

**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 GRANTING IN PART DEFENDANTS’ MOTION IN LIMINE**


Pending before the court is the Defendants’ motion in limine (docket entry #191). Having considered the Defendants’ motion, the Plaintiff’s response (docket entry #202), the Defendants’ reply (docket entry #221), and the Plaintiff’s sur-reply (docket entry #229), the court finds as follows:

1. Granted, because the Plaintiff’s unamended initial disclosures explicitly limit recovery to damages for mental anguish and punitive damages;
2. Withdrawn (see docket entry #248);
3. Granted, insofar as Plaintiff may not present or argue a particular formula or calculation model for mental anguish and punitive damages because the Plaintiff has not disclosed any computation of damages;
4. Denied (see docket entry #256 holding that the Plaintiff may, during the trial of the instant case, use relevant, confidential documents obtained through discovery);
5. Denied;
6. Denied, because the Plaintiff’s complaint alleges defamation and defamation by omission and juxtaposition has been recognized in Texas and need not be separately pleaded;

7. Granted;
8. Granted. The Plaintiff's rebuttal expert witness, Dr. Charles Silver, shall only testify as a rebuttal witness. Dr. Silver's testimony shall be limited to those matters discussed in his expert witness report;
9. Denied;
10. Granted;
11. Granted;
12. Granted, insofar as this request is limited to unrelated instances of wrongdoing by other internet bloggers;
13. Granted; and
14. Granted.

IT IS SO ORDERED.

**SIGNED this the 8th day of May, 2009.**

  
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RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE