

Ex. I

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ERIC M. ALBRITTON,)	
)	
)	
PLAINTIFF,)	
)	
VS.)	CIVIL ACTION
)	
)	NO.: C.A. NO.
CISCO SYSTEMS, INC., RICK)	6:08-CV-00089
FRENKEL, MALLUN YEN &)	
JOHN NOH,)	
)	
)	
DEFENDANTS.)	

ORAL AND VIDEOTAPED DEPOSITION OF
MICHAEL SMITH
November 24th, 2008

ORAL AND VIDEOTAPED DEPOSITION OF MICHAEL SMITH,
produced as a witness at the instance of the
DEFENDANT, and duly sworn, was taken in the
above-styled and -numbered cause on the 24th day of
November, 2008, from 1:15 p.m. to 4:08 p.m., before
Regenia Plant, CSR in and for the State of Texas,
reported by machine shorthand, at the law offices of
Siebman, Reynolds, Burg, Phillips & Smith, LLP, 713
South Washington Avenue, Marshall, Texas, pursuant to
the Federal Rules of Civil Procedure.

1 01:41:10 of the filing of the defamation case?

2 01:41:11 A. Right.

3 01:41:14 Q. Okay. Can you recall any media accounts

4 01:41:19 surrounding the filing controversy in the underlying

5 01:41:22 ESN case back in October of 2007?

6 01:41:25 A. The only one that I specifically remember was

7 01:41:30 the Troll Tracker post. I may have read others, I

8 01:41:30 don't remember.

9 01:41:33 Q. But none that you can remember right now?

10 01:41:33 A. Right.

11 01:41:41 Q. Okay. If you will go to the second

12 01:41:43 paragraph, it's the third line. It's the paragraph

13 01:41:46 that -- that says, "Readers will recall that right

14 01:41:49 after that post came out, I posted on it with a

15 01:41:52 comment." And the -- what I want to ask you about is

16 01:41:56 you say, "I talked to one of the lawyers about it a

17 01:42:00 few days later and he confirmed what happened." You

18 01:42:00 see where I'm --

19 01:42:01 A. Right.

20 01:42:03 Q. -- referring? Who was that lawyer that you

21 01:42:05 talked to a few days later?

22 01:42:06 A. That was Eric Albritton. That was the

23 01:42:08 conversation I was referring to earlier.

24 01:42:12 Q. Okay. And what you've told me about that

25 conversation was -- just a minute ago was that you met