

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

**CISCO SYSTEMS, INC.'S MOTION FOR LEAVE TO SUPPLEMENT THE RECORD  
REGARDING IT'S PENDING MOTION TO DISMISS FOR IMPROPER VENUE,  
OR IN THE ALTERNATIVE, MOTION TO TRANSFER VENUE**

TO THE HONORABLE COURT:

Cisco Systems, Inc. ("Defendant" or "CISCO") respectfully requests that it be granted leave to file a supplement to the record regarding its pending Motion to Dismiss For Improper Venue, or in the Alternative, Motion to Transfer Venue and would show the court as follows:

I.

On June 29, 2008, Plaintiff's counsel was extensively quoted in the Texarkana Gazette newspaper in its Sunday edition concerning this lawsuit. He was quoted as saying that Cisco is "a big multinational Fortune 500 company bullying the little guy", his client, John Ward. Plaintiff's counsel called Defendant "disgusting" and another Defendant, Cisco employee Rick Frenkel, a coward for engaging in a "stunning" act of "cowardice."

He further accused Defendants of insulting "everybody in the Eastern District of Texas" and that Frenkel's news-oriented website is "offensive". He went on to unjustifiably charge that Frenkel believes "jurors in the Eastern District of Texas are banana republic-type people."

II.

Cisco believes this article should be considered by the Court as further evidence of why the case should be moved from Texarkana (where the article was published) to Tyler, Texas.

Plaintiff and his counsel certainly have the First Amendment right to say ugly and disparaging things about the Defendants, but when they exercise that right in this way, the Court should have the benefit of this evidence in order to weigh its impact on the pending motion. The possible impact of this article on the potential juror pool in Texarkana, Defendants believe, affects that analysis.

WHEREFORE, PREMISES CONSIDERED, Cisco respectfully requests that it be permitted to file the article attached as Exhibit A hereto in support of its Motion to Dismiss, or in the Alternative, Motion to Transfer this case and for such other relief as to which it may be entitled.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: /s/

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