

**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 PLAINTIFF’S MOTION IN LIMINE

Pending before the court is the Plaintiff’s motion in limine (docket entry #192). Having considered the Plaintiff’s motion, the Defendants’ response (docket entry #201), the Plaintiff’s reply (docket entry #225), and the Defendants’ sur-reply (docket entry #233), the court finds as follows:

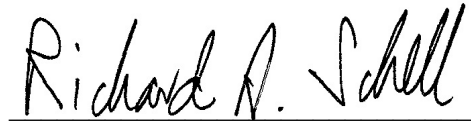
1. Granted;
2. Granted;
3. Granted, except that Defendants may, outside the jury’s presence, request permission to offer evidence of specific statements by the Plaintiff or his lawyers that misrepresent or expand the actual language used in the blog;
4. Denied. The court is not inclined to police counsels’ choice of words and terminology. Instead, either party may clarify the distinction between the “file stamp” and “document header” through a competent witness, including the clerk of court;
5. Granted. Neither counsel for the Plaintiff nor counsel for the Defendants shall be permitted to reference the Defendants’ counsel’s representation of Oprah Winfrey or his specific areas of legal expertise. Plaintiff’s counsel shall not reference their own experiences in the Eastern District of Texas or their clerkships for Judges in the Eastern District of Texas. The court will introduce the attorneys to the jury panel. It is the court’s practice to inform the potential jurors of the names of the attorneys

and where they practice. The court will do so in this case. This is done by the court in part to determine whether any of the jurors are acquainted with counsel for any party. This order does not prevent the attorneys from introducing evidence about practices customary in this district, nor does it prevent counsel from remarking about the same during opening statements and closing arguments;

6. Granted;
7. Granted. The Defendants shall approach the bench prior to introducing any evidence concerning the Plaintiff's character. However, if the Plaintiff introduces evidence concerning his own character and/or reputation, then the Defendants may introduce opposing evidence. The Defendants may offer evidence concerning the truth of the complained-of-statements in the blog posts; and
8. Granted.

IT IS SO ORDERED.

SIGNED this the 8th day of May, 2009.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE