

# EXHIBIT “E”

**Parker, Crystal**

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**From:** Parker, Crystal  
**Sent:** Friday, September 11, 2009 7:26 AM  
**To:** 'Patricia Peden'  
**Cc:** 'Nick Patton'; 'Marcie Long'; Babcock, Chip; Moran, David; Griffin, Richard; Schwarz, Kurt; Flynn-DuPart, Mary Lou; Adair, Kathy; Parker, Crystal  
**Subject:** RE: Meet and confer regarding privilege issues in Ward v. Cisco

Patty, please let me hear from you on this. When can we expect the documents? Please email them to me as soon as possible. As you know, we will be out of the office for the next few weeks, so they need to be sent via email.

Thank you,

Crystal J. Parker  
Jackson Walker L.L.P.  
713-752-4217

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**From:** Parker, Crystal  
**Sent:** Thursday, September 10, 2009 3:10 PM  
**To:** 'Patricia Peden'  
**Cc:** Nick Patton; Marcie Long; Babcock, Chip; Moran, David; Griffin, Richard; Schwarz, Kurt; Flynn-DuPart, Mary Lou; Adair, Kathy  
**Subject:** RE: Meet and confer regarding privilege issues in Ward v. Cisco

Patty,

When can we expect to receive the three documents on Johnny's privilege log? We need to review these as soon as possible (by tomorrow at the latest) given the discovery deadline to determine whether we need to follow up on the information in the documents and whether we need to depose any additional witnesses.

As we discussed on the phone, please remind me which issues you think are outstanding with your request for production. My recollection is that the ball was in your court on most of the issues.

As for Tanielian and Timmeny, we are working on determining their availability. As we mentioned before, we would like to have all of the depositions in California around the same time to avoid making numerous trips there. Based on our conversation earlier, you will be sending out subpoenas for 10 witnesses to be deposed from Sept. 28-October 1. Given that, we will need the full week of Sept. 21 for our depositions. We intend to depose at least the following during that week: Paul and George McAndrews, Bob Chiavello, Ray Niro, Danny Williams, Sam Baxter, Terry Fokas. I will let you know if there are any others.

As I told you before, we do not agree that we are required to log our privileged communications with Baker Botts. If you are aware of authority to the contrary, please let us know so we can evaluate your position.

9/11/2009

I thought we had already produced Doc. #14 to you, but we have sent an additional copy (along with a few other documents) in response to a request from Marcie.

We do not agree to produce documents that Judge Bush admitted in the Albritton case, and we continue to assert privilege as to those documents. We believe that those documents are privileged, and indeed Judge Hendren reviewed them in camera and did not find that they are not privileged.

Take care,

Crystal J. Parker  
Jackson Walker L.L.P.  
713-752-4217

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**From:** Patricia Peden [mailto:ppeden@pedenlawfirm.com]  
**Sent:** Wednesday, September 09, 2009 12:34 PM  
**To:** Parker, Crystal  
**Cc:** Nick Patton; Marcie Long  
**Subject:** Re: Meet and confer regarding privilege issues in Ward v. Cisco

Crystal:

I have. We will be producing three of the four documents you asked about. For the fourth document, the client expressly states that the email is attorney-client privileged. As you know the privilege is held by the client, and Johnny Ward cannot waive the client's claimed privilege. Therefore, we cannot produce that document.

While we are taking up discovery issues in the Ward case, there are a number of outstanding discovery issues for which Cisco promised us a response weeks ago. You and Mary Lou were going to get back to me about the host of issues relating to Ward's Second Set of RFPs. Please provide me with Cisco's positions as soon as possible. I anticipate that we will need to file a motion to compel. Given the short discovery deadline in the Ward case, I need to have someone working on our motion to compel while we are in the Albritton trial. Thus, I need your responses in the next few days. These issues have been outstanding for a very long time.

We have asked several times for deposition dates for Tannalien and Timmeny. Please provide use with dates as soon as possible. If the discovery deadline in the Ward case is not extended by Court Order this week, we will have no choice but to start noticing up depositions to go forward right after the Albritton trial concludes.

On the privilege issues: you owe us a response to Cisco's position about identifying communications with Baker Botts on Cisco's privilege log.

Finally, you promised to produce Privilege Doc. #14 weeks ago, but we still have not received it. Or at least, I don't think we have. Can you please produce that document as well as all other documents that Cisco is withholding from Ward that Judge Bush admitted in the Albritton case, finding that they were not privileged. We will need those documents ASAP so we can move ahead with depositions in the Ward case.

9/11/2009

I would appreciate hearing from you about these issues this week as we will all be consumed with the Albritton trial the next two weeks.

