## 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 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 <u>Texarkana Gazette</u> 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/

Charles L. Babcock Federal Bar No.: 10982

Email: cbabcock@jw.com

Richard E. Griffin

Arkansas Bar No.: 63020

Email: rgriffin@jw.com

Crystal J. Parker

Federal Bar No.: 621142

Email: cparker@jw.com

1401 McKinney

Suite 1900

Houston, Texas 77010

(713) 752-4200

(713) 752-4221 – Fax

ATTORNEYS FOR DEFENDANT CISCO SYSTEMS, INC.

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## **CERTIFICATE OF CONFERENCE**

This is to certify that on July 3, 2008, Charles Babcock, counsel for Defendant Cisco Systems, Inc. attempted to confer with counsel for Plaintiff, Mr. Nick Patton, regarding the foregoing motion. As of July 8, 2008, Mr. Patton has not responded.

/s/ Charles L. Babcock

### **CERTIFICATE OF SERVICE**

This is to certify that on this 8<sup>th</sup> day of July, 2008, a true and correct copy of the foregoing Cisco Systems, Inc.'s Motion for Leave to Supplement It's Pending Motion to Dismiss for Improper Venue, or in the Alternative, Motion to Transfer Venue was served electronically, upon:

Nicholas H. Patton Patton, Tidwell & Schroeder, LLP 4605 Texas Boulevard Texarkana, Texas 75503 Attorney for Plaintiff John Ward, Jr.

Michael D. Barnes Wright, Lindsey & Jennings LLP 200 West Capitol Avenue Little Rock, Arkansas 72201 Attorney for Defendant Richard Frenkel

George L. McWilliams
406 Walnut
P.O. Box 58
Texarkana, Texas 75504-0058
Attorney for Defendant Richard Frenkel

/s/ Charles L. Babcock

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