

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

ERIC ALBRITTON,

Plaintiff,

v.

CISCO SYSTEMS, INC., RICHARD
FRENKEL, MALLUN YEN and
JOHN NOH,

Defendants.

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Case No. 6:08-CV-89

**ORDER RESCHEDULING FINAL PRETRIAL CONFERENCE AND
RESOLVING CERTAIN PRETRIAL MOTIONS**

On January 12, 2009, the court signed an amended scheduling order (docket entry #139). In that scheduling order, the court ordered the parties to appear for a final pretrial conference on March 2, 2009.

The parties, however, have continued to file motions that cannot be resolved prior to the March 2, 2009 final pretrial conference. The parties' motion practice precludes the court from conducting the final pretrial conference as scheduled. Accordingly, the final pretrial conference set for March 2, 2009 is hereby rescheduled. The parties shall appear for a final pretrial conference on **April 24, 2009 at 1:00 p.m. at the United States District Court for the Eastern District of Texas, 7940 Preston Road, Courtroom 105, Plano, Texas 75024**. A trial date will be selected at the final pretrial conference. The court will also discuss with the parties at the final pretrial conference the location of the trial.

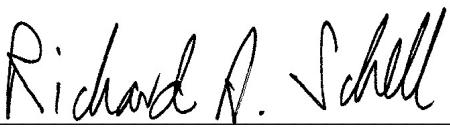
The amended scheduling order specifically states that the date for the jury trial will be

announced at the pretrial conference. Although the court has not yet set this case for trial, the parties issued numerous trial subpoenas, requiring the witnesses to appear for trial in Tyler, Texas on March 2, 2009. In light of the rescheduling of the final pretrial conference, all trial subpoenas are hereby **QUASHED**. The parties shall notify the witnesses of this order. No further trial subpoenas shall issue until after the final pretrial conference. Without reaching the merits of the pending motions to quash, the court hereby **GRANTS** the “Motion to Quash Trial Subpoenas to Non-Party Witnesses Bart Showalter, Kevin Meek, Douglas Kubehl, Kurt Pankratz, and Jillian Powell” (docket entry #169) and the “Motion by David Maland, Shelley Moore, Cynthia Paar, Rhonda LaFitte, David Provines, Peggy Thompson, Faye Thompson, and Rachel Wilson to Quash Trial Subpoenas” (docket entry #207).

Additionally, the amended scheduling order instructed the parties to file joint proposed jury instructions and a verdict form. The parties have failed to comply with the court’s instructions. Rather than filing joint proposed jury instructions, each side filed separate proposed jury instructions. The parties are hereby **ORDERED** to file joint proposed jury instructions and a verdict form by **April 3, 2009**.

IT IS SO ORDERED.

SIGNED this the 27th day of February, 2009.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE