

EXHIBIT "G"

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.	*

CERTIFIED COPY

ORAL DEPOSITION OF

AMIE MATHIS

OCTOBER 27TH, 2008

ORAL DEPOSITION OF AMIE MATHIS, 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 9:24 a.m. to 11:38 a.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.

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A P P E A R A N C E S

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ALSO PRESENT:

Doug Rankin - Videographer
Eric Albritton

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INDEX

PAGE

Appearances.....	2
Exhibit List.....	4
Stipulations.....	--
AMIE MATHIS:	
EXAMINATION BY MR. BABCOCK.....	6
EXAMINATION BY MR. McWILIAMS.....	84
EXAMINATION BY MR. LOVE.....	101
Signature and Changes.....	105
Reporter's Certificate.....	107

REQUESTED DOCUMENTS/INFORMATION
(None)

CERTIFIED QUESTIONS
(None)

EXHIBITS			
NO.	DESCRIPTION		PAGE
1			
2	Exhibit 1	Notice of deposition.....	13
3	Exhibit 2	Electronic Case Files, CM/ECF, material..	13
4	Exhibit 3	The Attorney's How-To Guide, Civil Case	
5		Opening, dated January 11th, 2008.....	17
6	Exhibit 4	Document titled What's New in Electronic	
7		Filing, New Features for Attorneys,	
		CM/ECF Version 3.2.1, dated May of 2008..	19
8	Exhibit 5	E-mail to Ms. Mathis from Eric Albritton	
9		dated Friday October 12th, 2007, 5:32	
		p.m.....	21
10	Exhibit 6	E-mail to Ms. Mathis from Rhonda Lafitte	
11		dated October 15th at 4:22.....	25
12	Exhibit 7	E-mail Ms. Mathis sent to P. McAndrews	
		dated October 15th, 2007 at 4:54 p.m.....	29
13	Exhibit 8	E-mail from Ms. Mathis to	
14		newcasetxk@txed.uscourts.gov dated Monday	
		October 15th, 2007 at 3:39 p.m.....	24
15	Exhibit 9	Skipped.....	--
16	Exhibit 10	E-mail to Ms. Mathis received at midnight	
17		on October 16th, 2007, Pay.Gov Payment	
		Confirmation.....	30
18	Exhibit 12	Memo from David Maland to Anne McMillan	
19		and Brenda Jeffreys and Thad Heartfield,	
		it's dated March 14th, 2008.....	52
20	Exhibit 13	E-mail to Mr. McAndrews from Ms. Mathis	
21		on October 16th at 12:05 a.m.....	64
22	Exhibit 14	Three E-mails between Ms. Mathis and	
		Mr. Albritton on March 14th of 2008.....	52
23	Exhibit 15	Skipped.....	64
24	Exhibit 16	E-mail from Mr. McAndrews to Eric	
25		Albritton with a copy to Ms. Mathis dated	
		October 17th, 2007 at 6:18 p.m.....	64

1	Exhibit 17	E-mail from Ms. Mathis to Eric responding to an E-mail from Eric to Ms. Mathis on January 30, 2008.....	67
2			
3	Exhibit 18	Series of E-mails from Ms. Mathis to Shelley Moore.....	68
4			
5	Exhibit 19	Civil cover sheet on the ESN vs. Cisco case.....	68
6	Exhibit 20	Skipped.....	--
7	Exhibit 21	Series of documents, which include the civil cover sheet and the complaint for patent infringement.....	73
8			
9	Exhibit 22	Skipped.....	--
10	Exhibit 23	Skipped.....	--
11	Exhibit 24	Same documents as Exhibit 21, but now bearing the filing date of October 16th..	77
12			
13	Exhibit 25	E-mail from Paul McAndrews to Ms. Mathis and Eric Albritton and some other people, subject: 519 Patent attached, dated October 16th, 2007 at 7:38 a.m.....	77
14			
15	Exhibit 26	Skipped.....	--
16	Exhibit 27	Skipped.....	--
17	Exhibit 28	Skipped.....	--
18	Exhibit 29	E-mail from Ms. Mathis to Eric reporting on a conversation with Peter McAndrews on the ESN case.....	78
19			
20			
21			
22			
23			
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P R O C E E D I N G S

(Exhibits 1-21 marked.)

THE VIDEOGRAPHER: Here begins the videotape deposition of Amie Mathis in the matter of Eric M. Albritton vs. Cisco Systems, Inc., Rick Frenkel, et al. Case No. 6:08CV0089. Today's date is October 27th, 2008. The time is now approximately 9:24 a.m. We're now on the record.

AMIE MATHIS,

Having been first duly sworn, testified as follows:

EXAMINATION

BY MR. BABCOCK:

Q. Would you state your name, please.

A. It's Amie Mathis.

Q. And do you work, Ms. Mathis?

A. Yes, I do.

Q. And for whom do you work?

A. Currently, I work for Tenaha ISD.

Q. And what is it that you do for Tenaha ISD?

A. I'm a full -- a long-term sub in a first grade class.

Q. When did you go to work for the Tenaha ISD?

A. September 10th.

Q. Of 2008?

A. Yes, sir.

1 A. Yes, sir.

2 Q. Which would have been October 15th?

3 A. Right.

4 Q. Okay. Now, at some point there was a concern
5 about the dates on the -- on the documents as to whether
6 the case was really filed on the 15th or the 16th. Did
7 you hear anything about that concern?

8 A. Yes.

9 Q. And from whom did you hear it?

10 A. The first time I heard it would be from
11 Mr. McAndrews.

12 Q. All right. And he's -- as I recall, he's in
13 Chicago, is he not?

14 A. I wouldn't be able to tell you for sure where
15 he's from. I don't remember.

16 Q. He's not a Texan; is that true?

17 A. No.

18 Q. So when you heard about it from Mr. McAndrews,
19 was it on the telephone?

20 A. Yes.

21 Q. Okay. And did he call you?

22 A. Yes.

23 Q. And what did he tell you was his concern?

24 A. He said that when he pulled the docket and saw
25 the actual complaint, that the ESC file stamp was

1 Q. Okay. Eric Albritton, correct?

2 A. Yes.

3 Q. All right. And there's a date typed in right
4 next to that signature, which is 10/15/2007. Did you
5 type that date in?

6 A. I did.

7 Q. Did Mr. Albritton sign this document on
8 October 15th, 2007?

9 A. He did.

10 Q. All right. And this is one of the documents
11 that you filed on October 15th, 2007, correct?

12 A. I filed it on October 16th, 2007.

13 Q. You didn't file the cover sheet on the 15th?

14 A. I would have gave -- this would have been
15 attached as part of my regular document, and that's
16 where the file stamp was showing 10/15 and not 10/16,
17 but this would have been sent to the clerk on 10/15.
18 The civil co- -- the civil sheet had to be attached as
19 an exhibit -- has to be attached as an exhibit to a
20 complaint, and that's where you get this file -- the ECF
21 file stamp number from.

22 Q. I thought that we had established earlier
23 that -- that you had sent --

24 A. I did send it on 10/15 because you have to
25 send this to the clerk with your list of parties to have

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I, AMIE MATHIS, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

AMIE MATHIS

THE STATE OF _____)
COUNTY OF _____)

Before me, _____, on this day personally appeared AMIE MATHIS, known to me (or proved to me under oath or through _____) (description of identity card or other document)) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, _____.

NOTARY PUBLIC IN AND FOR
THE STATE OF _____
COMMISSION EXPIRES: _____

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

REPORTER'S CERTIFICATION
DEPOSITION OF AMIE MATHIS
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, AMIE MATHIS, 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
me by _____;

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

- 3 Mr. James A. Holmes - (0:00)
- 4 Mr. Charles L. Babcock - (1:49)
- 5 Mr. George L. McWilliams - (0:06)
- 6 Mr. Greg Love - (0:03)

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:
 James A. Holmes, Esq.
- 12 FOR THE DEFENDANT, CISCO SYSTEMS, INC.:
13 Charles L. Babcock, Esq.
- 14 FOR THE DEFENDANT, RICHARD FRENKEL:
15 George L. McWilliams, Esq.
 Nicole Peavy
- 16 FOR THE WITNESS:
17 Greg Love, Esq.

18
19
20
21

22 That \$_____ is the deposition officer's charges
23 to the Defendant, Cisco Systems, for preparing the
24 original deposition transcript and any copies of
25 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 certified transcript
file was electronically signed
using RealLegal technology.

Tammy Lea Stagg

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