

# Ex. G



1 Q. Okay. And what's his relationship, if any, to  
2 the T. Ward [sic], Jr., P.C.?

3 A. He is a shareholder in my professional  
4 corporation.

5 Q. Are there any shareholders besides yourself  
6 and Mr. Smith?

7 A. Yes, one more, Thomas Reardon. That happened  
8 about two months ago.

9 Q. Okay. And the current percentage ownership is  
10 what?

11 A. There's 2,000 shares, and Mr. Smith and  
12 Mr. Reardon each have one share. So whatever that  
13 percentage is.

14 Q. Okay.

15 A. A benevolent dictatorship.

16 Q. So you own 1,998 of the 2,000 shares of  
17 T. John Ward, Jr., P.C.?

18 A. I do.

19 Q. All right. T. John Ward, Jr., P.C. is not a  
20 plaintiff in this case, correct?

21 A. Correct.

22 Q. Is -- are you claiming damages to T. John  
23 Ward, Jr., P.C. indirectly in this case?

24 A. No.

25 Q. Have you practiced law since 2007 -- since

1           October 2007 in any -- with any entity or in any way  
2           other than through the T. John Ward, Jr., P.C.?

3           A.    No.

4           Q.    Okay. How are you compensated by the -- by  
5           the law practice?

6           A.    I take a paycheck when there's money to be  
7           taken.

8           Q.    Since October of 2007, have your paychecks  
9           decreased?

10          A.    No. I made more in 2008 than I did in 2007.

11          Q.    Okay.

12          A.    Probably less in 2009 than I made in 2007.

13          Q.    Although, there's still hope for 2009.

14          A.    We've still got some -- we've still got some  
15          time left.

16          Q.    It -- it looks, to me, from looking at the  
17          new-case filings in the Eastern District of Texas, that  
18          you are a very active litigant there. Is that fair to  
19          say?

20          A.    I --

21                           MS. PEDEN: Objection to form.

22          A.    I'm not an active litigant. I --

23          Q.    (BY MR. BABCOCK) I mean --

24          A.    I represent --

25          Q.    -- represent people. Yeah.

1           A.    I represent a number of individuals and  
2           entities.

3           Q.    I should say you have an active practice.

4           A.    I have an active practice, yes.  I'd agree  
5           with that characterization.

6           Q.    And has -- do you think your practice has  
7           suffered since October 17th and 18th of 2007?

8           A.    Now, what do you mean when you say "suffered"?

9           Q.    Well, are you sitting in -- sitting in your  
10          office, twiddling your thumbs, waiting for the next case  
11          to come in?

12          A.    No.  I've stayed very busy.

13          Q.    Yeah.  And I'm just guessing, based on my own  
14          practice, that you probably work more than 2,000  
15          billable hours a year?

16          A.    I have a feeling that I do.  I think I work  
17          pretty hard.

18          Q.    Yeah.  And one of my client -- one of my  
19          partners, Richard Griffin, says:  Great lawyers are made  
20          by great clients.  Do you agree with that?

21          A.    And hard work, yeah.

22          Q.    Hard work and great --

23          A.    And some luck.

24          Q.    And luck.

25                           I've heard it said about you that you're a

1 Q. Okay. In -- in 2007, what percentage of your  
2 work was patent litigation? I know roughly. I mean,  
3 you can't do it precisely.

4 A. No. I'm guessing it was probably 70,  
5 75 percent.

6 Q. Okay. And 2008?

7 A. It -- it's hard to break it down in percentage  
8 because I still have my hand in the personal injury  
9 business. I still --

10 Q. Sure.

11 A. -- get those clients and go to mediations.  
12 And if we go to trial, I go to trial. So, you know,  
13 I've still got a per- -- I don't know if we're talking  
14 about a percentage of income or a percentage of my time  
15 that I spend on cases.

16 Q. Sure.

17 A. So I don't know how you want to break that  
18 out.

19 Q. Well, it's -- it's good enough. I mean, it's  
20 hard to -- I mean, I'd be hard-pressed if anybody asked  
21 me the question.

