

EXHIBIT E

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

JOHN WARD, JR.

v.

CISCO SYSTEMS, INC. AND RICK
FRENKEL

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§
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§
§
§

C.A. NO. 08-4022
JURY TRIAL DEMANDED

PLAINTIFF'S FIRST SUPPLEMENTAL DISCLOSURES

Pursuant to Fed. R. Civ. P. 26(a)(1), Plaintiff John Ward, Jr. ("Ward"), through counsel, provides the following Initial Disclosures to Defendant Cisco Systems, Inc. ("Cisco").

PRELIMINARY STATEMENT AND RESERVATION OF RIGHTS

Ward makes these disclosures based on his current knowledge, based on information that is reasonably available to him at this time, and upon information that is within his possession, custody or control. Ward is under no obligation to produce documents that are within the possession, custody or control of third parties. Ward's investigation and analysis is ongoing and Ward reserves the right to amend or supplement his disclosures consistent with Fed. R. Civ. P. 26(e).

By making these disclosures, Ward does not represent that he is identifying every document, tangible thing, or witness possibly relevant to this lawsuit. Ward's initial disclosure are further made without waiving in any way: (i) the right to object on the grounds of competency, privilege, the work product doctrine, relevancy, materiality, hearsay, undue burden, or any other proper ground, to the use of any such information for any purpose, in whole or in part, in this action or any other action or proceeding; and (ii) the right to object on any grounds, at any time, or any other discovery request or

proceeding involving or relating to the subject matter of these disclosures. All the disclosures set forth below are made subject to the above objections and qualifications.

Rule 26(a)(1)(A): “[T]he name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subject of information.”

Disclosure: The following individuals may have potentially discoverable information Ward may use to support his claims.

1. John Ward, Jr.
111 W. Tyler Street
Longview, Texas 75601
(903) 757-6400

Mr. Ward is the Plaintiff.

2. Richard Frenkel
3229 Morris Drive
Palo Alto, CA 94303

Rick Frenkel wrote the blog which contained the defamatory comments causing damage to Defendant’s reputation and all matters relating to the causes of action in this case.

3. Corporate Representative of Google, Inc.
1600 Amphitheatre Pkwy
Mountain View, California 95051

Google has knowledge of the filing of Plaintiff’s original proceeding against John Doe in Gregg County, Texas. Based upon information and belief, it would have informed Rick Frenkel that Plaintiff sought to discover his identity. Google may also have knowledge about the dissemination of the articles at issue.

4. Corporate Representative of Cisco Systems, Inc.
San Jose, California

Cisco is the Defendant.

5. Mark Chandler
c/o Jackson Walker, LLP
1401 McKinney
Suite 1900
Houston, TX 77010
713.752.4200

General Counsel to Cisco Systems Inc.

6. Eric M. Albritton
111 W. Tyler Street
Longview, Texas 75601
(903) 757-8449

Mr. Eric M. Albritton also is local counsel on Civil Action No. 5:07cv156, the civil action that resulted in the defamatory comments by Defendant. Mr. Albritton likely has knowledge of all issues in this case. He has knowledge of Plaintiff's reputation in the legal community. He also has knowledge of Plaintiff's damages.

7. Amie J. Mathis
1903 Inglewood Street
Henderson, Texas 75654

Mrs. Mathis filed the Complaint in Civil Action No. 5:07cv156 on behalf of Eric M. Albritton.

8. David Maland
United States District Clerk's Office
211 West Ferguson Street, Room 106
Tyler, Texas 75702

David Maland has knowledge of the circumstances surrounding the filing of the Complaint in Civil Action No. 5:07cv156. Mr. Maland has knowledge of the Local Rules, the court's software system, the Notice of Electronic Filing, local filing procedures and several facts concerning the issues in this case.

9. Rhonda Lafitte
United States District Clerk's Office
500 N State Line Ave
Texarkana, Texas 75504

Rhonda Lafitte has knowledge of the circumstances surrounding the filing of the Complaint in Civil Action No. 5:07cv156. Ms. Lafitte has knowledge

about her conversation with Jillian Powell, who called the clerk's office on behalf of Cisco.

