

EXHIBIT “C”

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

JOHN WARD, JR.,

Plaintiff,

Case No. 08-4022

vs.

CISCO SYSTEMS, INC.,

Defendant.

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VIDEOTAPED DEPOSITION OF RICHARD G. FRENKEL

VOLUME I

November 18, 2009

2:15 p.m.

675 El Camino Real

Palo Alto, California

Reported by Pua'aina L. McVay, CSR 12868  
Certified LiveNote Realtime Reporter



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1           A    Subject to the explanations I gave at the  
2 beginning of this deposition when we discussed  
3 Exhibit 5, yes.

4           Q    What were those qualifications?

5           A    I think I believe that I added a couple of --  
6 a couple of extra things I relied on here and there --

7           Q    Yes.

8           A    -- that having gone through more than just  
9 the trial --

10          Q    Yes.

11          A    -- it refreshes my recollection as to some  
12 other things.

13          Q    All right. When there was some sort of  
14 internal investigation at Cisco about your blogging at  
15 some point?

16          A    Yes.

17          Q    When was that?

18          A    After I had been sued by Mr. Albritton and  
19 Mr. Ward.

20          Q    So now we're into the spring of '08?

21          A    Right. It was after March 6, 2008.

22          Q    When did the -- how did the investigation get  
23 started?

24          A    I don't know.

25          Q    Who was in charge of it?



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1 A You know, I don't really know for sure.

2 Q Was it Mr. Chandler?

3 A I don't think so.

4 Q Wasn't he the one that you said you had a  
5 long talk with?

6 A Well, no. I mean, at some point I did talk  
7 to him but it wasn't -- it wasn't about this  
8 investigation.

9 Q I thought you told us at the trial that one  
10 result of the investigation was that you had had a  
11 pretty pointed discussion with Mr. Chandler and he  
12 wasn't very happy?

13 A One result of the fact that I was being  
14 investigated caused me to seek out Mr. Chandler on my  
15 own and ask to talk to him.

16 Q So that's how that happened?

17 A Yes.

18 Q Tell me before we get to that about what  
19 were -- what was being done to investigate your  
20 blogging activities?

21 MR. McWILLIAMS: Just a minute. We need to  
22 be careful here, too. That was a very broad question  
23 and I think it could include some privileged  
24 information but I'll let --

25 MR. GRIFFIN: Well, if what was being done if



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1 A Certainly after March 4th, 2008.

2 Q And that date of March 4th sticks in your  
3 mind because --

4 A That's a date that I got served with the Ward  
5 complaint.

6 Q So sometime shortly after you were served  
7 with the Ward complaint he fussed at you -- well, you  
8 had a discussion with him?

9 A Yeah, the word "fuss" I believe was  
10 Mr. Patten's word which I agreed to at trial.

11 Q Right. You said at trial that he was not  
12 very happy?

13 A I think that's what I said.

14 Q But you were confident at trial that he did  
15 not tell you that he was going to fire you?

16 A Right.

17 Q And he never did fire you?

18 A Right.

19 Q They never disciplined you in any way, did  
20 they?

21 A That's right.

22 Q You ultimately closed the blog down, changed  
23 it to invitation only?

24 A I closed the blog down. There's no option to  
25 do anything other than change it to either invitation



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