Thanks,  
Patty

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**From:** "Parker, Crystal" <cparker@jw.com>  
**To:** Patricia L. Peden <ppeden@pedenlawfirm.com>  
**Cc:** "Babcock, Chip" <cbabcock@jw.com>; "Moran, David" <dmoran@jw.com>; "Flynn-DuPart, Mary Lou" <mdupart@jw.com>; "Adair, Kathy" <kadair@jw.com>; nickpatton@texarkanalaw.com  
**Sent:** Tuesday, September 8, 2009 8:34:40 PM  
**Subject:** RE: Meet and confer regarding privilege issues in Ward v. Cisco

Patty,

Have you had a chance to speak with Johnny about this? Please let us know.

Thank you,

Crystal J. Parker  
Jackson Walker L.L.P.  
713-752-4217

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**From:** Patricia L. Peden [mailto:ppeden@pedenlawfirm.com]  
**Sent:** Tuesday, August 25, 2009 2:49 AM  
**To:** Parker, Crystal  
**Cc:** Babcock, Chip; Moran, David; Flynn-DuPart, Mary Lou; Adair, Kathy; nickpatton@texarkanalaw.com  
**Subject:** RE: Meet and confer regarding privilege issues in Ward v. Cisco

Crystal:

My client is unavailable to discuss until Friday. I will talk to him then and get back to you as soon as possible.

Thanks,  
Patty

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**From:** Parker, Crystal [mailto:cparker@jw.com]  
**Sent:** Monday, August 24, 2009 12:31 PM  
**To:** Patricia L. Peden  
**Cc:** Babcock, Chip; Moran, David; Flynn-DuPart, Mary Lou; Adair, Kathy  
**Subject:** Meet and confer regarding privilege issues in Ward v. Cisco

Patty,

In our call today you asked that I provide you with a list of documents from Ward's privilege log that we believe may be subject to waiver. Based on the descriptions, it looks like the following apply: 1, 3-5, 8-17, 15-23. Please let us know your position after you have had a chance to confer with your client.

9/11/2009

Thank you,

Crystal J. Parker  
Jackson Walker L.L.P.  
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Houston, TX 77010  
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713-752-4217 (direct)  
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9/11/2009

## Parker, Crystal

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**From:** Patricia L. Peden [ppeden@pedenlawfirm.com]  
**Sent:** Wednesday, August 19, 2009 6:46 PM  
**To:** Parker, Crystal; 'Nick Patton'  
**Cc:** Babcock, Chip; Moran, David; Adair, Kathy  
**Subject:** RE: Ward v. Cisco-Meet and confer regarding privilege issue

Fine by me. I don't know how many people will be joining, so can you circulate a call-in number?

**From:** Parker, Crystal [mailto:cparker@jw.com]  
**Sent:** Wednesday, August 19, 2009 4:03 PM  
**To:** Patricia L. Peden; Nick Patton  
**Cc:** Babcock, Chip; Moran, David; Adair, Kathy  
**Subject:** RE: Ward v. Cisco-Meet and confer regarding privilege issue

OK, that works for me. How about 2:00 Central?

Crystal J. Parker  
Jackson Walker L.L.P.  
713-752-4217

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**From:** Patricia L. Peden [mailto:ppeden@pedenlawfirm.com]  
**Sent:** Wednesday, August 19, 2009 6:02 PM  
**To:** Parker, Crystal; 'Nick Patton'  
**Cc:** Babcock, Chip; Moran, David; Adair, Kathy  
**Subject:** RE: Ward v. Cisco-Meet and confer regarding privilege issue

Crystal:

Lets meet and confer about these four documents on Monday, after the immediate need of getting the Albritton amended pretrial materials is behind us. My schedule is pretty free on Monday so let me know what works for you.

Patty

**From:** Parker, Crystal [mailto:cparker@jw.com]  
**Sent:** Tuesday, August 18, 2009 7:48 AM  
**To:** Patricia L. Peden; Nick Patton  
**Cc:** Babcock, Chip; Moran, David; Adair, Kathy  
**Subject:** Ward v. Cisco-Meet and confer regarding privilege issue

Patty,

Based on Johnny's deposition testimony, it appears as though documents No. 2, 6, 13, and 14 on Johnny's Privilege Log are not privileged. Before we raise this with the Court we wanted to give you an opportunity to

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produce them. Please let me know whether you will produce them and if not, why you think they are privileged.

Thank you,

Crystal J. Parker  
Jackson Walker L.L.P.  
1400 McKinney, Suite 1900  
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713-752-4217 (direct)  
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