

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

David J. Maland  
U.S. District Clerk

211 W. Ferguson St.  
Tyler, TX 75702

October 29, 2008

Charles L. Babcock  
Jackson Walker  
901 Main Street  
Suite 6000  
Dallas, Texas 75202-3797

Via Facsimile: 214-953-6000  
713-752-4221

George L. McWilliams  
P O Box 58  
Texarkana, TX 75504

Via Email Attachment

Re: Subpoenas of District Clerk Dave Maland and other court personnel in Albritton v. Cisco, et al., Case No. 6:08cv89, E.D. Texas (Tyler Division)

Dear Mr. Babcock and Mr. McWilliams:

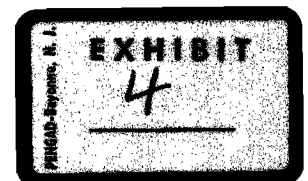
I acknowledge receipt of Cisco System's Request for Testimony and Production of Documents. In response to your request for the depositions and document production to proceed as scheduled on October 31, 2008, I must respectfully decline.

The regulations make clear that a request must be made at least 15 working days in advance of the time by which the testimony or production of documents is to be required. *See* Disclosure Regulations, §6(b). Under no circumstance shall a requester be entitled to consideration of an untimely request. *See* Disclosure Regulations, §6(c). It is up to my discretion to permit or disallow any exceptions to the 15-day requirement. *Id.*

I cannot allow any exceptions to the 15-day requirement in this case. I only received a request that attempts to comply with the Touhy regulations yesterday and have not had sufficient time to evaluate its compliance with the regulations or to determine the extent to which any deposition testimony and production of documents would be authorized. Accordingly, no court personnel will be available to testify or provide documents on October 31, 2008.

I expect that I will be able to respond to you early next week regarding your request. In the meanwhile, I respectfully request that you provide me with written confirmation of the withdrawal of the subpoenas no later than 12:00 p.m. tomorrow. I also request that you also provide a courtesy copy of that confirmation to the United States Attorney's Office for the Eastern District of Texas.

Thank you for your attention to the above. Please call Bob Wells at the United States



Attorney's Office if you have any questions about the above.

Sincerely,

*David Maland*

David Maland  
U.S. District Clerk, Eastern District of Texas

cc: Thomas E. Gibson, AUSA  
Robert A. Wells, AUSA  
United States Attorney's Office  
Eastern District of Texas