

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

ERIC M. ALBRITTON

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v.

C. A. NO. 6:08-CV-00089

CISCO SYSTEMS, INC.,
RICK FRENKEL, MALLUN YEN &
JOHN NOH

**ORDER GRANTING CISCO SYSTEMS, INC.’S MOTION TO COMPEL
COMPLIANCE WITH SUBPOENA ISSUED TO JOHN WARD, JR.**

Came on for consideration Cisco Systems, Inc.’s Motion to Compel Compliance with the Subpoena Issued to John Ward, Jr. (“Motion”) in the above-referenced matter. The Court, having considered the Motion and any opposition thereto, GRANTS the Motion and ORDERS as follows:

It is ORDERED that, within ten days of the date of this order, John Ward Jr. (“Ward”) shall produce the following documents, as requested by the subpoena issued to him by Cisco Systems, Inc.:

1. All correspondence between you and any other person concerning the filing of the ESN Litigation;
2. All notes or memorandum prepared by you or any other person concerning the filing of the ESN Litigation;
3. All instructions you received from or provided to any person concerning the filing of the ESN Litigation;
4. All communication between you and any other person concerning the Articles;
5. All documents evidencing the effect of the Articles on the reputation of Eric Albritton;

6. All communications between you and Eric Albritton concerning his reputation;
7. All communications between you and Eric Albritton concerning his alleged mental anguish;
8. All documents relating to the filing of the ESN Litigation;
9. All documents relating to communications with the United States District Court or any of its employees regarding the filing of the ESN Litigation and/or whether subject-matter jurisdiction existed in the ESN Litigation;
10. All documents relating to communications between or among ESN, LLC (including its attorneys, agents, or anyone acting on its behalf) and any other person relating to the filing of the ESN Litigation. Include communications between you, ESN, LLC, T. John Ward, Jr., McAndrews Held & Malloy, Ltd., and anyone purporting to act on their behalf; and
11. All documents evidencing communication between you and any other person concerning Richard Frenkel and/or the Patent Troll Tracker.

It is further ORDERED that, if Ward believes any of the documents sought by the subpoena are protected by privilege, Ward shall submit a privilege log in compliance with Rule 45(d)(2)(A) of the Federal Rules of Civil Procedure.

SO ORDERED.