10. Shelly Moore
United States District Clerk's Office
500 N State Line Ave
Texarkana, Texas 75504

Shelly Moore has knowledge of the circumstances surrounding the filing of the Complaint in Civil Action No. 5:07cv156.

11. Peggy Thompson
United States District Clerk's Office
211 West Ferguson Street, Room 106
Tyler, Texas 75702

Peggy Thompson has knowledge of the circumstances surrounding the filing of the Complaint in Civil Action No. 5:07cv156.

12. Faye Thompson
United States District Clerk's Office
211 West Ferguson Street, Room 106
Tyler, Texas 75702

Faye Thompson has knowledge of the circumstances surrounding the filing of the Complaint in Civil Action No. 5:07cv156.

13. David Provines
United States District Clerk's Office
211 West Ferguson Street, Room 106
Tyler, Texas 75702

David Provines has knowledge of the circumstances surrounding the filing of the Complaint in Civil Action No. 5:07cv156. Mr. Provines has knowledge of the Eastern District of Texas' ECF software.

14. Rachel Wilson
United States District Clerk's Office
211 West Ferguson Street, Room 106
Tyler, Texas 75702

Rachel Wilson has knowledge of the circumstances surrounding the filing of the Complaint in Civil Action No. 5:07cv156.

15. Cindy Paar
United States District Clerk's Office
211 West Ferguson Street, Room 106
Tyler, Texas 75702

Cindy Parr has knowledge of the circumstances surrounding the filing of the Complaint in Civil Action No. 5:07cv156.

16. Peter McAndrews
McAndrews Held & Malloy
500 W Madison Street
Suite 3400
Chicago, IL 60661
(312) 775-8000

Peter McAndrews is an attorney and represents the Plaintiff in Civil Action No. 5:07cv156. Mr. McAndrews has knowledge of the facts concerning multiple issues in this case, including communication ESN had with Cisco, the filing of the ESN complaint, Cisco's declaratory judgment action, various motions in the ESN v. Cisco case, the issuance of the ESN patent, and the falsity of Defendant's statements. Mr. McAndrews also has information regarding Cisco's conduct, including negligence, actual malice, recklessness and common law malice. Additionally, Mr. McAndrews may have knowledge of Plaintiff's damages.

17. Paul McAndrews
McAndrews Held & Malloy
500 W Madison Street
Suite 3400
Chicago, IL 60661
(312) 775-8000

Paul McAndrews is an attorney and represents the Plaintiff in Civil Action No. 5:07cv156. Mr. McAndrews has knowledge of the facts concerning multiple issues in this case, including communication ESN had with Cisco, the filing of the ESN complaint, Cisco's Declaratory Judgment action, various motions in the ESN v. Cisco case, the issuance of the ESN patent, and the falsity of Defendant's statements. Mr. McAndrews may have information regarding Cisco's conduct, including negligence, actual malice, recklessness and common law malice. Additionally, Mr. McAndrews may have knowledge of Plaintiff's damages.

18. George P. McAndrews
McAndrews Held & Malloy
500 W Madison Street
Suite 3400
Chicago, IL 60661
(312) 775-8000

George P. McAndrews is an attorney and represents the Plaintiff in Civil Action No. 5:07cv156. Mr. McAndrews has knowledge of the facts concerning multiple issues in this case, including communication ESN had with Cisco, the filing of the ESN complaint, Cisco's Declaratory Judgment action, various motions in the ESN v. Cisco case, the issuance of the ESN patent, and the falsity of Defendant's statements. Mr. McAndrews may have information regarding Cisco's conduct, including negligence, actual malice, recklessness and common law malice. Additionally, Mr. McAndrews may have knowledge of Plaintiff's damages.

19. Gerald C. Willis
McAndrews Held & Malloy
500 W Madison Street
Suite 3400
Chicago, IL 60661
(312) 775-8000

Gerald C. Willis is an attorney and he represents the Plaintiff in Civil Action No. 5:07cv156. Mr. Willis may have knowledge of the facts concerning multiple issues in this case, including communication ESN had with Cisco, the filing the ESN complaint, Cisco's Declaratory Judgment action, various motions in the ESN v. Cisco case, the issuance of the ESN patent, and the falsity of Defendant's statements. Mr. Willis may have information regarding Cisco's conduct, including negligence, actual malice, recklessness and common law malice. Additionally, Mr. Willis may have knowledge of Plaintiff's damages.

