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

ERIC M. ALBRITTON,

*

Plaintiff,

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VS.

* C.A. NO. 6:08-CV-00089

CISCO SYSTEMS, INC., RICK FRENKEL, MALLUN YEN & JOHN NOH,

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Defendants.

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ORAL DEPOSITION OF

OTIS CARROLL

NOVEMBER 5TH, 2008

ORAL DEPOSITION OF OTIS CARROLL, produced as a witness at the instance of the CLAIMANT, and duly sworn, was taken in the above-styled and numbered cause on the 5th of November, 2008, from 9:25 a.m. to 9:36 a.m., before Tammy Staggs, CSR in and for the State of Texas, reported by machine shorthand, at the Law Offices of Ireland, Carroll and Kelley, 6101 Broadway, Suite 500, Tyler, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

		Page 5
1	representing Rick Frenkel.	
2	THE VIDEOGRAPHER: Will the court	
3	reporter please swear the witness.	
4	OTIS CARROLL,	
5	having been first duly sworn, testified as follows:	
6	EXAMINATION	
7	BY MR. BABCOCK:	
8	Q. Would you state your name, sir.	
9	A. Otis Carroll.	
10	Q. Mr. Carroll, how are you employed?	
11	A. I'm a lawyer.	
12	Q. And are you do you practice with a law	
13	firm?	
14	A. I do. A firm called Ireland, Carroll, and	
15	Kelley in Tyler, Texas.	
16	Q. That was my next question.	
17	Mr. Carroll, you have been designated or	
18	disclosed as a witness in the case that you're giving	
19	your deposition in today by the plaintiff Eric	
20	Albritton. And it says, in its entirety, (as read):	
21	Mr. Carroll has knowledge of the professional reputation	
22	and integrity of the plaintiff.	
23	Do you know anything about that?	
24	A. I do.	

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And what do you know?

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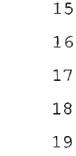
- I have my opinion about Eric Albritton's professional reputation and integrity, and I understood that's what he was disclosing me to talk to.
- That's what -- that's what it looks like. What is your opinion of Mr. Albritton's professional reputation and -- and integrity?
- Α. I think it's impeccable. I think he's got a reputation as being a fine -- to me and probably to Nick Patton, he's still a young trial lawyer, but...
 - You can throw me in on that one too.
- And to you Chip, I forgot. But he's a fine young lawyer. And in my -- my mind he's got a great reputation. And that's -- kind of sums it up.
- All right. And -- and have you changed your Q. opinion as to his reputation at any time between when you first knew him as a lawyer and today, which is November 5th, 2008, the day after the great election?
- Α. Well, I think, you know, my opinion of him has improved. I met -- I was trying to think of this this morning. I think I met him initially when he was a law clerk to Judge Justice. And I can't remember when it was, but I'm quessing it was at least 15, maybe even 20 years ago. And then I knew him when he went to work for Scrappy Holmes and then when he -- he left and I've had cases with him and I've had cases against him and my --





to answer your question, my opinion of his abilities and his reputation has grown. I think he's -- you know, he's somebody I'm glad to count as a colleague and a friend.

- Q. So his reputation in your mind is -MR. PATTON: Objection, leading.
- Q. (BY MR. BABCOCK) His reputation in your mind is better today than it might have been a year ago or two years ago or five years ago?
 - A. Well, to me it is.
- Q. Yeah, okay. Will you tell me whether
 you're -- and I think you've already said this, but will
 you tell me whether his reputation in your eyes has
 improved over the last five years?
- A. I mean, it has to me. And, you know, because he and I are doing the same kind of work and we weren't before. He was doing more criminal trial practice. And he got into the commercial practice and the IP practice, which a lot of us around here do, and I got to see more of him. So, you know, I guess that's the basis for my opinion as much as anything.
 - Q. Okay. Have you ever referred him a case?
- A. Yeah, sure have. The first -- first patent case he ever had.
 - O. When was that?



Page 18 That the amount of time used by each party at the 1 2 deposition is as follows: 3 Mr. Nick Patton - (0:02) Mr. Charles L. Babcock - (0:07) 4 5 Mr. George L. McWilliams - (0:02) 6 7 That pursuant to information given to the deposition officer at the time said testimony was taken, the 8 9 following includes counsel for all parties of record: 10 FOR THE PLAINTIFF: Nick Patton, Esq. 11 FOR THE DEFENDANT, CISCO SYSTEMS, INC.: 12 Charles L. Babcock, Esq. Crystal Parker 13 FOR THE DEFENDANT, RICHARD FRENKEL: 14 George L. McWilliams, Esq. 15 16 17 18 19 20 21 That \$_____ is the deposition officer's charges 22 23 to the Defendant, Cisco Systems, for preparing the 24 original deposition transcript and any copies of 25 exhibits;

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Certified to by me this 7th of November, 2008.

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