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10 Attorneys for Defendant  
 11 Cisco Systems, Inc.

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA

14 BIBI BAHARI,  
 15 Plaintiff,  
 16 vs.  
 17 CISCO SYSTEMS, INC.,  
 18 Defendant.

Case No. C 05-00248 RMW

**DECLARATION OF SUSAN SPALTER  
 BERMAN IN SUPPORT OF CISCO  
 SYSTEMS, INC.'S MOTION TO COMPEL  
 ARBITRATION AND STAY JUDICIAL  
 PROCEEDINGS**

Date: October 14, 2005  
 Time: 9:00 a.m.  
 Courtroom: 6  
 Judge: Honorable Ronald M. Whyte

Date of Filing: January 18, 2005  
 Trial Date: Not set

19 I, SUSAN SPALTER BERMAN, declare and state as follows:

20 1. I am an HR Manager at Cisco Systems, Inc. ("Cisco"), a named Defendant in this  
 21 action. My business address is 170 West Tasman Drive, San Jose, California 95134-1706. I  
 22 have direct and personal knowledge of the facts set forth herein, and, if called as a witness, I  
 23 would and could competently testify thereto.

24 2. In my position as HR Manager, I am a Custodian of Records for Cisco's employee  
 25 personnel files.

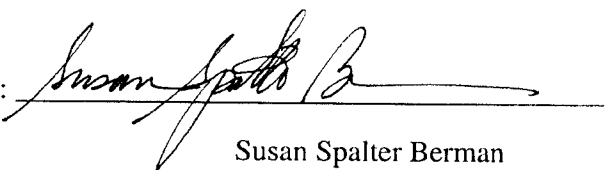
26 3. Attached as Exhibit A is a true and correct copy of Plaintiff Bibi Bahari's offer  
 27 letter, dated December 7, 1999. This signed offer letter is maintained in Ms. Bahari's employee

1 personnel file at Cisco. The offer letter was prepared by Cisco's Human Resources Department  
2 in the ordinary course of their duties at or near the time of the events recorded, and lodged in Ms.  
3 Bahari's personnel file following her signature thereon.

4 4. The December 7 offer letter states that it had several attachments that were to be  
5 returned with the signed offer letter, including an Agreement to Arbitrate Employment Disputes.  
6 Attached as Exhibit B is a true and correct copy of Ms. Bahari's Agreement to Arbitrate  
7 Employment Disputes ("Agreement"). This signed Agreement is maintained in Ms. Bahari's  
8 employee personnel file at Cisco. The Agreement was prepared by personnel in the Human  
9 Resources Department in the ordinary course of their duties at or near the time of the events  
10 recorded, and lodged in Ms. Bahari's personnel file following her signature thereon.

11 5. Ms. Bahari's personnel file indicates that her first day of work at Cisco was  
12 January 3, 2000. Cisco terminated Ms. Bahari's employment effective January 20, 2004, due to  
13 behavioral and performance issues.

14 I declare under penalty of perjury under the laws of the State of California that the  
15 foregoing is true and correct. Executed this 8<sup>th</sup> day of September 2005, at San Jose, California.

16  
17 By:   
18 Susan Spalter Berman