

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

ERIC ALBRITTON,
PLAINTIFF.

v.

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

DEFENDANTS.

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

JURY TRIAL DEMANDED

**AGREED MOTION TO EXTEND THE DISCOVERY AND
DISPOSITIVE MOTION DEADLINES**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Plaintiff ERIC ALBRITTON and Defendants CISCO SYSTEMS, INC. AND RICHARD FRENKEL request the Court to modify two deadlines in the Court's Scheduling Order as follows: the Discovery cutoff from November 20, 2008 to November 24, 2008 for the sole purpose of taking the depositions of Kurt Pancrantz, Bart Showalter, Kevin Meek, Gillian Powell and Michael Smith; and the deadline for dispositive motions and any other motions that might require a hearing from November 21, 2008 to November 26, 2008.

The parties have been diligently working on completing discovery by the court imposed deadlines but because of these five non-party witnesses' schedules, were not able to complete them by the discovery deadline. The five witnesses have agreed to be deposed on November 24, 2008 and in the case of Mr. Smith has been subpoenaed for that date having been previously unable to respond to a subpoena on the date he was called to testify which was within the discovery cutoff.

Respectfully submitted,

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

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CERTIFICATE OF SERVICE

This is to certify that on this 18th day of November, 2008, a true and correct copy of the foregoing was served upon:

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