

## Exhibit B

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

JOHN WARD, JR.,	*
	*
V.	* C.A. NO. 08-4022
	* JURY TRIAL DEMANDED
CISCO SYSTEMS, INC.	*

CERTIFIED COPY

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ORAL AND VIDEOTAPED DEPOSITION OF  
THOMAS JOHN WARD, JR.  
AUGUST 10, 2009

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ORAL AND VIDEOTAPED DEPOSITION of THOMAS JOHN WARD, JR., produced as a witness at the instance of the Defendant, and duly sworn, was taken in the above-styled and -numbered cause on the 10th day of August, 2009, from 9:44 a.m. to 1:21 p.m., before Stacy L. Jordan, CSR in and for the State of Texas, reported by machine shorthand, taken in the law offices of John Ward, Jr., 111 West Tyler Street, City of Longview, County of Gregg, State of Texas, pursuant to the Federal Rules of Civil Procedure.

1 having been first duly sworn, testified as follows:

2 EXAMINATION

3 BY MR. BABCOCK:

4 Q. Will you state your name, sir.

5 A. Thomas John Ward, Jr.

6 Q. Mr. Ward, right in front of you is -- is the  
7 deposition notice for your wife, which I forgot to  
8 introduce.

9 A. Okay.

10 Q. But here's Exhibit 2. That's your notice.

11 A. Okay.

12 Q. The only reason I do this is so I can keep  
13 track of depositions by numbers.

14 Would you tell us how you're employed?

15 A. I'm an attorney working for Ward & Smith law  
16 firm, which is an assumed name.

17 Q. Okay.

18 A. T. John Ward, Jr., P.C. is the business entity  
19 that I'm employed by.

20 Q. And T. John Ward, P.C. is the owner of the  
21 Ward & Smith law business; is that right?

22 A. Jr. Yes.

23 Q. T. Ward [sic], Jr., P.C.

24 I take it there is a Smith?

25 A. There is.

1 Q. Is -- Mr. Chiaviello is the lawyer at  
2 Fulbright --

3 A. Chiaviello (pronunciation).

4 Q. Chiaviello. Sorry. He is the lawyer at  
5 Fulbright, correct?

6 A. Correct.

7 Q. And he's the one that told you about a  
8 conversation he'd had with somebody else about you?

9 A. Correct.

10 Q. Okay. Are you working with him on any case?

11 A. Yes.

12 Q. Are -- is he a -- an attorney on the Ward  
13 versus Cisco case?

14 A. No.

15 Q. Okay. Okay.

16 A. But I'm in -- I'm in a number of cases with  
17 Mr. Chiaviello and his firm.

18 Q. Is Mr. Pridham, who you referenced earlier, an  
19 attorney in the Ward versus Cisco case?

20 A. No.

21 Q. Is he a client?

22 A. He's an attorney for a client -- former client  
23 who I'm no longer working for.

24 Q. Okay. Do you recall talking to him about  
25 litigation strategy regarding Ward versus Cisco?

1 STATE OF TEXAS )  
2 COUNTY OF DALLAS )  
3

4 This is to certify that I, Stacy L. Jordan,  
5 Certified Shorthand Reporter in and for the State of  
6 Texas, certify that the foregoing deposition of THOMAS  
7 JOHN WARD, JR. was reported stenographically by me at  
8 the time and place indicated, said witness having been  
9 placed under oath by me, and that the deposition is a  
10 true record of the testimony given by the witness.

11 I further certify that I am neither counsel  
12 for nor related to any party in this cause and am not  
13 financially interested in its outcome.

