

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

ERIC M. ALBRITTON,

Plaintiff,

v.

(1) CISCO SYSTEMS, INC., (2) RICHARD  
FRENKEL, (3) MALLUN YEN and  
(4) JOHN NOH,

Defendants.

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NO. 6:08-CV-00089

**Certificate of Conference**

Counsel for Cisco has complied with the meet and confer requirement in Local Rule CV-7(h) as of the date of filing Cisco System, Inc.'s Motion to Compel (the "Motion"). On August 26, 2008, Charles L. Babcock, attorney in charge for Cisco Systems, Inc., sent a letter to James Holmes, attorney in charge for Eric Albritton requesting the documents at issue in the Motion. On October 1, 2008, Charles L. Babcock, attorney in charge for Cisco Systems, Inc., and James Holmes, attorney in charge for Eric Albritton, spoke via telephone regarding the document requests. James Holmes advised that an agreement to produce the documents at issue could not be reached because it is Plaintiff's position that the requested documents are irrelevant. The parties have come to an impasse, leaving an open issue for the court to resolve.

/s/ Charles L. Babcock

Charles L. Babcock

Attorney in Charge for Cisco Systems, Inc.

**CERTIFICATE OF SERVICE**

This is to certify that on this 22<sup>nd</sup> day of October, 2008, a true and correct copy of the foregoing was sent via electronic mail (ECF Filing) upon:

George L. McWilliams  
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P.O. Box 58  
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**Attorney for Defendant Richard Frenkel**

James A. Holmes  
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Henderson, Texas 75654  
**Attorney for Plaintiff Eric Albritton**

/s/ Charles L. Babcock

Charles L. Babcock