

**Patricia L. Peden**

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**From:** Patricia L. Peden [ppeden@pedenlawfirm.com]  
**Sent:** Tuesday, December 02, 2008 9:48 AM  
**To:** 'Babcock, Chip'; 'Marcie Long'; 'Parker, Crystal'  
**Cc:** 'Nick Patton'  
**Subject:** RE: Albritton v. Cisco

Chip:

I think the confusion is between the two motions. When Crystal called me she said that you guys were filing an amended motion that set out the same case law but asked for different relief. That motion is an amended motion replacing the first motion. If that is the case then can you file a motion with the Court withdrawing the first motion to compel in light of the amended motion? Otherwise, the clerk will be confused as to which motion Cisco is advancing.

**From:** Babcock, Chip [mailto:cbabcock@jw.com]  
**Sent:** Tuesday, December 02, 2008 9:17 AM  
**To:** Marcie Long; Parker, Crystal  
**Cc:** Nick Patton; ppeden@pedenlawfirm.com  
**Subject:** RE: Albritton v. Cisco

Marcie,

That was not our intent. I hope it was communicated to someone on your team that if Plaintiff agreed that he was only complaining of the specific language set out in his complaint and none other and that his contentions regarding the complained of language were set out in the complaint and further would execute a Rule 11 type agreement to that effect we would withdraw the amended motion.

I think that this would be consistent with your objections to the interrogatories which directed us to the complaint. I hope this provides you the information you need.

Chip

**From:** Marcie Long [mailto:mlong@texarkanalaw.com]  
**Sent:** Monday, December 01, 2008 12:26 PM  
**To:** Babcock, Chip; Parker, Crystal  
**Cc:** Nick Patton; ppeden@pedenlawfirm.com  
**Subject:** Albritton v. Cisco

It was our understanding you guys were withdrawing the first motion to compel interrogatory responses. Do you intend to file the Notice of Withdrawal today?

Marcie Long  
 Paralegal to Nicholas H. Patton  
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