general partner, Rook GP LLC, received \$57,804,374 from the State of Texas when they presented the claim ticket for the April 22, 2023 Lotto Texas jackpot.”

<sup>31</sup> Defendants objected to this Request based on their statutory right of anonymity under the State Lottery Act, TEX. GOV’T CODE § 466.411, that the Request wrongly seeks documents created before Defendants’ were formed, and that the requested documents are not within its possession, custody, or control. *See* Exhibit A, Response to Discovery Letter.

<sup>32</sup> Motion at 2.

wired by these defendants to a client trust account at the Trowbridge Law Firm in Detroit. From there, the funds were sent from one or more U.S. financial institutions to an account in the Isle of Man owned or controlled by the U.K. Organizers.”<sup>33</sup> Plaintiff alleges that co-defendants—and not the Rook entities—controlled the account at the Trowbridge Law Firm.<sup>34</sup> Accordingly, requests for records about the distribution of money are overbroad as to Defendants because the Petition alleges they neither controlled nor directed any distribution, let alone disbursed anything internally. *See In re Allstate Fire*, 617 S.W.3d at 643.

(2) Discovery related to events pre-dating Defendants’ formation is irrelevant and burdensome.

Finally, the Discovery Order improperly requires Defendants to produce “relevant” documents created or “relating to events that occurred before the date” of Defendants’ formation. This would include information about the “mass printing of tickets” to advance the scheme.<sup>35</sup> But the Petition alleges that Defendants were not involved in the purported scheme until *after* the April 2023 Lotto draw starting in June of 2023.<sup>36</sup> Plaintiff does not plead that Defendants participated in or otherwise facilitated any mass purchase or mass printing. Defendants were not even formed until after the April drawing occurred. Discovery from Defendants about documents concerning events that pre-dated their formation are not relevant and are burdensome, as illustrated by Request for Production Number 10:

- RFP No. 10: Produce all documents reflecting the identity of each person who was present while tickets for “The Bulk Purchase” were printed.<sup>37</sup>

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<sup>33</sup> Fourth Am. Pet. ¶ 86.

<sup>34</sup> Fourth Am. Pet. ¶ 44, f.

<sup>35</sup> Fourth Am. Pet. ¶ 128.

<sup>36</sup> Third Am. Pet. ¶ 63.

<sup>37</sup> Defendants objected that this Request wrongly seeks documents created before Defendants’ were formed, and that the requested documents are not within its possession, custody, or control. Defendants also objected that the reference to “each person who was present” is vague and ambiguous such that the Request fails to identify the documents sought with reasonable particularity. *See* Exhibit A, Response to Discovery Letter.

Defendants’ Amended 91a motion argued that Plaintiff’s negligence *per se* claims should be dismissed because the supporting statutes predated their existence.<sup>38</sup> Plaintiff admitted that he “found those arguments persuasive and, in good faith, filed a Fourth Amended Petition that removes the challenged allegations.”<sup>39</sup> He removed prior allegations that Defendants were formed for the illicit purpose of concealing the identities of those involved in the “alleged scheme.” The Petition now describes Defendants as passive entities that simply redeemed the prize on June 27, 2023—months after the “unlawful bulk printing” and “bulk purchase” of tickets allegedly occurred.<sup>40</sup>

Plaintiff admits that his Petition no longer implicates Defendants in events that pre-dated their formation—including efforts to print lottery tickets—such that his attempt to obtain discovery *from Defendants* about these events is irrelevant and not reasonably tailored to the dispute as to Defendants. *See In re Burkett*, 657 S.W.3d at 736 (holding discovery requests seeking information near the time frame where defendant interacted with co-defendant about unpaid invoices may be relevant but seeking information after that date failed “a cursory relevant test.”); *In re Elara Signature Homes, Inc.*, 611 S.W.3d 62, 67 (Tex. App.—Beaumont 2020, no pet.) (discovery of financial and other information of homebuilder in negligence and breach of warranty case was overbroad and irrelevant because it sought documents from builder before it learned that plaintiff was injured).

These requests also disproportionately burden Defendants to produce records that do not belong to them about events in which they could not have participated (as they were not formed).

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<sup>38</sup> *See* Defendants’ Amended 91a Motion to Dismiss filed on July 11, 2025, attached hereto as Exhibit B.

<sup>39</sup> Renewed Motion to Remand at 2.

<sup>40</sup> “[T]he U.K. Organizers provided the “winning” jackpot ticket to Rook TX LP . . . On June 27, 2023, New Jersey attorney Glenn Gelband presented the “winning” \$95 million ticket printed by the U.K. Organizers and the Ticket Retailers to Texas Lottery authorities and collected the April 22nd jackpot.”

Plaintiff's attempt to obtain information about other individuals from Defendants is an improper fishing expedition as it "is obtainable from some other source that is more convenient." TEX. R. CIV. P. 192.4(a), (b). Accordingly, the Court should deny the Motion.

**C. Discovery is premature because Defendants' pending 91a motion to dismiss is past the date it must be ruled on under Texas law.**

Defendants filed their pending 91a motion to dismiss on July 11, 2025. Although Plaintiff subsequently filed his Petition, in which he significantly narrowed his claims against Defendants, Defendants' 91a motion is still applicable to the sole remaining claim in Plaintiff's live Petition. Under Texas Rule of Civil Procedure 91a.3, Defendants' 91a motion should have been ruled upon by August 25, 2025. TEX. R. CIV. P. 91a.3(c) (a motion to dismiss must be granted or denied within 45 days after the motion is filed). That is why the Business Court set the date for Defendants to comply with the Discovery Order *after* the deadline for ruling on its 91a motion and expressly recognized that the Discovery Order would be moot should the Business Court grant Defendants' motion.<sup>41</sup> Instead of ruling on Defendants' 91a, the Business Court remanded the action to this Court. Defendants' request that this Court deny Plaintiff's Motion because the required date to rule on Defendants' 91a motion has passed. The Court must decide the pending 91a motion first before permitting discovery since Plaintiff's discovery requests—and the Discovery Order—could be moot once the Court disposes of Defendants' motion.

**PRAYER**

For the foregoing reasons, Defendants respectfully request that the Court deny Plaintiff's Motion to Compel Compliance with the Discovery Order.

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<sup>41</sup> The Discovery Order required Defendants to comply with the order by September 4, 2025, which is after the August 25<sup>th</sup> deadline for the Court to rule on the 91a motion. The Business Court heard arguments on Defendants' 91a on August 18, 2025. *See* Discovery Order, Exhibit B to Motion at 2 n.4 ("The Court recognizes that the Rook Defendants have a motion to dismiss pending in this case; if that motion is granted, this order is moot and the parties have no continuing obligations under it.").

Respectfully submitted,

**TROUTMAN PEPPER LOCKE LLP**

By: /s/ David E. Harrell, Jr.

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**ATTORNEYS FOR DEFENDANTS**

**ROOK TX LP AND ROOK GP LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of the foregoing instrument on all counsel of record on September 30, 2025 as follows:

*By electronic service*

/s/ David E. Harrell, Jr.

David E. Harrell, Jr.

# **EXHIBIT A**

**David E. Harrell**  
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August 1, 2025

**Via ECF:** The Honorable Melissa Andrews  
Texas Business Court, Third Division  
William P. Clements Building  
300 West 15th Street, Suite 606  
Austin, Texas 78701

**RE: *Jerry B. Reed v. Rook TX LP, et al.*, NO. 25-BC03A-0007 (Third Division), Defendants Rook TX LP and Rook GP LLC's Response to Plaintiff's Discovery Letter.**

Dear Judge Andrews:

Rook TX LP and Rook GP LLC ("Defendants") have pending motions set for hearing on August 18. Plaintiff served discovery while those motions are pending, and Defendants timely responded by identifying their objections with specificity and stating they would comply with non-objectionable requests. TEX. R. CIV. P. 193.2(b).

However, Defendants object to producing information or documents that:

- (1) Infringe on the rights of individual owners of a beneficial interest in Defendants to remain anonymous under Texas Government Code Section 466.411, or
- (2) Pre-date the formation of Defendants because (i) the information would not exist in the possession, custody, or control of Defendants and (ii) is inconsistent with Plaintiff's pleading in this case, which shapes the scope of discovery.

### I. "UNRESOLVED" REQUESTS

Notably, Plaintiff's Summary of Discovery Dispute is limited to specific requests for production.<sup>1</sup> Defendants responded to or agreed to produce responsive documents, to the extent they exist, for many of Plaintiff's "unresolved" requests.<sup>2</sup>

However, Defendants objected to the following requests:

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<sup>1</sup> Plaintiff-Letter at 2.

<sup>2</sup> See Requests Nos. 1, 4, 5, 7, 8, 10, 11, 12, 14, 18.

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Request Number	Issue
2	Seeks Defendants' Beneficial Ownership Information filings, which were not mandatory for Defendants.
3	Regards the ticket purchases.
6	Asks who gave the winning tickets to Defendants. While objectionable, Defendants provided responsive information in Interrogatory No. 11.
9, 13	Asks about Defendants' distribution of winnings.
15	Seeks Defendants' tax returns. Defendants identified specific objections to this request in addition to the issue of statutory anonymity.

**A. Plaintiff cannot discover information protected from disclosure by the Lottery Act.**

Plaintiff requests “records identifying persons” who are Defendants’ limited partners and members,<sup>3</sup> and who received lottery winnings. The Lottery Act allows winners to remain anonymous by creating an entity to present the winning ticket. Under the Act, a natural person “who is an owner of a beneficial interest in a legal entity that is a prize winner ... may [] choose to remain anonymous and prohibit all personally identifiable information from being released to the public.”<sup>4</sup> Rook TX LP submitted the Lottery Claim Form.<sup>5</sup>

Plaintiff sues to enforce the Lottery Act, which also creates the statutory right to anonymity. Plaintiff cannot both embrace that act while rejecting the protections it affords. The fact that subject matter jurisdiction rests on formation documents does not matter either. Plaintiff has the relevant documents his negligence claim is based on, and Defendants agreed to produce a redacted version of Rook TX LP’s partnership agreement.

Finally, Plaintiff’s compromise of redacting public filings is no solution because this information is expressly protected by statute—not even Plaintiff is entitled to it. Plaintiff cannot make an end-run around the statute just because he sued the entity who received payment.

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<sup>3</sup> Defendants identified Rook GP LLC’s members.

<sup>4</sup> TEX. GOV’T CODE § 466.411(a).

<sup>5</sup> Third. Am. Pet. ¶ 63.

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**B. Information pre-dating Defendants' formation is not discoverable and does not belong to them.**

Defendants object to discovery regarding events before their formation. Plaintiff claims Rook GP LLC was formed June 14, 2023 and Rook TX LP was formed June 15, 2023.<sup>6</sup> However, Plaintiff propounded numerous requests about the April 2023 ticket purchases.

Plaintiff cannot have it both ways. Plaintiff's case rests on the claim that Defendants did not exist when the tickets were purchased in April 2023—the sole basis for his negligence claim against Defendants. The remaining negligence claims involving ticket purchases specifically exclude the Rook Defendants. Plaintiff cannot ignore his own judicial admissions and ask for documents that, under Plaintiff's theory, cannot belong to the Rook Defendants. Plaintiff's attempt to obtain information about other individuals involved in the ticket purchases is an improper fishing expedition.

Respectfully submitted,  
**TROUTMAN PEPPER LOCKE LLP**

By: /s/ David E. Harrell, Jr.  
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**ATTORNEYS FOR DEFENDANTS**  
**ROOK TX LP AND ROOK GP LLC**

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<sup>6</sup> Third Am. Pet. ¶ 62.

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**CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of the foregoing instrument on opposing counsel on August 1, 2025 as follows:

*By electronic service*

/s/ David E. Harrell, Jr.  
David E. Harrell, Jr.

**CERTIFICATE OF COMPLIANCE**

I hereby certify that this document complies with Local Rule 5(a) and contains 648 words, excluding the case caption, any index, table of contents or table of authorities, signature blocks, attached evidence, or any required certificates.

/s/ David E. Harrell, Jr.  
David E. Harrell, Jr.

## Automated Certificate of eService

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Envelope ID: 103878520

Filing Code Description: No Fee Documents

Filing Description: Defendants' Response to Plaintiff's Summary of Discovery Dispute

Status as of 8/1/2025 1:47 PM CST

### Case Contacts

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JERRY B. REED.

*Plaintiff,*

v.

ROOK TX LP, et al.

*Defendants.*

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IN THE DISTRICT COURT

TRAVIS COUNTY, TEXAS

353RD JUDICIAL DISTRICT

**ORDER DENYING PLAINTIFF’S MOTION TO COMPEL COMPLIANCE WITH  
BUSINESS COURT DISCOVERY ORDER**

On this day, the Court considered Defendants Response in opposition (“Response”) to Plaintiff Jerry B. Reed’s (“Plaintiff”) Motion to Compel Compliance with the Business Court Discovery Order (the “Motion”). After considering the Motion, the Response, any other responses and replies, the pleadings, and the arguments of counsel, if any, the Court determined that Plaintiff’s Motion should be and is, hereby, **DENIED**.

**SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025**

\_\_\_\_\_  
**JUDGE PRESIDING**

**APPROVED AND ENTRY REQUESTED**

*/s/ David E. Harrell, Jr.*

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Kathleen Laird on behalf of Kathleen Laird

Bar No. 24132063

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Filing Code Description: RESPONSE

Filing Description: DEFENDANTS ROOK TX LP AND ROOK GP LLC'S  
RESPONSE TO PLAINTIFF'S MOTION TO COMPEL COMPLIANCE  
WITH BUSINESS COURT DISCOVERY ORDER

Status as of 10/1/2025 4:07 PM CST

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