22 But in 2007 to -- to today, it's -- it's  
23 grown from 70 or 75 percent to 90 percent?

24 A. As far as the day-in, day-out time that I  
25 devote to practice, yes.

1 think of as general local counsel. Eric and I try these  
2 cases very actively and are actively involved in them:  
3 jury selection, opening statements, taking witnesses.

4 Q. Were you -- had it been decided whether you  
5 and Eric were going to be actively involved in trying  
6 this ENS -- ESN case at this October 17th point?

7 A. Again, I don't know what they discussed. I  
8 can tell you what our -- the general practice was. We  
9 don't get involved unless we're going to be active  
10 and -- and so I would assume that that was understood  
11 going in.

12 Q. Were -- were you -- was your involvement in  
13 this case through Eric or did McAndrews call you up or  
14 did somebody from ESN call you up?

15 A. It was through Eric. Now, whether they called  
16 and said, "We want to hire you guys" -- I don't know  
17 exactly how it went down.

18 Q. Okay.

19 A. But Eric -- Eric was kind of in charge of ESN  
20 at that time.

21 Q. Okay. But you had separate bus- -- law firms  
22 at that time; you weren't partners then, right?

23 A. Correct. Still -- still have separate  
24 businesses.

25 Q. Yeah. So the first contact that was made to

1 you was by Eric Albritton, correct?

2 A. I believe so.

3 Q. Okay. And -- and Mr. Albritton and his staff  
4 were responsible for filing the -- the pleadings. And  
5 you didn't have anything to do with that, right?

6 A. That's correct.

7 Q. Okay.

8 A. The -- the original complaint --

9 Q. The original --

10 A. -- yes.

11 Q. -- complaint, which there is some  
12 documentation on the 15th, some stuff on the docket  
13 sheet on the 15th.

14 MS. PEDEN: Objection to form.

15 Q. (BY MR. BABCOCK) Do you agree that there's a  
16 docket sheet that shows something was filed on the 15th?

17 MS. PEDEN: Objection to form.

18 A. This -- again, embarrassingly, I -- I haven't  
19 gone back and looked through all the docket sheets. I  
20 don't know that I've ever looked at the docket sheet.  
21 I've looked at the notice of electronic filing well  
22 after the fact to see it was filed --

23 Q. (BY MR. BABCOCK) Okay.

24 A. -- when we say it was.

25 Q. There's -- certainly, within a short period of



1           asked me, "Would you have done it any differently," you  
2           know. I said: Absolutely not. That's -- that's what  
3           my assistant does when there's a --

4           Q.    Okay.

5           A.    -- an error in the clerk's office.

6           Q.    Okay. Have you talked to David Maland about  
7           this, the -- the clerk himself, the --

8           A.    Never.

9           Q.    Okay. Have you talked to any of the deputy  
10          clerks or assistant clerks about it?

11          A.    Never.

12          Q.    Okay. Have we exhausted everything you and  
13          Mr. Albritton talked about the issue of Ms. Mathis  
14          calling the Eastern District of Texas court clerk  
15          regarding the change of the docket?

16          A.    I believe so.

17          Q.    Okay. Let's keep going on this article.

18          A.    Okay.

19          Q.    Quote: I checked, and sure enough, that's  
20          exactly what happened - the docket was altered to  
21          reflect an October 16th filing date, and the complaint  
22          was altered to change the filing-date stamp from October  
23          15th to October 16th.

24                            Did I read that correctly?

25          A.    I believe you did.

1           them about what's happened?

2           Q.    Uh-huh.  And he -- he said yes?

3           A.    He said --

4           Q.    Okay.

5           A.    -- whatever you need to do.

6           Q.    Is there anybody of this nature, like Pete  
7           McAndrews and Bob Chiaviello, who you've asked  
8           permission who have denied it, said:  No, you can't give  
9           my name to the lawyers?