14 Given under my hand and office on this 17th day  
15 of August, 2009.

16  
17 *Stacy L. Jordan*

18 STACY L. JORDAN, CSR 7499  
19 Expiration Date: 12/31/10.  
20 Firm No. 593

21 WEST COURT REPORTING SERVICES  
22 221 Main Street  
23 Suite 1250  
24 San Francisco, California 94105  
25 (800) 548-3668

23 Taxable cost of original charged to Defendant:  
24 \$ \_\_\_\_\_

25 Atty: Mr. Charles L. Babcock and Ms. Crystal J. Parker,  
Jackson Walker, L.L.P.

AUTHENTIC COPY  
The original certified E-Transcript  
file was electronically signed  
using RealLegal technology

# Exhibit A

**JOHN WARD, JR. PRIVILEGE LOG**

05/29/2009

No.	Pages	From	To	Other Recipients	Date	Description	Privilege
1	1	P. McAndrews	John Ward, Jr. Eric Albritton		3/08/08	Discussion of filing of ESN lawsuit	AC WP
2	1	Chiaviello, Bob	John Ward, Jr		3/14/08	Re Ward v. Cisco	WP
3	1	Eric Albritton	John Ward, Jr. Eric Albritton		10/16/07	Attorney communications regarding filing of ESN litigation	AC WP
4	2	Eric Albritton	Paul McAndrews Eric Albritton John Ward, Jr. Jason Saunders	Gmcandrews pmcandrews	10/18/07	Communications regarding litigation strategy in ESN v. Cisco	AC WP
5	2	Eric Albritton	Paul McAndrews Eric Albritton John Ward, Jr. Jason Saunders	Gmcandrews pmcandrews	10/18/07	Communications regarding litigation strategy in ESN v. Cisco	AC WP
6	1	D. Pridham	John Ward, Jr.		11/06/07	Work product and litigation strategy regarding Ward v. Cisco	AC WP
7	2	P. McAndrews	Eric Albritton	John Ward, Jr.	2/25/08	Attorney client communications regarding discussions with Cisco	AC WP
8	1	P. McAndrews	Eric Albritton John Ward, Jr.		3/9/08	Re filing of ESN lawsuit	AC WP
9	1	Eric Albritton	John Ward, Jr.		10/16/07	Re filing of ESN lawsuit	AC WP
10	1	Eric Albritton	John Ward, Jr.		10/17/08	Re filing of ESN lawsuit	AC WP
11	1	Eric Albritton	Jason Saunders, John Ward, Jr. and Amie Mathis		10/18/07	Litigation strategy in ESN lawsuit	AC WP
12	2	John Ward, Jr.	Eric Albritton		10/17/07	Litigation strategy in ESN lawsuit	AC WP
13	1	Terry Fokas	John Ward, Jr.		1/22/08	Comment regarding pending	AC WP

			Kevin Meek			lawsuit and Troll Tracker post	
14	1	Bruce Lagerman	John Ward, Jr.		4/5/08	Emails re potential case and comment regarding Troll Tracker post	AC WP
15.	1	Eric Albritton	Jason Saunders	Johnny Ward, Amie Mathis	10/18/07	Email re filing of ESN lawsuit	AC WP
16.	9	P. McAndrews	Eric Albritton	Amie Mathis	10/18/07	Emails re filing of ESN lawsuit	AC WP
17.	2	Eric Albritton	Eric Albritton, T. Wimbiscus, P.W.McAndrews, Eric Albritton, Johnny Ward, Jason Saunders	GMcAndrews, PMcAndrews	10/18/07	Email re filing of ESN lawsuit	AC WP
18.	2	Eric Albritton	Jason Saunders, Johnny Ward, Amie Mathis		10/18/07	Email re filing of ESN lawsuit	AC WP
19.	2	Eric Albritton	T. Wimbiscus, P.W. McAndrews, Eric Albritton, Johnny Ward, Jason Saunders	GMcAndrews, PMcAndrews	10/18/07	Email communication regarding filing of ESN lawsuit	AC WP
20.	1	Eric Albritton	Johnny Ward		10/17/07	Email re filing of ESN lawsuit	AC WP
21.	1	Eric Albritton	Johnny Ward, Eric Albritton		10/16/07	Email re filing of ESN lawsuit	AC WP
22.	3	Eric Albritton	Johnny Ward		10/16/07	Email re filing of ESN lawsuit	AC WP
23.	2	Johnny Ward	Eric Albritton		10/17/07	Email re filing of ESN lawsuit	AC WP