

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

ERIC M. ALBRITTON,

Plaintiff

v.

CISCO SYSTEMS, INC. RICHARD  
FRENKEL, MAULLUN YEN and  
JOHN NOH,

Defendant

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No. 6:08cv00089

**PLAINTIFF’S RESPONSE TO DEFENDANTS’  
ORIGINAL MOTION TO COMPEL (DE #88)**

COMES NOW Plaintiff Eric M. Albritton and files this Response to Defendants’ Original Motion to Compel (DE #88) and would show unto the Court the following:

Plaintiff is not responding substantively to Defendants’ original Motion to Compel. After filing the original motion, Defendants then filed an amended motion to compel (DE #104) which moots the original motion. Under Rule 15(a) of the Federal Rules, Plaintiff’s response to Defendants’ Amended Motion to Compel is due 10 business days after it is served. Plaintiff will therefore be filing its response to Defendants’ Amended Motion to Compel on December 19, 2008

Respectfully Submitted,

/s/ Nicholas H. Patton

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ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this 8<sup>th</sup> day of December, 2008.

*/s/ Nicholas H. Patton* \_\_\_\_\_

Nicholas H. Patton