10          A.    Yes.

11          Q.    Who is that?

12          A.    I don't -- they don't want their names out  
13          there, and I -- I don't -- I'm not comfortable giving  
14          them to you.  I think it's confidential.  They've had  
15          clients who've -- and I can't -- obviously, if I  
16          can't -- if I don't give it to you now, I'm not going to  
17          get to talk about it at trial, and I understand I live  
18          and die by that.

19          Q.    Okay.  Are you claiming economic damages in  
20          this case?

21                           MS. PEDEN:  Objection to form.

22          A.    I don't believe so.  I think I'm claiming  
23          pain, suffering, mental anguish, and reputational  
24          damage.  I think I've lost business, but, you know, I  
25          can't ever -- again, I can't prove who's not hiring me

1 because of this, so I can't put any dollar value on it.

2 Q. (BY MR. BABCOCK) You could prove, however,  
3 that a bunch of people are hiring you. I mean --

4 A. I've --

5 Q. -- you've got a pretty active docket.

6 A. I've got an active docket, yes. This has, by  
7 no means, shut my practice down.

8 Q. Okay. So there's Pete McAndrews, Bob  
9 Chiaviello, and one or more people that you won't name?

10 A. One. One lawyer.

11 Q. Okay. One lawyer that you won't name.

12 A. And Mr. Fokas has told me that he would not  
13 have hired me if he did not know me prior to this and  
14 know this to be untrue about me. That's hindsight,  
15 but --

16 Q. Uh-huh.

17 A. -- he's made that comment to me. I think he's  
18 very happy with my representation of him, so I'm not  
19 worried about losing him as a client.

20 Q. All right. Okay. Anybody -- anybody else,  
21 other than McAndrews, Chiaviello, the one lawyer you  
22 won't tell us, who has said that because of this Patent  
23 Troll Tracker article -- were you even quoting somebody  
24 else?

25 A. Quoting some- --

1 (Off the record 1:15-1:18.)

2 THE VIDEOGRAPHER: Back on the record,  
3 1:18.

4 Q. (BY MR. BABCOCK) Have you ever engaged in any  
5 lobbying efforts in Washington regarding patent reform  
6 or the patent laws?

7 MS. PEDEN: Objection, vague and  
8 ambiguous.

9 You can --

10 Q. (BY MR. BABCOCK) Go -- go ahead and answer.

11 A. Yeah.

12 MS. PEDEN: If you can.

13 A. Yeah. When you say "have engaged in," have I  
14 gone to D.C.? Have I called congressmen? You know,  
15 what is it that you're wanting to know?

16 Q. (BY MR. BABCOCK) All right. Good questions,  
17 all of them --

18 A. Okay.

19 Q. -- since you're a trial -- I bet you're a  
20 trial lawyer.

21 Have you ever gone to Washington, D.C. in  
22 connection with patent law?

23 A. No.

24 Q. Have you ever called any members of Congress  
25 regarding -- regarding issues of patent law?

1 A. No.

2 Q. Okay. Have you ever been involved with any  
3 organizations that have been on one side or the other of  
4 the patent reform law debate?

5 A. I think the American Association for Justice  
6 got involved, and so -- I send money to them. I don't  
7 believe the Texas Trial Lawyers Association has weighed  
8 in on it. So only the AAJ.

9 Q. Have you ever been to Washington, D.C. on  
10 business?

11 A. Yes.

12 Q. And while in Washington, D.C., did you ever  
13 meet with a member of Congress, either a senator or a  
14 representative --

15 A. Never.

16 Q. -- or their staff?

17 A. Never.

18 Q. Okay. Did you ever meet with a lobbyist,  
19 somebody who -- either for AAJ or for the -- anybody  
20 else who's lobbying Congress?

21 A. Face-to-face meetings, no.

22 Q. How about telephone meetings?

23 A. Never on the telephone.

24 Q. Okay. You said that the notice of electronic  
25 filing was available online. Could you tell -- I think