

CAUSE NO. _____

IN RE: WILLIS WILLIS

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IN THE DISTRICT COURT OF

_____ JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

**PETITION REQUESTING DEPOSITIONS TO INVESTIGATE
POTENTIAL CLAIM OR SUIT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Petitioner, Willis Willis, and requests authority to take the depositions of the individuals/entities listed below in order to investigate a potential claim or suit, as authorized by Texas Rule of Civil Procedure 202.

I.

Petitioner resides in Grand Prairie, Dallas County, Texas. Petitioner seeks to investigate potential claims relating to the theft of a lottery ticket by an agent of the Texas Lottery Commission.

Petitioner may be contacted through the undersigned, his attorneys.

II.

The Texas Lottery markets and sells itself as an entity that can make dreams come true. The Texas Lottery sold 4.6 billion chances to make a dream come true last year. The amount of money flowing through the Texas Lottery on a daily and yearly basis is simply staggering. The entry points for most of that money are the store clerks, agents of the lottery, who handle millions of dollars and millions of lottery tickets on a daily basis. But while the lottery touts

itself as secure to the public, it is not. The Texas Lottery is and has been plagued by theft and corruption from store clerk, agents of the lottery, who know and exploit open back doors in lottery security, taking millions of dollars every year. The Texas Lottery Commission has known of the problem for years but has done nothing to secure the back door. Instead, lottery clerks, anonymous to the commission and the public, continue to snatch dreams and siphon funds.

The Texas Lottery identifies as one of its “Core Values” the “Integrity and Responsibility” of the Texas Lottery. The Commission expressly states that it “works hard to maintain the public trust by protecting and ensuring the security of our lottery games, systems, drawings and operational facilities. We value and require ethical behavior by our employees, licensees and vendors” (emphasis added). Based upon the experience of Willis Willis, nothing could be further from the truth.

On May 29, 2009, Willis Willis was a man with a dream. Like many who play the Texas Lottery, Willis picked his numbers, walked into the Lucky Food Mart, a store licensed by the Texas Lottery Commission, and handed the clerk, an agent of the lottery, his hard-earned money for a ticket. The Texas Lottery, through its agent, took Willis' money, just as it did billions of times from other players last year. The lottery machine spit out Willis' ticket, just like lottery machines did billions of times last year. Willis had been playing the lottery for years, handing the agent his money, and later handing the agent the ticket to have it checked on the lottery machine in a manner designed, offered and controlled by the lottery. Players handed lottery agents tickets to be checked in lottery machines millions of times last year. That tangible ticket, paid for by Willis with numbers picked by Willis, was a million-dollar winner. But the lottery agent, Pankaj Joshi, after checking the ticket on the lottery machine, neglected to let Willis

know. Instead, that agent hijacked Willis' dream and took Willis' ticket to Austin where he exploited the hole in commission security and the lottery commission mistakenly paid him Willis' million dollars.

Willis played by the rules. Willis paid for the ticket. Willis picked the right numbers. Willis won a million dollars fair and square. The Texas Lottery owes him that money. Willis should have been paid a million dollars. Instead, as happens over and over on a daily basis in Texas, the lottery agent/clerk didn't play by the rules, but still ended up with the money. The fault for that lies with the Texas Lottery, which lets its agent/clerks play and does not require them to register. When the agent clerks roll through Austin to cash in tickets, the lottery commission, because it has not registered its own agents, does not recognize or investigate the very fox they placed in the henhouse.

The lottery paid Mr. Joshi, its agent, the million dollars that belonged to Willis Willis. After receiving a tip that security had been breached and the wrong person paid, the lottery investigated and determined Mr. Joshi, its agent, had stolen Willis' ticket. Once the Travis County District Attorney was notified, the lottery agent was indicted for theft and some of the funds were recovered. But, incredibly, even after its agent was indicted for the theft, the lottery still maintains that the agent is the "winner" and refuses to pay Willis the money he is owed. By its refusal to do the right thing by Willis, the Texas Lottery Commission has necessitated this action and further investigation.

III.

The Texas Lottery Commission may be served with process by serving Gary Grief, Texas Lottery Commission Headquarters, 611 E. 6th Street, Austin, Texas 78701.

Petitioner now seeks depositions of representative of the Texas Lottery Commission. Initially, Petitioner seeks the depositions of Gary Grief, Texas Lottery Deputy Director and Thomas Hanson, Investigator for the Texas Lottery Commission.

