

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

**CISCO SYSTEMS, INC.’S MOTION TO WITHDRAW WITHOUT PREJUDICE
DOCKET #86– MOTION TO COMPEL COMPLIANCE
WITH THE SUBPOENA ISSUED TO JOHN WARD, JR.**

TO THE HONORABLE COURT:

Defendant Cisco Systems, Inc. (“Cisco”) hereby files this Motion to Withdraw Without Prejudice Docket #86 - Motion to Compel Compliance with the Subpoena Issued to John Ward, Jr. (“Ward”) (a non-party). Cisco’s counsel mistakenly believed that the meet and confer process had run its course. Cisco reserves its right to refile the motion, and Ward’s counsel has agreed not to object to a renewed motion as untimely, if Ward’s document production is deemed by Cisco to be inadequate.

Cisco hereby requests that this motion to withdraw be granted.

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 25th day of November, 2008, a true and correct copy of the foregoing was served via electronic mail upon:

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