

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION**

JOHN WARD, JR.

v.

**CISCO SYSTEMS, INC and
RICK FRENKEL**

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No. 08-4022

DECLARATION OF R. GARY NUTTER

COUNTY OF BOWIE §

STATE OF TEXAS §

R. Gary Nutter declares as follows:

1. My name is R. Gary Nutter. I am over 18 years of age, of sound mind and am fully competent to make this declaration. The statements herein are true, correct, and based on my personal knowledge. If called to testify as to the matters stated herein, I would and could do so.
2. I attended law school at the University of Arkansas Fayetteville and graduated in 1971. I am licensed to practice law in both Arkansas and Texas. I am also admitted to practice in the Eastern District of Texas and the Eastern and Western Districts of Arkansas. Most lawyers in the Texarkana area are licensed to practice in both Texas and Arkansas.
3. I am a partner at the law firm Dunn, Nutter, and Morgan located at 3601 Richmond Road, Texarkana, Texas. Before our recent move to "the Texas side" our firm was

located at Suite 6 Stateline Plaza, Texarkana, Arkansas, just one block from the federal courthouse, for thirty-seven years.

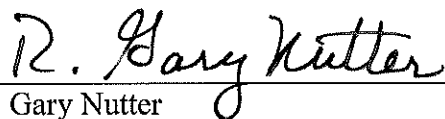
4. Other than driving to another physical location in Texarkana, the nature of our practice and legal services has not changed. We still provide the same services, file cases in the same courts, and our clients come from the same geographic areas – principally Northeast Texas and Southwest Arkansas.
5. The firm's practice regularly includes cases in Texarkana and Arkansas state courts and the local federal courts (the Eastern District of Texas and the Western District of Arkansas.) Our attorneys refer cases to other lawyers in both Texarkana, Texas and Texarkana, Arkansas, and we receive referrals from lawyers in both Texarkana, Texas and Texarkana, Arkansas. We have clients from both cities as well as from the smaller surrounding cities in both Texas and Arkansas.
6. I am currently serving as the president of the Texarkana Bar Association. The Texarkana legal community is one legal community comprised of attorneys from both Texarkanas. The Texarkana Bar Association is made up of and serves lawyers from both Texarkana, Arkansas and Texarkana, Texas.
7. The Texarkana Bar Association holds many events throughout the year. The events are attended by lawyers from both sides of the border, and the events are held on both sides of the border. For example, last year, the Bar Christmas Party was held at my home in Texarkana, Arkansas. Our monthly Bar lunches are typically held at Northridge Country Club in Texarkana, Texas. The Bar hosts Continuing Legal Education events that have been held at Texarkana Country Club in Texarkana, Arkansas, Northridge Country Club in Texarkana, Texas, First Methodist Church in

Texarkana, Arkansas, and the Texarkana Public Library in Texarkana Texas. Those CLE events include legal issues of concern to practitioners in both Arkansas and Texas..

8. I have practiced in this legal community for thirty-seven years. During that time I have come to know most, if not all. Of the lawyers who practice in Texarkana. Texarkana is a legal community where the lawyers know each other well. If a member of the legal community is publicly disciplined by a court or the state bar, it is likely that most of the members of the Texarkana legal community (both in Arkansas and Texas) would be aware of that lawyer's conduct. Likewise, when lawyers in this community get a good or bad result in a lawsuit, it is not uncommon for the majority of the members of the Texarkana legal community (both in Arkansas and Texas) to be aware of that result.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed on April 24, 2008.


R. Gary Nutter