

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

JOHN WARD, JR.

PLAINTIFF

v.

Civil No. 08-4022

CISCO SYSTEMS, INC.

DEFENDANT

ORDER

Now on this 2nd day of September, 2009, comes on for consideration **Defendant Cisco Systems, Inc.'s Emergency Motion for Stay Pending Appeal and Brief in Support (doc. 90)** and the response thereto. The Court, being well and sufficiently advised, finds and orders as follows:

1. In the instant matter, the plaintiff asserts a claim for defamation against Cisco Systems, Inc. (hereinafter "Cisco"). The claim for defamation stems from publications on an internet blog - www.trolltracker.blogspot.com. The blog was published by Richard Frenkel,¹ who was then employed by Cisco. The blog allegedly accused the plaintiff, an attorney, of "criminal conduct, unethical conduct, and conduct unbecoming of an officer of the Court."

2. On March 30, 2009, the Court ruled on Plaintiff Ward's Motion to Compel Responses to Interrogatory Nos. 1-9 (document #57). The Court's Order of March 30, 2009 (document #60) granted

¹See Frenkel's Declaration of May 11, 2009 (document 63-2).

Ward's motion and ordered Cisco to respond to the interrogatories, as directed within fifteen (15) days.

3. On August 24, 2009, the Court entered an Order ruling on Plaintiff Ward's Motion to Compel Compliance with the Court's March 30, 2009 Order and For Sanctions (document #61). The Order (document #89) granted plaintiff's motion in part and ordered Cisco to produce to Ward all documents, emails and written communications written by or received by Frenkel prior to October 19, 2007.

4. In the instant motion, Cisco now seeks a stay of the August 24, 2009 Order pending appeal to the Eighth Circuit Court of Appeals. Cisco seeks the stay to delay production of the documents, emails and written communications, which it contends constitute privileged information.

5. In his response to Cisco's motion, Ward argues that he opposes a stay pending a writ of mandamus, but instead believes the Court should reconsider its order for clarity and/or completeness or pursuant to a suggested motion for reconsideration by Cisco. However, considering the fact that Cisco has now filed its Petition for Writ of Mandamus with the Eighth Circuit Court of Appeals, the Court will *not* reconsider its order at this time and will, instead, await ruling from that Court. Accordingly, the Court finds that the instant motion should be, and it hereby is, **granted**. Cisco's compliance with

August 24, 2009 Order is hereby **stayed** pending a ruling from the Eighth Circuit Court of Appeals.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE