

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

ERIC M. ALBRITTON,

Plaintiff,

v.

(1) CISCO SYSTEMS, INC., (2) RICHARD  
FRENKEL, (3) MALLUN YEN and  
(4) JOHN NOH,

Defendants.

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NO. 6:08-CV-00089

**PLAINTIFF’S OBJECTIONS TO DEPOSITION TESTIMONY  
DESIGNATED BY DEFENDANT**

COMES NOW, Plaintiff, Eric M. Albritton, and hereby files his objections to the deposition testimony designated by Defendants<sup>1</sup> in the parties’ Proposed Joint Pretrial Order (DE #189) as follows:

Deposition of David Maland (November 3, 2008):

Pages 20:25 – 21:5	FRE 602, 802, 805
Page 26:4-18	Form; FRE 602, 802
Pages 26:22 – 27:24	FRE 402, 602, 403, 802
Page 32:6-19	FRE 802, 805
Page 33:10-16	FRE 802
Page 41:12-18	FRE 802, 805
Pages 41:22 – 42:2	FRE 402, 602, 802, 805
Pages 42:10 - 45:5	FRE 802, 805
Page 53: 11-15	FRE 106, 802, 805
Page 54:7 – 55:1	FRE 602, 802, 805
Pages 55:24 – 56:20	FRE 602, 802, 805
Pages 56:25 – 57:3	FRE 602, 802, 805
Page 57:4-19	FRE 602, 802, 805
Pages 57:20 – 59:7	FRE 602, 802, 805
Page 61:6-14	FRE 602, 802, 805
Pages 61:24 – 63:1	FRE 602, 802, 805

<sup>1</sup> Defendants’ cross-designations contained several typographical errors. Plaintiff has responded as it believed Defendant designated. However, if Defendants correct their cross-designations, Plaintiff reserves the right to amend his objections.

Pages 63:21 – 64:14	FRE 802, 805
Page 65: 12-19	FRE 106, 403, 802, 805
Page 69:1-10	FRE 402, 403, 802
Pages 71:9 – 72:2	FRE 106, 402, 403, 602, 802, 805
Pages 73:3 – 74:8	FRE 106, 402, 403, 602, 802, 805
Pages 74:20 – 75:1	FRE 402, 403, 802, 805
Pages 75:2 – 76:25	FRE 402, 403, 608, 802, 805
Page 78:6-15	FRE 402, 403, 802
Pages 78:16 – 79:9	FRE 802, 805
Page 79:15-18	FRE 802, 805
Pages 79:24 – 80:5	FRE 402, 403, 802, 805
Pages 81:19 – 82:14	FRE 402, 403, 602, 802, 805
Pages 84:10-24	FRE 403, 602, 802, 805
Pages 87:22 – 88:11	FRE 802
Pages 88:17 – 89:11	FRE 402, 403, 802, 805
Page 93:2-13	FRE 402, 802, 805
Page 94:1-9	FRE 402, 403, 802, 805
Page 94:24 – 95:1	FRE 402, 602, 802, 805
Page 95:20-22	FRE 403, 602, 802, 805
Page 97:7-12	FRE 402, 802
Page 97:13-14	FRE 402, 403, 802
Page 97:15-22	FRE 402, 403, 802
Pages 98:24 – 99:18	FRE 402, 403, 802, 805
Page 105:13-22	FRE 402, 403, 802, 805
Page 106:18-22	FRE 402, 403, 802
Pages 106:23 – 107:1	Form; FRE 402, 403, 802
Page 107:2-21	FRE 402, 403, 701, 802
Pages 114:20 – 115:3	FRE 403, 802
Page 115:4 – 116:2	FRE 802
Page 117:5-15	FRE 402, 403, 602, 802
Page 118:2-8	FRE 402, 403, 802, 805, leading
Page 118:9-15	FRE 402, 403, 802, 805, leading
Pages 119:17 – 120:1	FRE 402, 403, 802,
Page 126:7-13	FRE 403, 602, 802
Page 127:18-24	FRE 403, 602, 802, Form
Page 130:20-23	FRE 802
Page 131:4-21	FRE 402, 802
Page 154:19-22	FRE 106, 802
Page 170:8-15	FRE 802, 805
Pages 170:18 – 171:2	FRE 802
Page 183:14-22	FRE 802, 805
Page 185:6-13	FRE 402, 802
Page 185:23-25	FRE 402, 602, 802, 805,
Page 188:8-24	FRE 402, 403, 602, 802, 805
Page 191:9-192:5	FRE 402, 403, 802, 805
Page 194:8-12	FRE 802

Page 194:21 – 196:3	FRE 402, 802
Page 196:12-16	FRE 402, 602, 802
Page 196:17-22	FRE 403, 802
Page 197:22-24	FRE 106, 403, 802
Page 201:13-18	FRE 402, 403, 802
Pages 201:19 – 202:1	Form; FRE 402, 403, 602, 802
Pages 202:5 – 203:5	FRE 403, 602, 802

Deposition of David Provines (November 3, 2008)