20. Michael C. Smith
Siebman, Reynolds, Burg, Phillips & Smith, LLP
713 South Washington Avenue
Marshall, Texas 75671
(903) 938-8900

Michael C. Smith had communications with Rick Frenkel about the libelous statements and he allegedly investigated the facts surrounding the filing of Civil Action No. 5:07cv156. Mr. Smith has knowledge about the Local Rules, and the electronic filing procedures in place at the time the ESN complaint was filed. Mr. Smith has knowledge regarding the falsity of Defendant's statements.

21. Nell Cooley Ward
101 Fountain Valley Ct.
Longview, Texas 75601
(903) 757-6701

Nell Cooley Ward is Plaintiff's spouse. She has knowledge of Plaintiff's damages.

22. The Honorable T. John Ward
100 East Houston Street
Marshall, Texas 75670
(903) 935-3868

The Honorable T. John Ward is Plaintiff's father. He has knowledge of Plaintiff's damages.

23. Bob Chiavello
Fulbright & Jaworski - Dallas
2200 Ross Avenue, Suite 2800
Dallas, Texas 75201
(214) 855-8000

Bob Chiavello has knowledge of damage done to Plaintiff's reputation by Defendant's statements. He also has knowledge of Plaintiff's reputation in the legal community. Mr. Chiavello may have additional info regarding the facts of this case.

24. Raymond P. Niro
Niro, Scavone, Haller & Niro
181 West Madison, Suite 4600
Chicago, Illinois 60602 -4635
(312) 236-0733

Ray Niro may have knowledge of damage done to Plaintiff's reputation by Defendant's statements. He may have knowledge of Plaintiff's reputation in the legal community. Mr. Niro also has knowledge of false statements made by the Troll Tracker. Mr. Niro has knowledge about the reasons the Troll Tracker publically disclosed his identity. Mr. Niro may have additional information regarding facts in this case.

25. Danny Williams
Williams, Morgan & Amerson, P.C.
10333 Richmond, Suite 1100
Houston, Texas 77042
(713) 934-4060

Danny Williams has knowledge of damage done to Plaintiff's reputation by Defendant's statements. He also has knowledge of Plaintiff's reputation in the legal community. Mr. Williams may have additional information regarding the facts underlying this lawsuit.

26. Sam Baxter
McKool Smith, P.C.
104 E. Houston Street, Suite 300
Marshall, Texas 75670
(903) 923-9000

Sam Baxter has knowledge about the facts surrounding the filing of the ESN complaint, knowledge that ESN did not violate any local rule, custom or practice in the filing of the ESN complaint. Mr. Baxter has knowledge of the filing procedures in place on October 2007. Mr. Babcock may have knowledge about the date the ESN patent issued. Mr. Baxter has knowledge regarding Defendant's negligence, recklessness and malice in defaming by Troll Tracker. Mr. Baxter may have knowledge regarding the falsity of Defendant's accusations. Sam Baxter has knowledge of Plaintiff's reputation in the legal community. Mr. Baxter may also have information regarding Plaintiff's damages.

27. The Honorable Robert Parker
100 E. Ferguson St., Ste 1114
Tyler, Texas 75702
(903) 531-3535

The Honorable Robert Parker has knowledge of Plaintiff's reputation in the legal community.

28. The Honorable Lauren Parish
405 North Titus
Gilmer, Texas 75644
(903) 843-2836

The Honorable Lauren Parish has knowledge of Plaintiff's reputation in the legal community.

29. Larry Carlson
Baker Botts, LLP
2001 Ross Avenue
Dallas, Texas 75201-2980
(214) 953-6525

Larry Carlson has knowledge of Plaintiff's reputation in the legal community.

30. Jim Knowles
909 ESE Loop 323, Suite 410
Tyler, Texas 75701
(903) 534-3800

Jim Knowles has knowledge of Plaintiff's reputation in the legal community.

