

Patricia L. Peden

From: Patricia L. Peden [ppeden@pedenlawfirm.com]
Sent: Thursday, November 20, 2008 1:08 PM
To: 'Babcock, Chip'; glmlawoffice@gmail.com'; 'Parker, Crystal'
Cc: 'Nick Patton'; jh@jamesholmeslaw.com'
Subject: RE: Activity in Case 6:08-cv-00089-RAS Albritton v. Cisco Systems, Inc. et al Motion to Compel

Chip:

I appreciate that you are trying to protect your client's interest but in doing so you are filing motions with the Court that makes my clients look like they are not willing to be reasonable with discovery—even after I told you we could reach an agreement on the subpoena. Also, I don't think it is proper to file motions to preserve your position hoping to withdraw them later—particularly when you tell me that you will only withdraw them if I give you everything you want without reservation. The rules are very clear about this: when you don't meet and confer you can't apprise the Court of the real issues involved. I am under the same time deadlines but am still following the rules. Maybe it's the former law-clerk in me, but I don't think your course of conduct is proper. I encourage you to read General Order 08-05 and ask yourself whether you can honestly tell the Court you followed its rules.

We can discuss the issues raised with Cisco and Frenkel's discovery so that I can fulfill what I see as our obligation to the Court. You can decide how you want to proceed with your already filed motions later.

Patty

From: Babcock, Chip [mailto:cbabcock@jw.com]
Sent: Thursday, November 20, 2008 12:31 PM
To: Patricia L. Peden; glmlawoffice@gmail.com; Parker, Crystal
Cc: Nick Patton; jh@jamesholmeslaw.com
Subject: RE: Activity in Case 6:08-cv-00089-RAS Albritton v. Cisco Systems, Inc. et al Motion to Compel

If you read my email it says that I will withdraw my soon to be filed motion on the interrogatories if you agree to the conditions. You had some time before I filed to respond to that but in any event your responsive email and the one below appears to reject that suggestion. If on our conference later today, or before, you wish to answer the interrogatories under the terms I have outlined please say so. But the motions deadline is either today or tomorrow unless the judge grants our agreed motion extending the deadline for disparities motions or motions that may require a hearing until next Wednesday. He has not done so yet. Tomorrow I will be chairing the Texas Supreme Court Advisory Committee and unavailable and unable to attend to these matters. So I am trying to get them done today. I hope you can appreciate that I am trying to protect my client's rights.

From: Patricia L. Peden [mailto:ppeden@pedenlawfirm.com]
Sent: Thursday, November 20, 2008 2:09 PM
To: Babcock, Chip; glmlawoffice@gmail.com; Parker, Crystal
Cc: 'Nick Patton'; jh@jamesholmeslaw.com
Subject: FW: Activity in Case 6:08-cv-00089-RAS Albritton v. Cisco Systems, Inc. et al Motion to Compel

Chip and Crystal:

Please note that we have not met and conferred about the interrogatories. Your last email specifically says that you will not file unless you hear from me by close of business today. It is not close of business today. You have again failed to meet and confer in good faith and we will brief that issue to the Court.

Patty

From: txedCM@txed.uscourts.gov [mailto:txedCM@txed.uscourts.gov]
Sent: Thursday, November 20, 2008 11:53 AM
To: txedcmcc@txed.uscourts.gov
Subject: Activity in Case 6:08-cv-00089-RAS Albritton v. Cisco Systems, Inc. et al Motion to Compel

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U.S. District Court [LIVE]

Eastern District of TEXAS

Notice of Electronic Filing

The following transaction was entered by Babcock, Charles on 11/20/2008 at 1:53 PM CST and filed on 11/20/2008

Case Name: Albritton v. Cisco Systems, Inc. et al
Case Number: 6:08-cv-89
Filer: Cisco Systems, Inc.
Document Number: 87

Docket Text:

MOTION to Compel *Plaintiff's Interrogatory Responses* by Cisco Systems, Inc.. (Attachments: # (1) Exhibit A, # (2) Exhibit B, # (3) Text of Proposed Order)(Babcock, Charles)

6:08-cv-89 Notice has been electronically mailed to:

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Robert W Faulkner rfaulkner@jamsadr.com

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6:08-cv-89 Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1041545818 [Date=11/20/2008] [FileNumber=5580886-0] [6c53c1f44a34af1b474c072a8c9f6a850782093cd197d2a29f512ccd3347ff11f211bc38754406b06276c7a009661f8edf2687f82088b9bdc6a81bd3feb78bd1]]

Document description:Exhibit A

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1041545818 [Date=11/20/2008] [FileNumber=5580886-1] [884111d94f62b126ea463e820c104773acf35b9a29d44a74e1003a885b5f5fc18ddcdb7c5e8627214711bc20642ac655ccfcdae7291f0a53f8ff9e2d17f35b24]]

Document description:Exhibit B

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1041545818 [Date=11/20/2008] [FileNumber=5580886-2] [a071a8b63092037e12f4674c8ebfc2589bb7302b0d5ef830bfd68f4630984adb2af47e1f08d3cfd25a2d45aaa4f40e4720c8af52bf036cea26004b77d7b4d938]]

Document description:Text of Proposed Order

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1041545818 [Date=11/20/2008] [FileNumber=5580886-3] [881a7ff5eea2f290fb1d807d71551a0fa5930ce83f397f58bbc0a6c8e0d5d7052a3806b868ef8985e1a42f2d0cbe174706c49f3a321ca955e205167bcd494a61]]