

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

JOHN WARD, JR.

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v.

C.A. NO. 08-4022

JURY TRIAL DEMANDED

CISCO SYSTEMS, INC AND
RICK FRENKEL

**RICHARD FRENKEL'S REQUEST FOR ORAL ARGUMENT
REGARDING PLAINTIFF'S MOTION FOR DISMISSAL WITHOUT
PREJUDICE AS TO DEFENDANT RICK FRENKEL**


Defendant Richard Frenkel ("Frenkel") files this Request for Oral Argument Regarding Plaintiff's Motion for Dismissal Without Prejudice as to Defendant Rick Frenkel (the "Motion") and shows the Court the following:

Given that Plaintiff Ward's reply in support of the Motion raises issues not addressed in Frenkel's Response and contains numerous misstatements of fact, Frenkel respectfully requests the opportunity for an oral argument concerning the Motion.

Ward alleges that he is acting in good faith by dismissing Frenkel. However, given the fact that this is the second time Ward has sued Frenkel and then sought to dismiss those claims, Frenkel believes that Ward is using the dismissal to forum shop. If Ward is truly acting in good faith, he should dismiss Frenkel with prejudice so Frenkel is not subject to a lawsuit in another jurisdiction.

WHEREFORE, PREMISES CONSIDERED, Frenkel respectfully requests that the Court grant Frenkel's request for oral argument concerning Plaintiff's Motion for dismissal without Prejudice as to Defendant Rick Frenkel and that Frenkel be granted such other relief as the Court deems just and proper.

Respectfully submitted,

By: 

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ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

This is to certify that on this 6th day of May, 2008, a true and correct copy of the foregoing was served electronically, upon:

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