31. Greg Love
Love Law Firm
109 W. Tyler Street
Longview, Texas 75601
(903) 230-5683

Greg Love has knowledge of Plaintiff's reputation in the legal community.

32. Rich Norman
Three Riverway, Suite 1775
Houston, TX 77056
(713) 651-1771

Rich Norman has knowledge of Plaintiff's reputation in the legal community.

33. John Noh
3663 S. Bascom Avenue
Campbell, CA 95008
408.558.9573

Mr. Noh participated in the dissemination of the accused articles. Mr. Noh has factual information regarding many of the issues in this case.

34. Matthew Tanielian
900 7th Street NW
Suite 750
Washington, DC 20001

Troll Tracker believes Mr. Tanielian has information concerning its motive to defame by Troll Tracker. Mr. Tanielian likely has additional relevant information.

35. Kurt Pankraz
Bart Showalter
Kevin Meek
Steve Shortgen
Baker Botts, LLP
2001 Ross Avenue
Dallas, Texas 75201
214.953.6500

Counsel to defendant. The individuals have knowledge about the facts surrounding the filing of the ESN complaint, knowledge that ESN did not violate any local rule, custom or practice in the filing of the ESN complaint. They have knowledge of the filing procedures in place on October 2007 and knowledge that Defendant's statements were false. They have knowledge about the date the ESN patent issued. On information and belief, they have knowledge regarding Defendant's negligence, recklessness and malice in defaming by Troll Tracker.

36. Jillian Powell
Baker Botts, LLP
2001 Ross Avenue
Dallas, Texas 75201
214.953.6500

Ms. Powell acting as Cisco's agent, contacted the clerk's office and learned information bearing on the falsity of Defendant's statements, Defendant's negligence, recklessness, malice and intent to defame.

37. J. Anthony Downs
Goodwin Procter, LLP
Exchange Place
53 State Street
Boston, MA 01209

Mr. Downs has knowledge about the *Hertz v. Enterprise* case.

38. Mallun Yen
Marta Beckwith
Michael Timmeny
John Corcoran
John Earnhardt
Dan Lang
Mark Michels
Neal Rubin
Terry Anderson
Robyn Nicole Blum
Heather Dickinson
Lisa Domingo
William Friedman
Mary Ooley
Jennifer Greeson
Dan Lang
Kenneth M. Lotich
Mark Michels
Marc Musgrove

Paul Redifer
Richard Renfree
Michael Ritter
Neal Rubin
Anita Kirsten Weeks
Cisco Systems, Inc.
c/o Jackson Walker LLP
1401 McKinney
Suite 1900
Houston, Texas 77010
713.752.4200

All employees of Defendant who may have factual information regarding the filing of the ESN complaint, the Troll Tracker blog posts, and Cisco's conduct.

Rule 26(a)(1)(B): “[A] copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.”

Disclosure: See documents bearing Bates Numbers Ward 000001 – 000386, previously produced. Ward reserves the right to identify additional documents as discovery proceeds.

Rule 26(a)(1)(C): “[A] computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.”

Disclosure: Ward does not seek economic damages. The damages sought by Ward, as set forth in his Complaint, are within the discretion of the jury.

Rule 26(a)(1)(D): “[Produce] for inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.”

Disclosure: Not Applicable.

Respectfully Submitted,

/s/ Nicholas H. Patton

Nicholas H. Patton (SBN 63035)
Geoffrey Culbertson
Courtney Towle
Patton, Tidwell & Schroeder, LLP
4605 Texas Boulevard
Texarkana, Texas 75503
903.792.7080 / 903.792.8233 (Fax)

Patricia L. Peden
LAW OFFICES OF PATRICIA L. PEDEN
1316 67th Street
Suite 6
Emeryville, CA 94608
Telephone: 510-268-8033

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

This is to certify that on this 11th day of September, 2009, a true and correct copy of Plaintiff's Initial Disclosures was served via electronic mail upon counsel below:

Richard E. Griffin
Charles Babcock
Crystal Parker
JACKSON WALKER, LLP
1401 McKinney
Suite 1900
Houston, Texas 77010

Attorneys for Defendant Cisco Systems, Inc.

/s/ Nicholas H. Patton

Nicholas H. Patton