

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

JOHN WARD, JR.

v.

CISCO SYSTEMS, INC.

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C.A. NO. 4:08cv4022  
JURY TRIAL DEMANDED

**OPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO  
DEFENDANT CISCO SYSTEMS INC.’S MOTION TO COMPEL RESPONSES  
TO CISCO SYSTEM, INC.’S FIRST REQUEST FOR PRODUCTION**

Come now Plaintiff, John Ward, Jr., and files this opposed motion for extension of time to respond to Defendant Cisco Systems Inc.’s Motion to Compel Responses to Cisco System, Inc.’s First Request for Production (DE #101), and respectfully show as follows:

1. On September 11, 2009, Defendant filed its Motion to Compel Responses to Cisco System, Inc.’s First Request for Production. Plaintiff was in the midst of trial preparation in the matter of *Albritton v. Cisco*, pending in the Eastern District of Texas, Tyler Division, Cause No. 6:08cv89, and failed to see the filing the subject of this motion. The Albritton trial began on September 14<sup>th</sup> and counsel for Plaintiff was away from the office when the motion was filed. For most of the issues raised in Cisco’s motion, Cisco failed to meet and confer with Plaintiff. Thus, Plaintiff had no reason to expect the filing of the motion and in the midst of trial failed to see that Cisco filed a motion to compel.

2. Plaintiff calculates its deadline to respond to Defendant’s Motion to Compel Responses to Cisco System, Inc.’s First Request for Production was due on or about September 25, 2009.

3. Plaintiff, upon realization of its mistake, immediately contacted opposing counsel via telephone and email and requested until Monday, October 5, 2009, to file its response.

4. Although Plaintiff believes that Cisco will act in good-faith and permit Plaintiff additional time in which to respond to its motion, which raises a host of issues including critical claims of attorney client privileged communications, Plaintiff is filing this opposed motion in an abundance of caution as Plaintiff is currently unaware of Defendant's position regarding its request.

Wherefore, Plaintiff respectfully requests this motion be granted and that the time to respond to Defendant Cisco Systems Inc.'s Motion to Compel Responses to Cisco System, Inc.'s First Request for Production be extended to Monday, October 5, 2009.

Respectfully submitted,



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ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

This is to certify that on this 30<sup>th</sup> day of September, 2009, a true and correct copy of the foregoing Response to Defendant's Motion to Compel Responses to Cisco System, Inc.'s First Set of Interrogatories was served electronically upon:

Richard E. Griffin  
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Crystal Parker  
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Attorney for Defendant Cisco Systems, Inc.



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Nicholas H. Patton