

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

TYLER DIVISION

ERIC M. ALBRITTON,

Plaintiff,

VS.

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

Defendants.

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

CERTIFIED COPY

ORAL DEPOSITION OF

ERIC M. ALBRITTON

OCTOBER 27TH, 2008

ORAL DEPOSITION OF ERIC ALBRITTON, produced as a witness at the instance of the CLAIMANT, and duly sworn, was taken in the above-styled and numbered cause on the 27th of October, 2008, from 12:44 p.m. to 4:24 p.m., before Tammy Staggs, CSR in and for the State of Texas, reported by machine shorthand, at the Law Offices of James A. Holmes, 605 South Main, Suite 203, Henderson, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

1 P R O C E E D I N G S

2 (Exhibits 21A - 63 marked)

3 THE VIDEOGRAPHER: Here begins the
4 videotape deposition of Eric Albritton in the matter of
5 Eric M. Albritton vs. Cisco Systems, Inc., Rick Frenkel,
6 et al. Case No. 6:08CV00089. Today's date is October
7 27th of 2008. The time is approximately 12:44 p.m. Now
8 on the record.

9 ERIC ALBRITTON,

10 having been first duly sworn, testified as follows:

11 EXAMINATION

12 BY MR. BABCOCK:

13 Q. Would you state your name, sir.

14 A. Eric Albritton.

15 Q. Mr. Albritton, here is Exhibit 21A. I just
16 like to start each deposition with a notice. Obviously
17 you're here, so there's no question about that.

18 What -- how are you employed?

19 A. I'm a lawyer.

20 Q. And do you practice with a firm?

21 A. I do.

22 Q. What's the name of the firm?

23 A. Eric M. Albritton, PC.

24 Q. And PC stands for professional corporation,
25 correct?

1 traction in terms of being discussed in the Eastern
2 District?

3 A. Not -- I mean, I can't tell you anything
4 specific. I mean, I certainly don't think that's an
5 accurate characterization. But what Justice Scalea said
6 about the Eastern District of Texas has nothing to do
7 with the fact that Cisco Systems and Rick Frenkel called
8 me a criminal.

9 Q. Are you -- do you remember there's a phrase in
10 the -- in the article about the Banana Republic?

11 A. Uh-huh.

12 Q. About -- something about abusive practices in
13 the Banana Republic of East Texas? I'll get it out in a
14 second, but --

15 A. Yeah, I mean, you're sort of smiling. I guess
16 -- I don't think that's a cute saying.

17 Q. Do you think that that phrase is defamatory of
18 you?

19 A. No. I think it gives context to what he was
20 saying about me, but -- or potentially does, I don't
21 know. But I don't -- I don't think -- well, strike
22 that.

23 I mean, I certainly think he is saying
24 that what I did was abusive because he seems to be
25 linking that, I don't know. Yeah, I mean, he clearly

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

ERIC M. ALBRITTON, *
 *
Plaintiff, *
 *
VS. * C.A. NO. 6:08-CV-00089
 *
CISCO SYSTEMS, INC., RICK *
FRENKEL, MALLUN YEN & *
JOHN NOH, *
 *
Defendants. *

REPORTER'S CERTIFICATION
DEPOSITION OF ERIC ALBRITTON
OCTOBER 27TH, 2008

I, TAMMY LEA STAGGS, Certified Shorthand Reporter in
and for the State of Texas, hereby certify to the
following:

That the witness, ERIC ALBRITTON, was duly sworn by
the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

That the deposition transcript was submitted on
_____ to the witness or to the attorney
for the witness for examination, signature and return to

1 me by _____;

2 That the amount of time used by each party at the
3 deposition is as follows:

4 Mr. James A. Holmes - (0:00)

5 Mr. Charles L. Babcock - (2:38)

6 Mr. George L. McWilliams - (0:35)

7

8 That pursuant to information given to the deposition
9 officer at the time said testimony was taken, the
10 following includes counsel for all parties of record:

11 FOR THE PLAINTIFF:
12 James A. Holmes, Esq.

13 FOR THE DEFENDANT, CISCO SYSTEMS, INC.:
14 Charles L. Babcock, Esq.

15 FOR THE DEFENDANT, RICHARD FRENKEL:
16 George L. McWilliams, Esq.
17 Nicole Peavy

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24 That \$ _____ is the deposition officer's charges
25 to the Defendant, Cisco Systems, for preparing the
original deposition transcript and any copies of
exhibits;

1 I further certify that I am neither counsel for,
2 related to, nor employed by any of the parties or
3 attorneys in the action in which this proceeding was
4 taken, and further that I am not financially or
5 otherwise interested in the outcome of the action.
6 certified, to by me this 31st of October, 2008.

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The original copy signed
file was electronically signed
using RealLegal technology.

Tammy Lea Stagg

Tammy Lea Stagg, CSR 7496
Expiration Date: 12/31/2009
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