

30(b)(6) Deposition of Richard G. Frenkel 11/18/2008
CONFIDENTIAL - Subject to the Protective Order

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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

TYLER DIVISION

ERIC M. ALBRITTON,

Plaintiff,

vs.

No. 6:08-CV-00089

(1) CISCO SYSTEMS, INC.,
(2) RICHARD FRENKEL, (3) MALLUN
YEN and (4) JOHN NOH,

Defendants.

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

DEPOSITION OF RICHARD G. FRENKEL

Tuesday, November 18, 2008

SHEILA CHASE & ASSOCIATES

REPORTING FOR:

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Reported by:
JANIS JENNINGS, CSR, CRP, CLR
CRS-100282-023

1 MR. McWILLIAMS: Objection. Form.

2 THE WITNESS: It confirmed for me that the
3 original stamp that was placed on the complaint in
4 the docket of October 15th, 2007, were indeed
5 correct.

6 BY MR. PATTON:

7 Q. That the case was filed on the 15th was
8 correct?

9 A. Yes.

10 Q. Have you ever asked anybody in the clerk's
11 office whether or not that statement is correct?

12 MR. McWILLIAMS: Objection. Form.

13 THE WITNESS: We asked Baker Botts to call
14 the clerk's office to find out what had happened,
15 and they informed us that they had changed the date
16 from October 15th to October 16th.

17 BY MR. PATTON:

18 Q. So you were -- you didn't engage Baker
19 Botts until after you had already posted it, did
20 you? Did you post it before or after you engaged
21 Baker Botts?

22 A. Engaged? I'm sorry. I don't understand
23 what you mean.

24 Q. I thought you had hired -- I thought you
25 said we engaged Baker Botts to do something, did you

1 violation, so I don't know what you're talking about
2 right now.

3 Q. Well, I thought that was pretty simple.
4 Did you call the clerk yourself? That's a pretty
5 simple question. Did you?

6 A. Did me, Rick Frenkel, call the clerk?

7 Q. Uh-huh.

8 A. No, I had somebody do it for me.

9 Q. You had the lawyers in Dallas do that?

10 A. Yes.

11 Q. And did they give you information that
12 satisfied you that some bad thing had occurred?

13 MR. McWILLIAMS: Objection. Form.

14 MR. BABCOCK: Same objection.

15 THE WITNESS: I mean it satisfied me that
16 the date had been changed based on a call to the
17 clerk's office.

18 BY MR. PATTON:

19 Q. Did the correspondence you received from
20 Baker Botts give you pause that this might not be
21 real clear-cut?

22 MR. McWILLIAMS: Objection. Form.

23 THE WITNESS: No.

24 BY MR. PATTON:

25 Q. Do you recall the comment in the email,