



David J. Maland  
U.S. District Clerk

211 W. Ferguson St.  
Tyler, TX 75702

September 3, 2009

Nick Patton, Esq.  
Patton, Tidwell & Schroeder, LLP  
P.O. Box 5398  
Texarkana, TX 75505-5398

*Via E-Mail*

Re: Subpoena for Trial Testimony in No. 6:08cv89, Albritton v. Cisco, *et al.*

Dear Mr. Patton:

In response to my letter dated August 31, 2009, you have now provided me with a copy of the document entitled "How to Electronically File a New Case," revised November 28, 2006. As the determining officer in this case per Section 7(b)(3) of the Touhy regulations, I am authorizing, in addition to the topics specified in my letter to you dated August 31, 2009, trial testimony in accordance with Section 8 of the regulations on the following additional topic:

*(12) The information contained in a document on the Eastern District of Texas's website entitled "How to Electronically File a New Case," revised November 28, 2006, attached hereto, and information concerning whether that document was publically available on the court's website on October 17-19, 2007.*

Please be advised that testimony is not authorized on the following topics: matters other than those specifically listed above; testimony that would reveal information privileged as private by federal or state law, common law or regulation; testimony that would reveal classified information; testimony that would reveal information privileged by the attorney work product or the attorney/client privileges or the law enforcement investigation privilege; and testimony on matters of opinion.

As the authorizing official I request that if you believe in any way that I will not be in compliance with the subpoena that you have sent to my attention, please let me know immediately so that we can discuss this issue and take any necessary action with the Court to resolve this prior to the trial.

Thank you for your attention to the above, and please contact me if you have any questions.

Sincerely,

*David Maland*

David Maland  
U.S. District Clerk, Texas Eastern

cc: Thomas E. Gibson, AUSA  
Bob Wells, AUSA  
Sig Adams, Assistant AO General Counsel  
Chip Babcock  
George McWilliams  
Crystal Parker

## HOW TO ELECTRONICALLY FILE A NEW CASE

Texas Eastern District Court  
(Revised November 28, 2006)

Effective November 1, 2006, attorneys can electronically file the initial document in a new case if:

- (1) the required filing fee will be paid with a credit card over the internet;
- (2) the case is being filed in forma pauperis; or
- (3) the filing fee is waived.

### Step by Step Instructions:

1. Email a **civil cover sheet (JS44)**, a **prepared summons<sup>1</sup> (AO440)** in pdf, and a **list of the parties<sup>2</sup>** in the exact order they are listed on the complaint to the appropriate email address below:

Tyler Cases: [newcasetyl@txed.uscourts.gov](mailto:newcasetyl@txed.uscourts.gov)  
Beaumont Cases: [newcasebmt@txed.uscourts.gov](mailto:newcasebmt@txed.uscourts.gov)  
Marshall Cases: [newcasemsh@txed.uscourts.gov](mailto:newcasemsh@txed.uscourts.gov)  
Lufkin Cases: [newcaseluf@txed.uscourts.gov](mailto:newcaseluf@txed.uscourts.gov)  
Sherman Cases: [newcaseshm@txed.uscourts.gov](mailto:newcaseshm@txed.uscourts.gov)  
Texarkana Cases: [newcasetxk@txed.uscourts.gov](mailto:newcasetxk@txed.uscourts.gov)

<sup>1</sup>Please use the summons form posted on our website:

[http://www.txed.uscourts.gov/Forms/Civil/A0440-Civil\\_Summons-Modified.pdf](http://www.txed.uscourts.gov/Forms/Civil/A0440-Civil_Summons-Modified.pdf)

<sup>2</sup>If you are filing a notice of removal, please make sure the state court case number is included on the same page as your list of parties. This will assist the clerk's office in processing your request.

2. The clerk's office will add the information and enter the parties. *The case is not officially opened until you file the complaint in the following step.* You will be contacted by email with your case number.
3. After receiving your case number from the clerk's office, you must file your complaint (or other initiating document) and pay the fee within 24 hours. Please note the following conditions:
  1. You must attach the exhibits as separate attachments. Please do not combine all of your exhibits into a single pdf.
  2. When filing a notice of removal, please attach the state court petition, court docket sheet, and any answers to petition as separate attachments.
  3. Judge Clark, Judge Crone, Judge Schell and Judge Bush request that a courtesy copy of the complaint be mailed to their office.
  4. If you are filing a motion to *proceed in forma pauperis*, it must be filed as a separate document.

5. If you are filing a *patent case*, please file the patent form as a separate document.
6. Please indicate the case number on the complaint.

*For detailed filing instructions, see section two of this document, Filing the Initiating Document/Pleading.*

4. After you file your complaint, the clerk's office will receive electronic notification of the filing and will assign a judge and magistrate judge, if appropriate. You will receive email notice of the judge(s) assigned to the case.
5. The clerk's office will electronically sign and seal the summons and email them to you.
6. After you serve the summons, don't forget to file the returns in paper form.

## **SECTION TWO - FILING THE INITIATING DOCUMENT/PLEADING**

### **Step by Step Instructions:**

1. Log into CM/ECF with your CM/ECF login and password.
2. Click on Civil
3. Click on Complaints and Other Initiating Documents

Select the document you are filing  
Click Next

Enter the case number  
Next

Select the party who is filing the complaint  
Next

Check the box to set up your attorney/client relationship. Check Lead if you are lead counsel. Do NOT remove the check by Notice.  
Next

Select the party(ies) the complaint is filed against  
Next

Select the pdf document - either type in the name or use the Browse button

If there are attachments, click Yes - the system will loop back to let you add all of your attachments.

Next

4. You will see a screen with two questions  
Is this filed with an Application to Proceed without Prepayment of Fees Y/N?  
or  
Is this complaint filed on behalf of the USA Y/N?

Type N in the white box if you are going to pay the fee with a credit card.

Next

5. You will see a warning message. ***Please read this message.*** The amount of the filing fee appears

Next

6. You will see a message "Now loading the payment processing screen..."

NOTE: Once you enter the payment process you must not press the BACK button or you may end up being *charged twice*.

7. The online payment screen appears

Fill in the fields marked with a red asterisk. The information should match the credit card holder's name and billing address.

Click Continue with Plastic Card Payment

8. You will see an authorization screen with your information entered. Verify that your information is correct. Enter your email address if you want to receive confirmation of the charge.

Check the block to authorize payment

Click on Submit Payment.

9. You will see the text of your docket entry. You can add text in the white block if needed.

Next

10. Your final text will appear.  
Press Next to complete the transaction.

Wait to see the Notice of Electronic Filing.

**Congratulations, the transaction is complete.**