

PATTON, TIDWELL & SCHROEDER, L.L.P.

ATTORNEYS AT LAW

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August 25, 2009

Mr. David Maland
United States District Clerk
211 W. Ferguson Street
Tyler, Texas 75702

Re: Albritton v. Cisco
No. 6:08cv89

Dear Mr. Maland:

Attached hereto is a subpoena for your attendance at the trial of the above referenced matter. We will seek testimony regarding the following:

- 1) Topics included in Cisco's subpoena for which you have agreed to provide trial testimony
- 2) whether the NEF is the official record of filing;
- 3) when a document is "filed" pursuant to local and federal rules;
- 4) whether the NEF in this case has ever been altered;
- 5) whether the clerks conspired with Eric to manufacture jurisdiction where none existed;
- 6) whether local rules prohibit or encourage attorneys and their staff to contact the clerk's office with questions about electronic filing;
- 7) whether Eric violated law, rules or local operating procedures in this case;

Exhibit

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Fayetteville, Arkansas 72701
(479) 521-7080 (phone)
(479) 521-7082 (fax)

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Texarkana, Texas 75505-5398
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Suite 102
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- 8) when the ESN complaint was filed;
 - 9) the facts surrounding the correction of the docket entries;
 - 10) the contents and interpretation of Local Rule CV-5;
 - 11) the contents and purpose of your letter to the Texas Lawyer;
 - 12) the electronic filing system in effect in October of 2007 and as amended; and
 - 13) the National Model Rules for electronic filing.
- 14) The information contained in a document on the Eastern District of Texas's website entitled "How to Electronically File a New Case", revised Nov. 28, 2006, attached hereto, and information concerning whether that document was publically available on the court's website on October 17-19, 2007.

Should you have any objections to testifying with regard to the above topics, please advise me of the same.

Sincerely,


Nicholas H. Patton

NHP/ml
cc: Thomas E. Gibson, AUSA
Bob Wells, AUSA
Chip Babcock
Crystal Parker

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