

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.

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

JURY TRIAL DEMANDED

**RESPONSE TO AGREED MOTION TO WITHDRAW PLAINTIFF’S MOTION
CHALLENGING THE DESIGNATION OF CERTAIN DOCUMENTS LABELED
“HIGHLY CONFIDENTIAL” PURSUANT TO THE PROTECTIVE ORDER OR, IN
THE ALTERNATIVE, TO MODIFY THE PROTECTIVE ORDER**

TO THE HONORABLE COURT:

Cisco Systems, Inc. (“Cisco”) and Rick Frenkel (“Frenkel”) hereby file this response to Plaintiff’s Motion to Withdraw with Prejudice Plaintiff’s Motion Challenging the Designation of Certain Documents Labeled Highly Confidential Pursuant to the Protective Order (the “Motion”).

The parties have reached an agreement that the documents at issue in the Motion, as well as other documents, will be treated as “Highly Confidential” pursuant to the Protective Order, and that Plaintiff would withdraw the Motion with prejudice to refiling. See Exhibit A.

Accordingly, defendants request that the Court enter an order that Plaintiff’s Motion Challenging the Designation of Certain Documents Labeled “Highly Confidential” Pursuant to the Protective Order or, in the Alternative, to Modify the Protective Order be withdrawn with prejudice to refiling as agreed by the parties.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: /s/ Charles L. Babcock

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CERTIFICATE OF SERVICE

This is to certify that on this 29th day of October, 2008, a true and correct copy of the foregoing was served via electronic mail or ECF Filing System upon:

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