

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

ERIC ALBRITTON,
PLAINTIFF.

v.

CISCO SYSTEMS, INC. AND
RICHARD FRENKEL,
DEFENDANTS.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO.: 6:08-CV-89

JURY

**SUPPLEMENT TO DEFENDANT CISCO SYSTEMS, INC.'S EXHIBIT A TO ITS
NOTICE OF REMOVAL**

Cisco Systems, Inc. ("Defendant") hereby supplements its Exhibit A to the Notice of Removal (PACER Doc. #1) with the attached Original Answer in the State Court Action, Cause No. 2008-481-CCL2. Please attach this document in the Court's file to the existing Exhibit A.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: /s/ Charles L. Babcock
Charles L. Babcock
Federal Bar No.: 10982
Crystal J. Parker
Federal Bar No.: 621142
1401 McKinney, Suite 1900
Houston, Texas 77010
(713) 752-4200
(713) 752-4221 – Fax
Email: cbabcock@jw.com

ATTORNEY FOR DEFENDANT
CISCO SYSTEMS, INC.

CERTIFICATE OF SERVICE

This is to certify that on this 14th day of March, 2008, a true and correct copy of the foregoing document was served as indicated below:

Via ECF and CMRRR

James A. Holmes
605 South Main Street, Suite 203
Henderson, Texas 75654

Via Facsimile

George L. McWilliams
406 Walnut
P.O. Box 58
Texarkana, Texas 75504-0058

/s/ Charles L. Babcock

Charles L. Babcock

FILED
GREGG COUNTY, TEXAS
MAR 14 2008

CAUSE NO. 2008-481-CCL2

O'CLOCK M
BARBARA DUNCAN, DISTRICT CLERK
By Deputy

ERIC M. ALBRITTON,

Plaintiff,

V.

CISCO SYSTEMS, INC. &
RICHARD FRENKEL,

Defendant

§
§
§
§
§
§
§
§
§
§

COUNTY COURT AT LAW

NUMBER 2

GREGG COUNTY, TEXAS

**DEFENDANT CISCO SYSTEMS, INC.'S
ORIGINAL ANSWER**

TO THE HONORABLE COURT:

NOW COMES Cisco Systems, Inc. ("Cisco") and files its Original Answer to Plaintiff's Original Petition as follows:

**I.
GENERAL DENIAL**

1. Defendant generally denies each and every substantive allegation in Plaintiff's Amended Petition and demands strict proof thereof as required by law.

**II.
AFFIRMATIVE DEFENSES**

2. For further answer, if necessary, the statements complained of as they relate to Plaintiff are true or substantially true.

3. For further answer, if necessary, the statements complained of by Plaintiff were invited by Plaintiff.

4. For further answer, if necessary, the statements complained of are privileged pursuant to § 73.002 of the Texas Civil Practice & Remedies Code.

5. For further answer, if necessary, any award of damages in this case for the claims alleged would be unconstitutional under Article 1, § 8 of the Texas Constitution and/or the First Amendment to the United States Constitution.

6. For further answer, if necessary, Plaintiff has not suffered any actual, special, consequential or other damages.

7. For further answer, if necessary, Defendants allege that Plaintiff is not entitled to punitive or exemplary damages under the laws of the United States and Texas because: (i) Plaintiff's cause of action is pursuant to statute — § 73.001 et. seq. of the Texas Civil Practices and Remedies Code—and punitive damages are impermissible for the mere violation of a statute. Punitive damages are not warranted and their imposition in this case would violate Article 1, § 8 of the Texas Constitution and/or the First Amendment to the United States Constitution. Moreover, any punitive damages award (and none is warranted) would be subject to all statutory, constitutional, and common law caps and limits, including but not limited to the statutory cap on punitive damages contained in Texas Civil. Practices & Remedies Code § 41.008(b).

WHEREFORE, PREMISES CONSIDERED, Defendant Cisco prays that judgment be entered in its favor, that Plaintiff take nothing by way of his action herein, that Defendant Cisco be awarded its costs of action, and for such other and further relief, both at law and in equity, to which Defendant Cisco may be entitled.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: Charles L. Babcock *w/ permission by Crystal J. Parker*
Charles L. Babcock
State Bar No. 01479500
Crystal J. Parker
State Bar No. 24051432
1401 McKinney, Suite 1900
Houston, Texas 77010
(713) 752-4200
(713) 752-4221 – Fax
Email: cbabcock@jw.com

ATTORNEYS FOR DEFENDANT
CISCO SYSTEMS, INC.

CERTIFICATE OF SERVICE

This is to certify that on this 14th day of March, 2008, a true and correct copy of the foregoing document was served via certified mail, return receipt requested upon:

James A. Holmes
605 South Main Street, Suite 203
Henderson, Texas 75654

George L. McWilliams
406 Walnut
P.O. Box 58
Texarkana, Texas 75504-0058

Charles L. Babcock *w/ permission by Crystal J. Parker*
Charles L. Babcock