B J N Sons Corporation d/b/a Lucky Food Store #2 does business in the State of Texas and can be served with process via its registered agent, Sudha Patel, 2432 Wingreen Road, #1037, Irving, Texas 75062. Initially, Petitioner seeks the depositions of Barkatali N. Jiwani, owner of Lucky Food Store #2; Nfn (Nick) Parveez, manager of Lucky Food Store #2 and Masadar (Mike) Rahman, Assistant Manager of Lucky Food Store #2.

GTECH Corporation does business in the State of Texas and can be served with process via its registered agent, CT Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201. Initially, Petitioner seeks the depositions of Atal Bali, President of GTECH G2 GTECH Corporation and Alan Eland, Senior Vice President, GTECH Americas.

IV.

Petitioner requests that any discoverable documents reviewed or relied upon by the Deponents in aid of their testimony, be produced to Petitioner at least three days before any oral deposition. The documents requested include but are not limited to: (1) a copy of your entire file or any other documents (including statements and photos) you have obtained regarding or relating to Pankaj Joshi, Willis Willis, the purchase of any and all lottery tickets by Willis Willis and the investigation concerning the theft of the lottery ticket by Pankaj Joshi; (2) Any and all information concerning the prevention of the theft of lottery tickets of store clerks of vendors or licensees of the Texas Lottery Commission; (3) The implementation of procedures, products or services to prevent or protect against the theft of lottery tickets by store clerks.

V.

Petitioner desires to obtain such testimony to investigate the facts behind his potential claims, which is the duty of his counsel under the Texas Rules. Moreover, the likely benefit of allowing Petitioner to take these depositions outweighs the burden or expense of such procedures. Petitioner anticipates that the depositions will provide further information that allows a decision to be made on whether to file a lawsuit and/or what actionable conduct has been committed and by which persons and/or entities. Petitioner desires to obtain such testimony in order to investigate potential claims by Petitioner.

VI.

For the reasons so stated, Petitioner requests that the deponents be cited to appear at a hearing on this Petition, and after the hearing (where Petitioner will present evidence if necessary), the Court find that the likely benefit of allowing Petitioner to take the requested deposition(s) to investigate the potential claim outweighs the burden or expense of the procedure. Petitioner further requests that the Court issue an order, authorizing Petitioner to take the depositions of the listed individuals/entities be taken at the following time and place:

December 18, 2009 at 9:00 a.m.

HowryBreen L.L.P.

1900 Pearl Street

Austin, Texas 78705

or at a mutually convenient time or place to be specified by the Court, or agreed upon by the parties; that discoverable documents as set out above be provided three business days in advance of said oral depositions.

VII.

CONDITIONS PRECEDENT

All conditions precedent have been performed or have occurred.

PRAYER

Wherefore, Petitioner requests that respondents be cited to appear and answer and that Petitioner have relief that includes the following:

- a. The Rule 202 relief requested, including depositions and documents;
- b. Such other and further relief to which Petitioner may be entitled.

Respectfully submitted,

HOWRYBREEN, L.L.P.

A handwritten signature in black ink that reads "Randy Howry". The signature is written in a cursive style with a large initial "R" and "H".

Randy Howry
State Bar No. 10121690
Sean E. Breen
State Bar No. 00783715
1900 Pearl Street
Austin, Texas 78705-5408
(512) 474-7300
(512) 474-8557 Facsimile

ATTORNEYS FOR PETITIONER

AFFIDAVIT

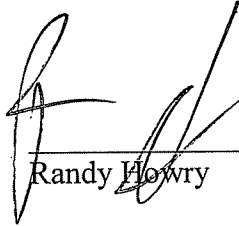
THE STATE OF TEXAS

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COUNTY OF TRAVIS

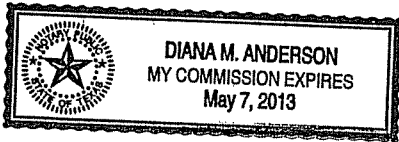
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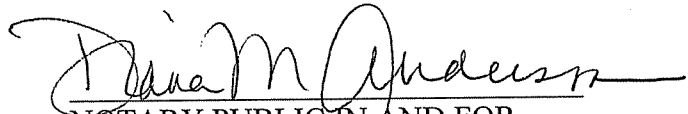
BEFORE ME, this day personally appeared Randy Howry, a person to me well known, who, upon his oath stated that he is the attorney for Petitioner, that he is fully authorized to make this Affidavit, that he has read and is familiar with the allegations set forth in the foregoing Petition Requesting Depositions to Investigate Potential Claim or Suit and that such matters are true and correct.



Randy Howry

SUBSCRIBED AND SWORN to before me this 24th day of November, 2009.





NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS