

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

ERIC M. ALBRITTON

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v.

C. A. NO. 6:08-CV-00089

CISCO SYSTEMS, INC.,
RICK FRENKEL

**DEFENDANTS' AMENDED DESIGNATION OF TRIAL WITNESSES
AND DEPOSITION DESIGNATIONS**

Defendants will call the following witnesses at trial:

- 1. Richard Frenkel
- 2. David Maland
- 3. Shelly Moore
- 4. Cynthia Paar
- 5. David Provines
- 6. Faye Thompson
- 7. Peggy Thompson

Defendants may call the following witnesses at trial:

- 1. Eric Albritton
- 2. Michelle Albritton
- 3. Peter McAndrews
- 4. Michael Barclay
- 5. Samuel Baxter
- 6. Dennis Crouch
- 7. Anthony Downs



8. Charles Herring
9. Rhonda Lafitte
10. Amie Mathis
11. Michael Smith
12. Rachel Wilson
13. All individuals listed on the Plaintiff's Designation of Trial Witnesses

Defendants may use the following deposition excerpts at trial but does not seek a pretrial ruling regarding any of these deposition excerpts:

ERIC ALBRITTON:

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RHONDA LaFITTE

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DAVID MALAND:

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AMIE MATHIS

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SHELLEY MOORE

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CYNTHIA PAAR:

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DAVID PROVINES:

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FAYE THOMPSON

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RACHEL WILSON

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MALLUN YEN:

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Defendants reserve the right to call any witnesses previously disclosed by the parties and to use any deposition transcript taken in this case for rebuttal and impeachment purposes.

Respectfully submitted,

JACKSON WALKER L.L.P.

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YEN, AND JOHN NOH

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By: permission by Charles L. Babcock
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ATTORNEY FOR DEFENDANT
RICK FRENKEL

CERTIFICATE OF SERVICE

This is to certify that on this 9th day of February 2009, a true and correct copy of the foregoing was served via electronic mail upon:

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Law Offices of Patricia L. Peden
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Emeryville, CA 94608
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Attorney for Plaintiff Eric Albritton

/s/ Charles L. Babcock
Charles L. Babcock

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

ERIC M. ALBRITTON

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C. A. NO. 6:08-CV-00089

CISCO SYSTEMS, INC.,
RICK FRENKEL

DEFENDANTS' CROSS-DESIGNATIONS OF DEPOSITION TESTIMONY

Defendants seek a pretrial ruling on the following cross designation:

DEPONENT	PLAINTIFF'S DESIGNATIONS	DEFENDANTS' CROSS-DESIGNATIONS
Mallun Yen (as an individual and in her capacity as a Rule 30(b)(6) witness for Defendant Cisco)	7:19-20 8:14-9:21 10:1-11:7 17:8-21 19:15-20:9 27:1-5 36:5-41:11 45:18-46:21 63:15-64:4 68:16-24 69:1-70:10 72:19-80:19 81:6-81:11 84:2-85:3 86:5-11 86:13-96:24 97:19-98:20 99:6-13 99:18-100:4 100:7-101:7 101:21-102:11 103:12-105:18 108:24-118:16 118:20-21 119:11-121:24 124:1-15 125:18-129:1 133:19-135:1	28:3-6 28:23-29:2 80:23-81:2 101:8-10 101:17-20 123:7-8 123:11-12 123:14-16 136:14-17 136:23-25 179:2-6 203:4-16 207:19-24 228:19-229:3 230:8-16 231:20-23

	179:7-180:17 181:3-5 181:18-185:18 186:22-190:23 191:15-192:5 193:8-194:3 195:5-14 196:11-21 197:16-202:16 203:23-206:1 207:1-18 208:8-209:2 209:13-210:2 210:17-213:15 213:18-214:4 214:8-19 215:20-216:3 216:24-222:3 222:12-228:4 229:4-230:6 230:17-19 231:4-18 232:17-233:5 233:23-234:23 241:19-242:16 245:24-247:12 249:18-251:6 251:7-255:4 255:12-24 257:9-24	
John Noh	7:10-11 7:25-8:18 10:12-11:5 12:23-14:1 14:13-15:5 15:14-17:22 20:22-23:1 24:6-8 24:20-25:5 29:7-20 32:16-34:18 35:9-23 36:2-6 36:15-37:4 37:21-40:25	19:5-20 36:21-37:1 37:5-10 42:10-16 47:22-25 48:17-18 48:25-49:1 49:24-50:5 52:18-52:25 56:16-21 57:2-5 64:12-64:20 65:24-66:7 86:12-15 98:15-16

	41:7-42:9 43:10-44:22 46:20-47:14 48:17-49:11 55:15-56:15 60:10-61:25 65:24-66:7 66:15-17 73:6-13 78:18-21 80:9-17 80:24-82:13 86:12-17 91:20-24 97:21-98:14 98:17-99:2 101:13-102:22 103:1-25 104:20-106:25 107:19-108:19 110:19-21 111:3-10 114:16-20 118:15-122:7 124:4-126:14 126:21-24 127:12-129:2 134:12-18 135:9-136:6 138:19-139:21 140:25-141:22	108:20 108:23-24
Marta Beckwirth	7:8-8:23 9:7-12:15 14:22-15:15 16:17-17:5 17:10-19:4 19:19-21 20:1-15 22:2-17 22:18-24:14 25:6-25 26:7-15 26:22-31:10 31:16-32:8 32:15-33:1	16:7-10 21:23-22:1 33:2-3 33:6-7 43:12-16 60:1-11 63:1-7 89:22-25

	34:7-12 35:9-18 36:10-37:24 39:18-41:25 43:17-25 46:25-47:9 50:18-53:10 57:18-58:2 58:13-59:25 60:12-62:20 63:8-64:15 64:21-66:7 67:9-10 68:19-72:24 73:15-75:3 88:18-89:9	
Mark Chandler (as an individual and in his capacity as a Rule 30(b)(6) witness for Defendant Cisco)	10:7-8 10:21-11:11 15:9-15 15:23-25 34:6-15 36:7-37:1 56:6-57:20 58:6-58:12 76:13-77:21 87:24-88:9 88:16-91:18 91:19-93:10 94:4-97:11 97:22-98:4	19:2-9 34:17-25 99:9-17

Defendants do not seek a pretrial ruling on the following:

DEPONENT	PLAINTIFF'S DESIGNATIONS	DEFENDANTS' CROSS- DESIGNATIONS
Eric Albritton	154:12-14	None (see objections to this sidebar)
David Maland	9:11-17 11:6-13:2 14:19-16:1 16:11-21 17:1-19:4 19:9-20:9 21:13-22:15	23:13-18 23:6-24:2 24:13-18 25:6-26:18 26:22-27:7 27:8-24 29:1-3

	23:6-9 24:3-12 26:16-18 26:22-27:4 28:8-29:8 29:18-30:4 31:7-32:1 33:4-24 36:8-37:6 38:2-16 38:21-39:6 39:13-40:20 40:22-41:2 41:7-11 41:22-52:25 54:16-55:15 56:16-57:1 59:8-15 61:15-23 64:17-66:7 66:13-68:25 69:20-71:8 76:23-78:2 84:1-5 84:25-85:12 86:16-87:21 89:20-92:8 92:23-24 96:17-25 98:24-99:18 100:1-101:25 108:3-109:5 110:6-24 110:25-111:20 112:14-24 118:17-119:6 120:2-14 120:18-25 122:10-16 122:24-123:13 126:20-127:17 135:23-140:8 140:16-141:17 142:3-19 143:3-145:5	33:17-34:8 53:12-15 55:24-59:7 61:6-63:1 63:21-64:14 66:8-12 69:1-19 71:9-24 73:8-74:8 74:20-75: 24 76:16-22 78:6-15 87:22-88:6 93:2-13 95:20-96:13 97:7-12 97:15-22 105:13-22 106:18-107:21 114:20-115:6 119: 9-16 121:14-17 123:17-20 125:17-25 127:18-24 131:4-18 154:19-22 183:14-22 194:8-12 194:21-196:3 196:12-22 197:22-24 198:4-6 199:6-22-24 201:13-21 201:23-202:1 202:5-203:5
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Shelly Moore	5:17-6:3 6:19-7:2 7:7-21 8:8-21 9:16-25 10:7-24 11:13-24 12:7-22 16:12-20 17:7-21 20:12-21 23:4-8 24:16-28:18	5:11-6:3 9:16 – 10: 24 11:25 – 14: 2 4:15 – 19: 9 20:3-21 22: 3-16
Cynthia Paar	5:16-6:4 6:25-7:18 7:22-8:8 9:2-10:11 13:5-14:22	7: 7-21 8:9-21 10:12-11:24 14:23-15:14 17:3-8

	15:25-18:9 19:2-10 19:13-15 19:17-19 19:22-23 19:25 20:2-5 20:8 20:9-15 20:18-22 20:24 21:2-5 23:8-16 23:18-25:3 25:6-19 27:25-28:21	18:24-19:1 25:20—26:6 27:14-20
Peggy Thompson	5:16-22 6:15-7:2 7:10-8:19 11:13-12:24 13:20-14:15 15:11-20 19:2-15 20:14-26:7 26:22-27:11 27:18	8:20-9:11 9:21-22 10:9-11:12 15:21-16:11 17:24-18:6 19:16-20:4 38:2-28:16
Rhonda Lafitte	5:17-21 6:13-7:10 7:21-8:21 22:24-23:4 23:8-24:4	15:24-16:10 16:15-24 21:3-23
David Provines	5:16-6:10 8:3-9:23 10:11-14 10:11-11:20 12:10-13:20 22:25-23:14 25:3-9 29:12-24 31:13-33:25 34:1-17 34:23-35:18	6:21-7:20 11:21-9 13:21-14:3 15:11-19 15:25 16:20-17:6 21:12-22:11 23:15-25:2 25:10-12 27:2-28:2 28:10-23

	36:6-37:20 38:15-41:5 41:23-45:18 46:3-8 46:11-48:19 49:2-4 49:12-50:17	29:25-30:8 30:9-31:9 38:2-14
Rachel Wilson	5:16-6:2 10:12-23	7:12-16 8:22-9:14 11:2-7 15:9-16:1
Faye Thompson	5:16-6:6 6:13-15 6:22-8:25 12:5-16:5	9:1-16 10:7-12 10:21-11:3
Peter McAndrews	9:12-16:20 18:10-21:23 25:20-27:17 28:14-30:19 31:6-13 32:9-33:11 36:11-37:4 43:17-47:18 48:13-49:22 53:9-55:11 65:17-71:5 78:5-81:2 82:8-14 82:18-23 83:19-84:19 87:6-17 88:16-91:15	51:12-21 55:12-56:18 57:5-23 59:1-8 60:60-61:7 71:6-9 75:9-24 81:5-9 84:21-85:8 85:18-86:7 87:18-21
Richard Frenkel (as an individual and in his capacity as a Rule 30(b)(6) witness for Defendant Cisco)	7:9-10 8:19-9:10 11:5-22 12:20-13:1 18:16-18 20:4-9 24:23-26:12 27:23-28:23 29:21-32:7 34:3-35:23	10:1-4 11:23-25 13:2-14:15 26:13-14 39:16-40:9 49:13-50:19 52:17-21 53:16-21 65:20-66:16 69:2-3

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	157:19-158:7	
Kurt Pankratz	5:3-4 5:10-17 27:1-21 28:19-29:8 28:19-29:3 29:24-30:17 34:4-35:15	28:3-7
Douglas Kubehl	4:19-20 34:12-35:12	None