

McAndrews, Peter J.

11/7/2008

Page 1

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

ERIC M. ALBRITTON,        ]  
                   Plaintiff,    ]  
                                   ]  
       -vs-                    ] C.A. No. 6:08-CV-00089  
                                   ]  
 CISCO SYSTEMS, INC.,    ]  
 RICK FRENKEL, MALLUN    ]  
 YEN and JOHN NOH,        ]  
                   Defendants.    ]  
 \_\_\_\_\_ ]

The video taped deposition of PETER J. McANDREWS, called by the Defendant Cisco Systems, Inc. for examination, pursuant to subpoena and pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Cynthia J. Conforti, Certified Shorthand Reporter, at 333 North Wabash, Suite 4000, Chicago, Illinois, commencing at the hour of 11:14 a.m. on the 7th day of November, A.D., 2008.

1 you.

2 THE WITNESS: Thank you.

3 EXAMINATION

4 BY MR. McWILLIAMS:

5 Q. Mr. McAndrews, prior to the ESN case had  
6 you associated with Johnny Ward or Eric Albritton  
7 in any other litigation in the Eastern District or  
8 anywhere else?

9 A. Had I personally hired them?

10 Q. Yes. Or your firm.

11 A. No.

12 Q. How was it --

13 A. Well, let me take that back.

14 The cases that I'm aware of, no, I'm not  
15 certain whether another member of my firm had ever  
16 used them.

17 Q. How was it that you happened to use them  
18 in the ESN case?

19 A. Because I was given a referral by multiple  
20 sources to Eric in particular and ultimately for  
21 Johnny as well.

22 Q. Since the ESN case have you retained them  
23 as local counsel in any other litigation?

24 A. I have not personally, no.

25 Q. Okay. Have you had any other litigation

1 in the Eastern District other than the ESN case?

2 A. Not for a case that I've been associated  
3 with.

4 Q. All right. Is there any reason why you  
5 would not associate with Eric or Johnny in future  
6 litigation?

7 A. Well, if it was left up to me, of course I  
8 would, but of course that's a decision made by a  
9 client typically, and there could be a  
10 circumstance where my recommendation would be  
11 overruled by a client.

12 In fact, just this past week, I  
13 recommended Eric and Johnny to a partner at my  
14 firm to use for a case where his client is  
15 involved in litigation in the Eastern District,  
16 and he accepted my recommendation, but I don't  
17 know that he was going to be able to use them  
18 because he said, "Of course this is subject to my  
19 client's approval," and I know that those are the  
20 two attorneys that have got a bad name down there.

21 Q. Is it your testimony that Eric Albritton  
22 and Johnny Ward have a bad name in the Eastern  
23 District?

24 A. I'm sorry. They have a bad name  
25 subsequent to the Troll Tracker fiasco.

1 Q. All right. And what -- is it your  
2 testimony that subsequent to the Troll Tracker  
3 that Eric and Johnny have a bad name in the  
4 Eastern District?

5 A. I, I don't know, but I know that -- I know  
6 firsthand that it's a question that will be raised  
7 by clients.

8 Q. And have you had a client to raise that  
9 issue?

10 A. Several clients.

11 Q. Okay. And have they declined to retain  
12 them because of that?

13 A. I don't know what the end result is, but I  
14 do know that there are clients that have been  
15 influenced by the Troll Tracker articles and would  
16 certainly use that as one of the factors in  
17 determining whether to hire local counsel --  
18 whether to hire Johnny and Eric as local counsel.

19 Q. All right. Do you know of any single  
20 instance in which a client has declined to hire  
21 Johnny Ward or Eric Albritton because of the Troll  
22 Tracker article?

23 A. Again, I wouldn't have firsthand knowledge  
24 of the thinking of general counsel or a client, so  
25 the answer is no, but I suspect that that is

1 certainly something that the clients would  
2 consider.

3 MR. McWILLIAMS: Objection, nonresponsive.  
4 BY MR. McWILLIAMS:

5 Q. Have you heard any lawyer who practices in  
6 the Eastern District of Texas be critical of  
7 Johnny Ward or Eric Albritton's reputation since  
8 the Troll Tracker article?

9 A. I have not personally heard that, no.

10 Q. Now, do I understand that in the filing of  
11 the ESN complaint that the basic communication  
12 with Eric Albritton's office was with Amie Mathis  
13 and you?

14 A. No, that's not true. She took over -- as  
15 was discussed earlier, she took over the  
16 communication chain later in the afternoon after  
17 the complaint was in Mr. Albritton's firm's hands.

18 Q. Okay. She took over the communication  
19 chain late in the afternoon of October the 15th.

20 A. That's right.

21 Q. And then she continued in that  
22 communication chain through the 15th and the 16th.  
23 And what about the 17th?

24 A. You know, I don't recall whether there  
25 were any communications with Amie on the 16th.

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

|                           |   |               |
|---------------------------|---|---------------|
| ERIC M. ALBRITTON,        | ) |               |
|                           | ) |               |
|                           | ) |               |
| PLAINTIFF,                | ) |               |
|                           | ) |               |
| VS.                       | ) | CIVIL ACTION  |
|                           | ) |               |
|                           | ) | NO.: C.A. NO. |
| CISCO SYSTEMS, INC., RICK | ) | 6:08-CV-00089 |
| FRENKEL, MALLUN YEN &     | ) |               |
| JOHN NOH,                 | ) |               |
|                           | ) |               |
|                           | ) |               |
| DEFENDANTS.               | ) |               |

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ORAL AND VIDEOTAPED DEPOSITION OF

                  MICHAEL SMITH

                  November 24th, 2008

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ORAL AND VIDEOTAPED DEPOSITION OF MICHAEL SMITH,  
produced as a witness at the instance of the  
DEFENDANT, and duly sworn, was taken in the  
above-styled and -numbered cause on the 24th day of  
November, 2008, from 1:15 p.m. to 4:08 p.m., before  
Regenia Plant, CSR in and for the State of Texas,  
reported by machine shorthand, at the law offices of  
Siebman, Reynolds, Burg, Phillips & Smith, LLP, 713  
South Washington Avenue, Marshall, Texas, pursuant to  
the Federal Rules of Civil Procedure.

01:22:56 1 you've known him, five or ten years, period?

01:22:59 2 A. I -- I would really be guessing because I

01:23:02 3 don't really know which of the cases I've been in, he

01:23:03 4 was actually involved in.

01:23:06 5 Q. Okay. Fair enough. During the time that you

01:23:11 6 have known him, have you determined whether he has a

01:23:14 7 reputation, be it good, bad, indifferent?

01:23:14 8 A. Yes.

01:23:17 9 Q. All right. And do you -- are you aware that

01:23:21 10 you've been designated by Mr. Albritton as a witness

01:23:22 11 on his reputation?

01:23:24 12 A. No, I wasn't aware of that.

01:23:29 13 Q. Okay. Well, Mr. Holmes can correct me if I'm

01:23:32 14 wrong, but I think Mr. Albritton has done that. So my

01:23:36 15 question to you is, what is his reputation.

01:23:39 16 A. I'm not aware of anything negative about his

01:23:43 17 reputation in the -- in the legal community.

01:23:51 18 Q. Okay. Do you -- do you know whether he has

01:23:53 19 -- I appreciate your saying you're not aware of

01:23:56 20 anything negative. Are you -- do you think that he

01:23:58 21 has a good reputation?

01:24:03 22 A. Generally, yes. I'm not aware of anything

01:24:07 23 that would cause me to say that he doesn't.

01:24:10 24 Q. Okay. Has his reputation changed in the past

25 five or ten years, how ever long you've known him?

01:24:13 1 A. No.

01:24:22 2 Q. Okay. Has he ever referred you a case?

01:24:27 3 A. Not that I know of.

01:24:30 4 Q. Okay. Have you ever referred him a case that

01:24:30 5 you know of?

01:24:42 6 A. I may have referred a -- I don't think so. I

01:24:46 7 might have sent a -- a call on a criminal case to him

01:24:51 8 one time or -- or maybe -- there was one time in a

01:24:55 9 civil case where someone was asking me to be local

01:24:57 10 counsel and I think it was a civil rights case or

01:24:59 11 something like that and he was one of the people that

01:25:02 12 I -- that I referred them to.

01:25:04 13 Q. All right. Is there any reason why you

01:25:08 14 wouldn't refer an appropriate case to him?

01:25:08 15 A. No.

01:25:13 16 Q. Okay. You are aware to some degree, I take

01:25:18 17 it, that Mr. Albritton has sued Cisco and a fellow by

01:25:19 18 the name of Rick Frenkel for defamation.

01:25:19 19 A. Yes.

01:25:22 20 Q. All right. Have you talked to Mr. Albritton

01:25:23 21 about this case?

01:25:25 22 A. Not about this case, no.

01:25:27 23 Q. Okay.

01:25:28 24 A. Let -- let me qualify that.

25 Q. Sure.

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

|                           |                          |
|---------------------------|--------------------------|
| ERIC M. ALBRITTON,        | *                        |
|                           | *                        |
| Plaintiff,                | *                        |
|                           | *                        |
| VS.                       | * C.A. NO. 6:08-CV-00089 |
|                           | *                        |
| CISCO SYSTEMS, INC., RICK | *                        |
| FRENKEL, MALLUN YEN &     | *                        |
| JOHN NOH,                 | *                        |
|                           | *                        |
| Defendants.               | *                        |

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ORAL DEPOSITION OF  
ELIZABETH DeRIEUX  
NOVEMBER 5TH, 2008

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ORAL DEPOSITION OF ELIZABETH DeRIEUX, produced as a witness at the instance of the DEFENDANT, CISCO, and duly sworn, was taken in the above-styled and numbered cause on the 5th of November, 2008, from 11:42 a.m. to 11:54 a.m., before Tammy Staggs, CSR in and for the State of Texas, reported by machine shorthand, at the Law Offices of Capshaw & DeRieux, 1127 Judson Road, Suite 220, Longview, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

1 Mr. Albritton in a business professional sense?

2 A. Not that I can think of.

3 Q. Okay. Do you have a personal relationship  
4 with Mr. Albritton? Are you social friends, that type  
5 of thing?

6 A. I consider him my friend. We -- our families  
7 don't socialize. He's never been to my home. I've  
8 never been to his home. But, yes, I consider him my  
9 friend.

10 Q. Okay. You I'm sure are aware since you're  
11 sitting here that Mr. Albritton has designated you as a  
12 witness or disclosed you as a witness in this case. And  
13 his disclosure says that you have knowledge of the  
14 professional reputation and integrity of the plaintiff  
15 Mr. Albritton. Do you have such knowledge?

16 A. I do.

17 Q. All right. Would you tell me what knowledge  
18 you have on that subject?

19 A. Because I have worked for him and against him,  
20 I would say that he has a good reputation, at least in  
21 my firm and in -- among the lawyers that I know and work  
22 with here in Longview. He's very, very bright, good  
23 lawyer, ethical, hard working. And I'm trying not to  
24 circle back around and say very, very bright because  
25 that's what I keep thinking. I think that that's the

1 quality that I think of first when I think of Eric.

2 Q. Okay. Would you refer a case to him -- would  
3 you refer a client to him?

4 A. I would.

5 Q. Okay. Have you ever?

6 A. I can't think of one right off, but I might  
7 have.

8 Q. Okay. Has his reputation in your mind changed  
9 from the time that you first got to know him  
10 professionally to today, which is September 5th, 2008  
11 [sic]?

12 A. Yes.

13 Q. Okay. And how has it changed?

14 A. When I first got to know him, he was a baby  
15 lawyer. Perhaps not even -- I don't believe he was even  
16 licensed at the time I first met him. And so I thought  
17 at the time that he was very, very bright, and I didn't  
18 know a lot about his personal integrity or his practice.  
19 And I think since that time, I have gotten to know him  
20 better. And he began his own practice, so his own  
21 practice grew and with that his reputation grew.

22 Q. Okay. And when you say "his reputation grew,"  
23 did his -- did his reputation increase or was it better  
24 over time or worse over time or somewhere in the middle?  
25 When you say "his reputation grew," what do you mean by

1 that?

2 A. His reputation is better.

3 Q. Better today than it was --

4 A. Than it was when I met him.

5 Q. Okay.

6 A. Yes, I believe that's right.

7 Q. Okay.

8 MR. BABCOCK: That's all I have. Thank  
9 you. And thanks for accommodating our schedule here, we  
10 appreciate it. Mr. McWilliams may have some questions  
11 now.

12 EXAMINATION

13 BY MR. McWILLIAMS:

14 Q. Just a couple, Ms. DeRieux. Have you been  
15 asked to come here today or serve as a witness in this  
16 case to render any opinions other than the reputational  
17 opinions that you have about Mr. Albritton?

18 MR. PATTON: Objection, form.

19 A. No.

20 Q. (BY MR. McWILLIAMS) Let me ask you about the  
21 Inns of Court that you mentioned. What is the  
22 membership of the Inns of Court organization that you  
23 belong to?

24 A. I'm not sure what you're asking me. How many  
25 people?

1 Q. Well, where is the membership, where is it  
2 drawn from?

3 A. From attorneys who practice in the Eastern  
4 District of Texas area including Texarkana, Tyler,  
5 Longview, and surrounding areas as well.

6 Q. Right. Do -- do you attend those meetings?

7 A. I do.

8 Q. When is the last time you attended one of  
9 those meetings?

10 A. Well, I missed this one. And we meet every  
11 two months, so about two months ago.

12 Q. During the time that you have been a member of  
13 the Inns of Court, have you ever heard any lawyers who  
14 were members of that organization criticize the  
15 reputation of Eric Albritton?

16 A. Not that I'm aware of.

17 MR. McWILLIAMS: Thank you. Pass the  
18 witness.

19 EXAMINATION

20 BY MR. PATTON:

21 Q. Ms. DeRieux, you and Mr. Capshaw, your partner  
22 who is sitting here with you, practice in the federal  
23 courts of the Eastern District a lot, don't you?

24 A. Yes, sir.

25 Q. In fact, I ran into you yesterday in court in

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

|                           |                          |
|---------------------------|--------------------------|
| ERIC M. ALBRITTON,        | *                        |
|                           | *                        |
| Plaintiff,                | *                        |
|                           | *                        |
| VS.                       | * C.A. NO. 6:08-CV-00089 |
|                           | *                        |
| CISCO SYSTEMS, INC., RICK | *                        |
| FRENKEL, MALLUN YEN &     | *                        |
| JOHN NOH,                 | *                        |
|                           | *                        |
| Defendants.               | *                        |

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ORAL DEPOSITION OF

OTIS CARROLL

NOVEMBER 5TH, 2008

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ORAL DEPOSITION OF OTIS CARROLL, produced as a witness at the instance of the CLAIMANT, and duly sworn, was taken in the above-styled and numbered cause on the 5th of November, 2008, from 9:25 a.m. to 9:36 a.m., before Tammy Staggs, CSR in and for the State of Texas, reported by machine shorthand, at the Law Offices of Ireland, Carroll and Kelley, 6101 Broadway, Suite 500, Tyler, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

1 representing Rick Frenkel.

2 THE VIDEOGRAPHER: Will the court  
3 reporter please swear the witness.

4 OTIS CARROLL,  
5 having been first duly sworn, testified as follows:

6 EXAMINATION

7 BY MR. BABCOCK:

8 Q. Would you state your name, sir.

9 A. Otis Carroll.

10 Q. Mr. Carroll, how are you employed?

11 A. I'm a lawyer.

12 Q. And are you -- do you practice with a law  
13 firm?

14 A. I do. A firm called Ireland, Carroll, and  
15 Kelley in Tyler, Texas.

16 Q. That was my next question.

17 Mr. Carroll, you have been designated or  
18 disclosed as a witness in the case that you're giving  
19 your deposition in today by the plaintiff Eric  
20 Albritton. And it says, in its entirety, (as read):  
21 Mr. Carroll has knowledge of the professional reputation  
22 and integrity of the plaintiff.

23 Do you know anything about that?

24 A. I do.

25 Q. And what do you know?

1           A.    I have my opinion about Eric Albritton's  
2 professional reputation and integrity, and I understood  
3 that's what he was disclosing me to talk to.

4           Q.    That's what -- that's what it looks like.  
5 What is your opinion of Mr. Albritton's professional  
6 reputation and -- and integrity?

7           A.    I think it's impeccable. I think he's got a  
8 reputation as being a fine -- to me and probably to Nick  
9 Patton, he's still a young trial lawyer, but...

10          Q.    You can throw me in on that one too.

11          A.    And to you Chip, I forgot. But he's a fine  
12 young lawyer. And in my -- my mind he's got a great  
13 reputation. And that's -- kind of sums it up.

14          Q.    All right. And -- and have you changed your  
15 opinion as to his reputation at any time between when  
16 you first knew him as a lawyer and today, which is  
17 November 5th, 2008, the day after the great election?

18          A.    Well, I think, you know, my opinion of him has  
19 improved. I met -- I was trying to think of this this  
20 morning. I think I met him initially when he was a law  
21 clerk to Judge Justice. And I can't remember when it  
22 was, but I'm guessing it was at least 15, maybe even 20  
23 years ago. And then I knew him when he went to work for  
24 Scrappy Holmes and then when he -- he left and I've had  
25 cases with him and I've had cases against him and my --

1 to answer your question, my opinion of his abilities and  
2 his reputation has grown. I think he's -- you know,  
3 he's somebody I'm glad to count as a colleague and a  
4 friend.

5 Q. So his reputation in your mind is --

6 MR. PATTON: Objection, leading.

7 Q. (BY MR. BABCOCK) His reputation in your mind  
8 is better today than it might have been a year ago or  
9 two years ago or five years ago?

10 A. Well, to me it is.

11 Q. Yeah, okay. Will you tell me whether  
12 you're -- and I think you've already said this, but will  
13 you tell me whether his reputation in your eyes has  
14 improved over the last five years?

15 A. I mean, it has to me. And, you know, because  
16 he and I are doing the same kind of work and we weren't  
17 before. He was doing more criminal trial practice. And  
18 he got into the commercial practice and the IP practice,  
19 which a lot of us around here do, and I got to see more  
20 of him. So, you know, I guess that's the basis for my  
21 opinion as much as anything.

22 Q. Okay. Have you ever referred him a case?

23 A. Yeah, sure have. The first -- first patent  
24 case he ever had.

25 Q. When was that?

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

|                            |   |                        |
|----------------------------|---|------------------------|
| ERIC M. ALBRITTON,         | ) |                        |
| Plaintiff,                 | ) |                        |
|                            | ) |                        |
| VS.                        | ) |                        |
|                            | ) | C.A. NO. 6:08-CV-00089 |
| CISCO SYSTEMS, INC.,       | ) |                        |
| RICK FRENKEL, MALLUN YEN & | ) |                        |
| JOHN NOH,                  | ) |                        |
| Defendants.                | ) |                        |

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ORAL AND VIDEOTAPED DEPOSITION OF  
LOUIS BRUCCELERI  
NOVEMBER 10, 2008

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ORAL AND VIDEOTAPED DEPOSITION of LOUIS  
BRUCCELERI, produced as a witness at the instance of the  
Defendants, and duly sworn, was taken in the above-styled  
and numbered cause on the 10th of November, 2008, from  
12:51 p.m. to 1:12 p.m., before Kathy Genung, a court  
reporter, and a notary public in and for the State of  
Texas, reported by machine shorthand, at the offices of  
Jackson Walker, 1401 McKinney, Suite 2000, Houston, Texas  
77010, pursuant to the Federal Rules of Civil Procedure,  
notice, and the provisions stated on the record or  
attached hereto.

1 Q. Okay.

2 A. -- you know, it's Marshall for now.

3 Q. Okay.

4 A. Yeah.

5 Q. All right. I guess, you know, you've been  
6 identified as someone with knowledge of Mr. Albritton's  
7 reputation. And I think you've touched on that, but --  
8 but, you know, what is your knowledge of his reputation?

9 A. So among -- among the folks that I'm close with  
10 and work with, he's got a stellar reputation.

11 Q. Okay.

12 A. He's a go-to guy.

13 Q. And do you have any opinion or knowledge of his  
14 integrity?

15 A. So -- Only through my experiences. And I would  
16 say it's impeccable. I could convey, you know,  
17 anecdotally, he -- he is a guy that reins -- when I say  
18 us in, I would consider myself as general counsel as  
19 opposed to local. And not that we would ever  
20 intentionally do things that were kind of cute as opposed  
21 to perfectly professionally; but if it even smells like  
22 that, you know, Eric will put you in your place and make  
23 sure you don't do it on anything he's working on, anyway.

24 Q. Okay. And so has -- And that's your opinion of  
25 his reputation today?

1 A. Correct.

2 Q. Okay. And has his reputation changed, in your  
3 mind, from the time when you first got to know him till  
4 today?

5 A. No.

6 Q. Okay. Would you ever refer a case to him?

7 A. Yes.

8 Q. Okay. Have you referred any cases to him?

9 A. Yes.

10 Q. And how many?

11 A. Well, I don't do a lot of litigation.

12 Q. Okay.

13 A. But since I met him, I'm pretty sure every case  
14 I've had in East Texas, which might be between four and  
15 seven or eight, but probably closer to four. But I'd  
16 have to count them up, because sometimes there's multiple  
17 filings in a similar case.

18 Q. Okay. Have you had any discussions with anyone  
19 at Cisco about Mr. Albritton?

20 A. No. You know, Mallun Yen and I had a  
21 conversation where we touched on the Troll Tracker topic,  
22 but we didn't talk about Eric and -- and we didn't talk  
23 in any detail.

24 Q. And what -- what was it that you touched on with  
25 Troll Tracker?

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

|                            |   |                        |
|----------------------------|---|------------------------|
| ERIC M. ALBRITTON,         | ) |                        |
| Plaintiff,                 | ) |                        |
|                            | ) |                        |
| VS.                        | ) |                        |
|                            | ) | C.A. NO. 6:08-CV-00089 |
| CISCO SYSTEMS, INC.,       | ) |                        |
| RICK FRENKEL, MALLUN YEN & | ) |                        |
| JOHN NOH,                  | ) |                        |
| Defendants.                | ) |                        |

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ORAL AND VIDEOTAPED DEPOSITION OF  
DANNY LLOYD WILLIAMS  
NOVEMBER 10, 2008

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ORAL AND VIDEOTAPED DEPOSITION of DANNY LLOYD WILLIAMS, produced as a witness at the instance of the Defendants, and duly sworn, was taken in the above-styled and numbered cause on the 10th of November, 2008, from 9:55 a.m. to 10:10 a.m., before Kathy Genung, a court reporter, and a notary public in and for the State of Texas, reported by machine shorthand, at the offices of Jackson Walker, 1401 McKinney, Suite 2000, Houston, Texas 77010, pursuant to the Federal Rules of Civil Procedure, notice, and the provisions stated on the record or attached hereto.

1 there.

2 Q. Okay. And "up there" is where?

3 A. Primarily Northeast Texas. That's where all the  
4 cases I have currently are pending.

5 Q. So you -- you are a patent litigator?

6 A. Yes, ma'am.

7 Q. And do you have a social relationship with  
8 Mr. Albritton as well as a professional relationship?

9 A. Yeah, somewhat. I mean, we've had meals  
10 together, that kind of thing. Yeah, I would say he's a  
11 friend of mine, yes.

12 Q. Okay. And is he a good friend of yours or --

13 A. Yeah, I'd say a good friend, yes.

14 Q. Okay. And you've been designated or, actually,  
15 disclosed as a person with knowledge in this case by  
16 Mr. Albritton's counsel. Are you aware of that?

17 A. I became aware of it, but I'm not sure when.  
18 Recently.

19 Q. Okay. And did you have --

20 A. I think --

21 Q. I'm sorry.

22 A. I was just going to say I think that's why I'm  
23 here today.

24 Q. Did you have a conversation with anyone about  
25 that designation or disclosure?

1 A. Maybe Nick.

2 Q. Okay.

3 A. Mr. Patton.

4 Q. And -- and what was that conversation?

5 A. Probably just -- I can't recall it, to be  
6 honest with you; but I just have an impression. I know  
7 that I was identified or I'm understanding I was  
8 identified, but I'm not sure how the conversation went.  
9 I just came to understand that, but I'm not sure how.

10 Q. Okay. And do you recall what the discussion  
11 was?

12 A. Nothing specific, no.

13 Q. Okay. Do you -- So what is your understanding  
14 about how you've been identified?

15 A. Well, I think I was identified as a person who  
16 may have knowledge, a typical disclosure in a litigation,  
17 as I understand it.

18 Q. Okay. And did they tell you what -- knowledge  
19 of what?

20 A. No. Actually, I don't believe they did.

21 Q. Okay. So you just have knowledge, but you --  
22 but you're not aware of what knowledge they disclosed you  
23 as having?

24 A. Yeah. I'm assuming because I know Eric, right.

25 Q. Okay.

1           A.     But I don't -- I don't think anyone's ever said  
2 we're putting you down as having knowledge of this or  
3 that fact. I don't recall that, at least.

4           Q.     Okay.

5                   MR. PATTON: Nancy, I don't -- I don't want  
6 you to be mislead. I've only been in this case a  
7 month --

8                   MS. HAMILTON: Okay.

9                   MR. PATTON: -- or a little -- little  
10 better. So when the disclosures were made, I wasn't  
11 involved at all. And I thought that might help you.

12                  MS. HAMILTON: Right.

13                  MR. PATTON: There's a little confusion. I  
14 came in late.

15                  MS. HAMILTON: That's okay.

16                  MR. PATTON: Okay.

17                  MS. HAMILTON: That's fine.

18           Q.     (BY MS. HAMILTON) Well, I'll tell you, at least  
19 from the disclosures that I've read, that you've been  
20 disclosed as someone having knowledge of the professional  
21 reputation and integrity of Mr. Albritton.

22           A.     All right.

23           Q.     Would that be consistent with your knowledge?

24           A.     I think I do have knowledge of his reputation,  
25 yes.

1 Q. And what is that knowledge?

2 A. I mean, I've known Eric for a number of years.  
3 I've worked with him. I've worked opposite of him. I --  
4 I believe Eric has high professional integrity. If he  
5 told me something in a case, whether he were opposing  
6 counsel or a co-counsel, I would -- I would believe it.  
7 I just find him to be a person of high integrity --

8 Q. Okay.

9 A. -- professionally.

10 Q. And how do you find his reputation? Do you have  
11 an opinion of his reputation as well as his integrity?

12 A. I think the people who know Eric, with those  
13 people, he has a good reputation. I guess the people  
14 that I talk to generally do know Eric. So I think that  
15 the people who know him believe he has a very good  
16 reputation. I think he has a good reputation.

17 Q. Okay. So you think --

18 A. At least among those people who know him, yes.

19 Q. Do you think he might not have a good reputation  
20 among those who don't know him? I mean, I want to get  
21 what -- What is your opinion of his reputation?

22 A. My opinion is that he has a good reputation, at  
23 least among those people who know him. I don't -- I'm  
24 not sure I can speak --

25 Q. Okay.

1 A. -- to those people who don't know him.

2 Q. Okay. And would you refer a case to him?

3 A. Would I refer a case to him?

4 Q. Uh-huh, yes.

5 A. Yes.

6 Q. Okay. Have you ever done so?

7 A. I have brought him in on cases. I'm trying  
8 to -- I don't know. When you say "refer," do you mean  
9 give him a case that I don't stay involved in?

10 Q. Yes.

11 A. I can't recall one right now.

12 Q. Okay. You said that you -- you have brought him  
13 in on cases. So has he worked with you on cases, on the  
14 same side of the case?

15 A. Yes.

16 Q. And are you currently working with him on any  
17 cases?

18 A. Yes.

19 Q. Can I have the name of the case?

20 A. We represent together Aloft Media. They are a  
21 handful of cases or less. We represent an outfit called  
22 Stragent. Let's see. We represent Apple together. Now,  
23 these cases I'm giving you, I didn't bring him in on all  
24 these cases. But the question was what cases I'm working  
25 with him?