

Exh. C

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February 5, 2009

Mr. Charles Babcock
Jackson Walker LLP
1401 McKinney, Suite 1900
Houston, Texas 77010

Re: Ward v. Cisco
No. 08-4022 (W.D. Ark.)

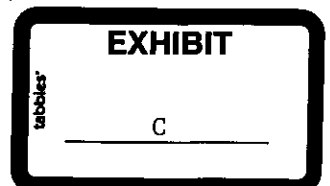
Dear Mr. Babcock:

I write regarding Cisco's failure to provide adequate responses, or in some cases, any response to Ward's Interrogatories. Cisco's objections and responses are deficient for the reasons addressed below. Please confirm in writing by close of business February 9, 2009 that Cisco will serve supplemental responses before February 13, 2009 correcting each of the deficiencies identified below.

Ward's Interrogatory No. 1: IDENTIFY and DESCRIBE all actions undertaken by YOU or at YOUR direction to retain, locate, and produce COMMUNICATIONS between the Troll Tracker and/or Rick Frenkel or any other PERSONS CONCERNING ESN, the filing of the ESN complaint, Plaintiff Ward, Ward's co-counsel Eric Albritton or the law firm of McAndrews Held & Malloy or any other information that may be relevant to this case, INCLUDING the gMail account Frenkel used to correspond as the Troll Tracker, and separately and for each action IDENTIFY the persons involved, the DATE of the action, and DESCRIBE DOCUMENTS AND COMMUNICATIONS that were obtained.

Cisco's blanket objections violate Local Rule 33.1. Please withdraw those objections.

Cisco's response to Interrogatory No. 1 is deficient in several respects. First, although the interrogatory is not limited to Cisco's document collection efforts, but rather asks Cisco to describe all actions to retain, locate, and produce "communications," Cisco's response is limited to its document collection efforts. Please provide a response that includes Cisco's efforts to retain, locate, and produce communications beyond document collection. Second, the



interrogatory specifically asks Cisco to identify all efforts undertaken to retain, locate, and produce documents from the gMail account maintained by Frenkel in connection with his Troll Tracker Blog. Cisco's response does not address the gMail account at all. Please provide a response that includes that information. Third, Cisco's response does not provide the date information was requested or the names of the individuals involved. Please supplement your response to provide that information.

Ward's Interrogatory No. 2: IDENTIFY each PERSON or COMPANY with whom CISCO or its EMPLOYEES had any COMMUNICATION between October 14, 2007 and March 7, 2008 CONCERNING the Troll Tracker October 17, 2007 Post, the October 18, 2007 Post, and the revised October 18, 2007 Post, and separately and for each COMMUNICATION IDENTIFY the DATE, TIME, PERSONS involved, the purpose of the COMMUNICATION, DESCRIBE THE COMMUNICATION and IDENTIFY ANY DOCUMENTS CONCERNING that COMMUNICATION.

Cisco's blanket objections violate Local Rule 33.1. Please withdraw those objections.

Cisco's response to "see documents produced by Cisco" is a non-response. First, an interrogatory response that says "go look at the documents we have produced" is not acceptable. If Cisco believes that it can answer this interrogatory by relying on Rule 33(d), the response should cite that rule and then specifically identify the documents by bates number that are responsive to this interrogatory. Second, this interrogatory cannot be answered with a reference to produced documents because it asks Cisco to identify each person or company with whom Cisco had any "communications," which includes oral communications and other communications as defined in the interrogatory. A written response is therefore required. The interrogatory requires that Cisco identify each such communication and then separately and for each communication identify the date, time, persons involved, the purpose of the communication, and describe the communication. Cisco's response simply ignores the specific information requested in Interrogatory No. 2. To the extent that the contents of any of the identified communications are withheld by Cisco as privileged, the who, what, when facts are not privileged and those, at a minimum, should be provided in Cisco's response, along with an explanation that the content of the discussion is being withheld on the basis of privilege. Please provide a full and complete written response consistent with the scope of Interrogatory No. 2.

Ward's Interrogatory No. 3: IDENTIFY each PERSON or COMPANY with whom CISCO or its EMPLOYEES had any COMMUNICATION between October 14, 2007 and March 7, 2008 CONCERNING the filing of the ESN complaint, Ward's role in that filing, the role of Ward's co-counsel, Eric Albritton, in that filing, and the role of Ward's co-counsel McAndrews Held & Malloy in that filing, and separately and for each COMMUNICATION IDENTIFY the DATE, TIME, PERSONS involved, the purpose of the COMMUNICATION, DESCRIBE THE COMMUNICATION and IDENTIFY ANY DOCUMENTS CONCERNING that COMMUNICATION.

Cisco's blanket objections violate Local Rule 33.1. Please withdraw those objections.

Cisco's response to "see documents produced by Cisco" is not a response at all. If Cisco believes that it can answer this interrogatory by relying on Rule 33(d), the response should cite that rule and then specifically identify the documents by bates number that are responsive to this interrogatory. Cisco's "go fish" response is improper. Second, this interrogatory cannot be answered with a reference to produced documents because it asks Cisco to identify each person or company with whom Cisco had any "communications," which includes oral communications and other communications as defined in the interrogatories. Therefore, a written response is required. The interrogatory requires Cisco to identify each such communication and then separately and for each communication identify the date, time, persons involved, the purpose of the communication, and to describe the communication. Cisco's response ignores the specific information sought in Interrogatory No. 3. To the extent that the contents of any of the identified communications are being withheld by Cisco as privileged, the who, what, when facts are not privileged and those, at a minimum, should have been provided in Cisco's response, along with an explanation that the content of the discussion is being withheld on the basis of privilege. Please provide a full and complete written response consistent with the scope of Interrogatory No. 3.

Ward's Interrogatory No. 4: IDENTIFY ALL COMMUNICATIONS between CISCO and any PERSON and/or COMPANY CONCERNING whether the allegations made in the October 17, 2007 Post, the October 18, 2007 Post, and/or the revised October 18, 2007 were accusations of criminal, unethical or improper conduct, and separately and for each COMMUNICATION DESCRIBE the COMMUNICATION, IDENTIFY the DATE, TIME, PERSONS involved, the purpose of the COMMUNICATION, DESCRIBE the COMMUNICATION, and IDENTIFY ANY DOCUMENTS CONCERNING that COMMUNICATION.

Cisco's blanket objections violate Local Rule 33.1. Please withdraw those objections.

Cisco's response states that "despite a diligent investigation, no responsive, non-privileged communications have been identified or located." First, please describe the effort undertaken by Cisco to obtain this information so that Ward can evaluate the sufficiency of Cisco's response. Second, although Cisco's response states that it was unable to locate "communications" the syntax of the sentence implies that Cisco searched only for documents. Please confirm that Cisco inquired as to all communications (as defined in the definitions section of Ward's Interrogatories) including those not in written form, before providing its response. If Cisco's investigation uncovered communications that it is withholding under a claim of privilege, its written response should identify each such communication and then separately and for each communication identify the persons involved, the date, the time, and state the basis of Cisco's claim that the content of the communication is protected as privileged. Alternatively, Cisco's response should state that no such communications exist.

Ward's Interrogatory No. 5: IDENTIFY ALL information relied upon by Richard Frenkel in making the statements contained in the Troll Tracker October 17, 2007, October 18, 2007 and revised October 18, 2007 posts, and separately and for each IDENTIFY the DATE and TIME the information was received by Frenkel, IDENTIFY all DOCUMENTS CONCERNING the information received, IDENTIFY ALL PERSONS involved in the information received, IDENTIFY the nature of any COMMUNICATION involved INCLUDING the DATE, TIME,

and ALL PERSONS involved in the COMMUNICATION, and IDENTIFY all DOCUMENTS CONCERNING that COMMUNICATION.

Cisco's blanket objections violate Local Rule 33.1. Please withdraw those objections.

Cisco's response is deficient in several respects. First, Cisco states that Frenkel relied on "documents on the official court website," and "correspondence he received from various individuals," but fails to identify those documents and individuals as required by the interrogatory. Please specifically identify the documents referenced in this part of Cisco's response. Second, Cisco's response completely fails to respond to the interrogatory's request that Cisco identify the date and time all identified information was received by Frenkel. Third, Cisco's response fails to provide the identity of persons involved in the information received, the nature of the communication, and to identify documents concerning those communications. Finally, Cisco again responds that it has produced documents without citing Rule 33(d), or specifically identifying the documents by bates number that are responsive to this interrogatory. To the extent that the contents of any of the identified communications are being withheld by Cisco as privileged, the who, what, and when facts are not privileged and those, at a minimum, should have been provided in Cisco's response, along with an explanation that the content of the discussion is being withheld on the basis of privilege. Please provide a full and complete written response consistent with the scope of Interrogatory No. 5.

Ward's Interrogatory No. 6: IDENTIFY the DATE and TIME that CISCO first became aware that ESN claimed that the filing date of the complaint as listed on the court's docket was an error and DESCRIBE the circumstances under which CISCO obtained that knowledge INCLUDING ALL PERSONS involved, all COMMUNICATIONS involved and separately and for each COMMUNICATION the DATE, TIME, ALL PERSONS involved, the content of the COMMUNICATION, what prompted the COMMUNICATION, the form of the COMMUNICATION, and IDENTIFY ALL DOCUMENTS CONCERNING CISCO's knowledge.

Cisco's blanket objections violate Local Rule 33.1. Please withdraw those objections.

Cisco's response to Interrogatory No. 6 is incomplete. Interrogatory No. 6 asks Cisco to identify the date and time that Cisco first became aware that ESN claimed that the filing date of the complaint as listed on the court's docket was an error. Cisco's response provides the date that Frenkel first became aware, but does not respond with respect to the broader question of Cisco's knowledge. Is Frenkel's knowledge the first knowledge that Cisco had? If so, please include a statement to that effect in Cisco's response. If not, please provide a response that accounts for Cisco's knowledge. Cisco's response also states that Frenkel does not recall the time, persons involved, or the "exact content of the communication." Cisco's response is parsed too narrowly and consequently does not respond to the interrogatory propounded. The instructions included in Ward's interrogatories state that if any of the interrogatories cannot be answered in full, please answer to the extent possible, specifying the reasons for Cisco's inability to answer the remainder of the interrogatory and stating whatever information, knowledge or belief that Cisco does have concerning the unanswered portion. Cisco's answer should therefore include the information known to Cisco concerning the persons from whom Cisco first learned

that the filing of the ESN complaint was an error. Were those persons employed at Cisco? Were they employees of Baker Botts? Or is it the case the Cisco has no memory whatsoever about the source of that information? If so, please confirm the latter in Cisco's supplemental response. Interrogatory No. 6 also asks Cisco to explain what prompted the communication and the form of the communication. That information is missing from Cisco's response. Finally, Interrogatory No. 6 asks Cisco to identify documents concerning the date and time Cisco first became aware of that ESN claimed that the filing date of the complaint as listed on the court's docket was an error. Cisco's response fails to identify the requested documents. Please provide a full and complete response to Interrogatory No. 6.

Ward's Interrogatory No. 7: IDENTIFY ALL PERSONS or COMPANIES who knew that Richard Frenkel was the Troll Tracker before he publicly identified himself as such on the Troll Tracker Blog, and separately and for each PERSON or COMPANY IDENTIFY the DATE upon which they obtained that knowledge, IDENTIFY the source of that knowledge (who told them), IDENTIFY all PERSONS involved in the COMMUNICATION, DESCRIBE the circumstances leading to the disclosure, and IDENTIFY all DOCUMENTS CONCERNING that disclosure.

The information requested in Interrogatory No. 7 is reasonably calculated to lead to the discovery of admissible evidence. Ward is entitled to discover each Cisco employee who suggested, encouraged or participated in the publication of Frenkel's defamatory posts. Ward is also entitled to discover whether Frenkel and others at Cisco disclosed Frenkel's Troll Tracker identity to persons within Cisco who could benefit Cisco by having access to Frenkel's web blog. That information is circumstantial evidence that Cisco sought to benefit from Frenkel's posting of false accusations about Ward. Ward is entitled to discover the extent of Cisco's dissemination of the Troll Tracker posts by Cisco employees who knew that Frenkel was a Cisco employee because it will likely lead to the discovery that Cisco disseminated its accusations about Ward to persons in addition to the readers of the Troll Tracker Blog. Ward is entitled to discover the identities of each Cisco employee in a decision making or management capacity that knew that Frenkel was the Troll Tracker and then to use that information to propound additional discovery aimed at determining whether those persons had prior knowledge of the defamatory posts at issue in this case. The information sought is calculated to lead to admissible evidence showing that Cisco acted with negligence, common law malice, or actual malice in defaming Ward. It is also relevant for impeachment. Moreover, that information is relevant to issues concerning the award of punitive damages. Please confirm that Cisco will withdraw its relevance objection and provide a full and complete response to this interrogatory.

Ward's Interrogatory No. 8: IDENTIFY ALL COMMUNICATIONS and DOCUMENTS CONCERNING whether any CISCO EMPLOYEE should be disciplined, reprimanded, chastised, admonished, warned or corrected CONCERNING the posting of the Troll Tracker October 17, 2007, October 18, 2007 and revised October 18, 2007 posts, and separately and for each COMMUNICATION or DOCUMENT IDENTIFY the DATE, TIME, ALL PERSONS involved, the nature of the COMMUNICATION or the subject-matter of the DOCUMENT, and IDENTIFY all DOCUMENTS CONCERNING each COMMUNICATION.

The information requested in Interrogatory No. 8 is reasonably calculated to lead to the discovery of admissible evidence. Ward is entitled to discover the identity of all Cisco

employees who participated in or encouraged the publication of Frenkel's defamatory posts. Ward is entitled to discover each individual who participated in Cisco's defamation of Ward. Additionally, Cisco has asserted a truth defense and maintained that its employees have done nothing wrong in connection with the posts contained on the Troll Tracker blog. Information concerning Cisco's reprimanding employees for their conduct is relevant to rebut Cisco's allegations of truth and good faith. At a minimum, that information is relevant for impeachment. Moreover, that information is relevant to the issues of negligence, common law malice, actual malice and punitive damages. Please confirm that Cisco will withdraw its relevance objection and provide a full and complete response to this interrogatory.

Cisco's incomplete response states that "despite a diligent investigation, no responsive, non-privileged communications have been identified or located." First, please describe the effort undertaken by Cisco to obtain this information so that Ward can evaluate the sufficiency of Cisco's response. Second, although Cisco's response states that it was unable to locate "communications" the syntax of the sentence implies that Cisco searched only for documents. Please confirm that Cisco inquired as to all communications (as defined in the definitions section of Ward's Interrogatories), including those not in written form, before providing its response. If Cisco's investigation uncovered communications that it is withholding under a claim of privilege, its written response must identify each such communication and then separately and for each communication identify the persons involved, the date, the time, and the basis for Cisco's claim that the content of the communication is protected by privilege. Alternatively, Cisco's response should state that no such communications exist.

Ward's Interrogatory No. 9: IDENTIFY all DOCUMENTS AND COMMUNICATIONS between CISCO and any PERSON or COMPANY CONCERNING Ward's Reputation INCLUDING whether CISCO has been asked by any PERSON or COMPANY about Ward, about hiring Ward, or about CISCO's perception of WARD, separately and for each COMMUNICATION DESCRIBE the COMMUNICATION, IDENTIFY the DATE, TIME, PERSONS involved, the purpose of the COMMUNICATION, DESCRIBE the COMMUNICATION, and IDENTIFY ALL DOCUMENTS CONCERNING each COMMUNICATION.

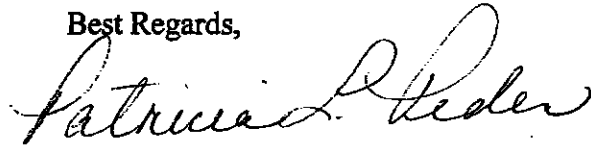
The information requested in Interrogatory No. 9 is reasonably calculated to lead to the discovery of admissible evidence. Ward's reputation has been harmed by Cisco's defamatory accusations. Ward is entitled to information in Cisco's possession, custody, or control demonstrating the harm it has caused Ward's reputation. The information requested is likely to lead to the discovery that Cisco has further defamed Ward, or that persons other than Cisco have questioned Ward's reputation in light of Cisco's accusations. The information requested is also relevant to Cisco's conduct for the purpose of negligence, common law malice, actual malice, and compensatory and punitive damages. Please confirm that Cisco will withdraw its relevance objection and provide a full and complete response to this interrogatory.

Cisco's incomplete response states that "despite a diligent investigation, no responsive, non-privileged communications have been identified or located." First, please describe the effort undertaken by Cisco to obtain this information so that Ward can evaluate the sufficiency of Cisco's response. Second, although Cisco's response states that it was unable to locate

“communications” the syntax of the sentence implies that Cisco searched only for documents. Please confirm that Cisco inquired as to all communications (as defined in the definition section of Ward’s Interrogatories) including those not in written form, before providing its response. If Cisco’s investigation uncovered communications that it is withholding under a claim of privilege, its written response must identify each such communication and then separately and for each communication identify the persons involved, the date, the time, and the basis of Cisco’s claim that the content of the communication is protected as privileged. Alternatively, Cisco’s response should state that no such communications exist.

Please confirm by Monday February 9, 2009 that Cisco will provide the information missing from its interrogatory responses as identified above. If Cisco will not agree to supplement its interrogatory responses to correct the deficiencies set forth in this letter, please make someone available to meet and confer on Tuesday February 10, 2009, so that the parties can seek to narrow the disputes before Ward seeks an order from the Court compelling adequate responses to his interrogatories. If I have heard nothing from Cisco before close of business on February 10th, I will conclude that Cisco believes that the parties are at an impasse and Ward will proceed to seek the Court’s intervention.

Best Regards,



Patricia L. Peden *ml*

PLP/ml