Page 6:21 – 7:2	FRE 402
Page 7:3-20	FRE 402, 802
Page 8:3 – 9:13	FRE 802
Pages 10:11 – 11:20	FRE 802
Pages 13:25 – 14:2	FRE 403, 602, 802
Page 15:18 – 25	Form; FRE 403, 602, 802
Pages 16:20 – 17:16	FRE 602, 802
Pages 21:12 – 22:11	FRE 402, 403, 602, 802, 805
Pages 23:15 – 24:14	FRE 402, 403, 602, 802
Pages 24:15 – 25:12	FRE 402, 602, 802, 805
Page 28:10-14	FRE 402, 403, 602, 802, 805
Page 30:12-18	Form; FRE 403, 602, 802, 805
Page 38:2-14	FRE 602, 608

Deposition of Shelley Moore (November 3, 2008)

Page 8:8-21	FRE 802, 805
Page 9:16-25	FRE 802, 805
Page 10:1-6	FRE 802, 805
Pages 10:25 – 12:3	FRE 403, 602, 802, 805
Page 10:4-6	FRE 802, 805
Page 13:1-7	FRE 402, 403, 802
Page 13:8-22	FRE 402, 403, 802
Pages 13:23 – 14:2	FRE 402, 403
Pages 14:15 – 17:25	FRE 602, 802, 805
Pages 18:1 – 19:9	FRE 403, 602, 802, 805
Page 20:3-8	FRE 403, 802, 805
Page 20:9-11	FRE 602, 802
Page 20:12-16	FRE 602, 802, 805
Page 23:4-8	FRE 403, 602, 802
Page 23:9 – 24:1	FRE 602, 802, 805
Page 24:2-7	FRE 802, 805
Page 24:8-12	FRE 402, 403, 602, 802, 805

Deposition of Cynthia Paar (November 3, 2008)

Pages 6:25 – 7:14	FRE 802, 805
Page 7:19-21	FRE 106, 402, 403, 602, 802
Page 7:22-24	FRE 402, 403, 602, 802
Page 8:9-16	FRE 402, 403, 802, 805
Page 8:17-21	FRE 402, 602, 802
Page 9:2-9	FRE 403, 602, 802, 805
Page 13:5-11	FRE 802
Pages 13:12 – 14:22	FRE 403, 602, 802
Pages 14:23 – 15:14	FRE 403, 802
Pages 25:20 – 26:6	FRE 602, 802
Page 26:18 – 27:2	FRE 402, 403, 602, 802
Page 27:14-20	FRE 602, 802

Deposition of Peggy Thompson (November 3, 2008)

Pages 8:23 – 9:11	FRE 802, 805
Page 10:9-15	FRE 802, 805
Pages 10:16 – 11:7	FRE 402, 802
Page 11:8-12	FRE 403, 602, 802, 805
Page 16:3-11	FRE 402, 403, 802, 805
Page 19:19-25	FRE 402, 403, 802, 805
Page 28:2-16	FRE 802

Deposition of Faye Thompson (November 3, 2008)

Pages 7:2 – 10:12	FRE 802
Page 10: 12 – 15	FRE 602, 802

Deposition of Rachel Wilson (November 3, 2008)

Pages 7:12 – 8:10	FRE 402, 602, 802, 805
Pages 8:11 – 19:4	FRE 802
Pages 15:9 – 16:1	FRE 802

Deposition of Rhonda Lafitte (November 3, 2008)

Page 7:11-20	FRE 402, 403
Pages 15:24 – 16:4	FRE 403, 602, 802, 805
Pages 16:9-24	FRE 403, 602, 802, 805
Page 18:2-5	FRE 802, 805
Page 21:19-23	FRE 402, 403, 602, 802, 805

Deposition of Peter McAndrews (November 7, 2008)

Pages 55:12 – 56:18	FRE 402, 403, 602, 802, 805
Page 60: 1-9	FRE 402, 403
Pages 60:24 – 61:7	FRE 106, 402, 403
Page 71:6-9	FRE 402, 403, 602
Page 75:9-24	FRE 402, 403, 602, 802, 805

Deposition of Mallun Yen (November 17, 2008)

Page 101:17-20	FRE 402, 403, 602, 701, 802
Page 203:12-16	FRE 402, 403, 802
Page 230:8-16	FRE 602, 802

Deposition of John Noh (November 17, 2008)

Page 19:5-20	FRE 402
Page 65:12-23	FRE 402, 403

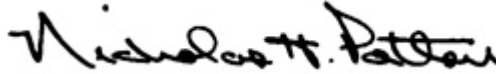
Deposition of Richard Frenkel (November 18, 2008)

Pages 13:2 – 14:5	FRE 402
Pages 39:16 – 40:9	FRE 402, 403
Pages 49:13 – 50:19	FRE 401, 402, 403, 602, 701, 802
Page 53:16-21	FRE 401, 402, 403, 802, Fed.R.Civ.P. 37(c)
Page 72:8-10	FRE 106, 802; Fed.R.Civ.P.37(c);
Page 72:23 – 73:2	FRE 106, 802; Fed.R.Civ.P.37(c);
Pages 74:13 – 75:3	FRE 401, 402, 403, 602, 802
Pages 158:8 – 159	FRE 401, 402, 403, 802

Plaintiff reserves his right to further object to Defendants' introduction of any of its designated deposition testimony at trial to the extent that such designations fail to comply with the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and the Local Rules and orders of this Court.

This 25<sup>th</sup> day of February 2009.

Respectfully submitted,



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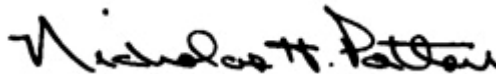
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ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this 25<sup>th</sup> day of February, 2009.



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Nicholas H. Patton