

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

ERIC M. ALBRITTON,

Plaintiff,

v.

**(1) CISCO SYSTEMS, INC.,
(2) RICHARD FRENKEL, a/k/a
"TROLL TRACKER,"
(3) JOHN NOH and
(4) MALLUN YEN,**

Defendants.

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NO. 6:08-CV-00089

DECLARATION OF MARCIE LONG

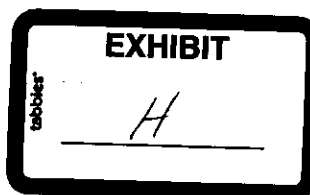
I, Marcie Long, declare and testify as follows:

1. I make this declaration in support of Plaintiff's Response to Cisco's Motion to Strike Plaintiff's Amended (Corrected) Response to Defendant's Motion for Summary Judgment. I have personal knowledge of the facts set forth in this declaration and, if called to testify as a witness, I could and would competently testify to them under oath.

2. I am a paralegal in the law offices of Patton, Tidwell & Schroeder located in Texarkana, Texas. I have worked as a paralegal in this office since November 2003.

3. On December 15, 2008, I was tasked with finalizing Plaintiff's Response to Defendant's Summary Judgment Motion and for getting that pleading on file. Part of my responsibilities included numbering the exhibits cited in Plaintiff's Response and attaching the proper documents cited therein.

4. In his originally-filed Response, Albritton had identified two set of exhibits originating from the deposition of Mr. David Maland. One set of exhibits referred to Maland's



deposition testimony. The other set of exhibits referred to exhibits used during Maland's deposition.

5. At the time I assigned exhibit numbers to the record cites contained in the Response (the final task before filing the brief), I considered the Maland exhibits to be a two part single exhibit. Consequently, in all the record cites referring to Mr. Maland, I inserted a citation to Exhibit 12.

6. Another paralegal in my office was helping me gather the Response exhibits. My co-worker designated the Maland exhibits as two *separate* exhibits, not as a single exhibit with two parts as I had done. Those two separate exhibits were Exhibits 12 and 13.

7. When Albritton's Response was filed, the Maland exhibits were identified as Exhibit 12 (Maland part 1), and Exhibit 13 (Maland part 2).

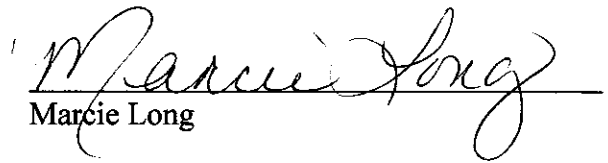
8. When I emailed the exhibits to Cisco, I identified the Maland exhibits as Exhibit 12, parts 1 and 2 and made clear that Exhibit 12 part 2 and Exhibit 13 were the same. A true and correct copy of that correspondence and the list I provided to Cisco are attached to Albritton's Response to Cisco's Motion to Strike as Exhibit I.

9. Realizing that there was an inconsistency between the citations to Exhibit 12 part two and Exhibit 13, when Plaintiff filed a corrected response, I inserted Exhibit 13 in place of Exhibit 12 part 2 (only in those instances where Exhibit 12 had already been cited) to clear up any confusion. I did not add "additional evidence" to the record cites but merely changed the numbering used so as to be consistent with the way the exhibits were identified on the docket.

10. The evidence cited in Exhibit 13 was sent to Cisco with all of the exhibits to Albritton's Response and identified on the list I provided.

11. I did not intend to mislead Cisco as to the nature of the evidence cited.

12. At all times I acted in good faith.


Marcie Long