

EXHIBIT 9

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

CERTIFIED COPY

ERIC M. ALBRITTON)
)
v.)
) C.A. NO. 6:08-CV-00089
CISCO SYSTEMS, INC.,)
RICK FRENKEL, MALLUN YEN &)
JOHN NOH)

ORAL AND VIDEOTAPED DEPOSITION OF
CYNTHIA PAAR
NOVEMBER 3, 2008
VOLUME I

ORAL AND VIDEOTAPED DEPOSITION OF CYNTHIA PAAR,
produced as a witness at the instance of the Defendant,
and duly sworn, was taken in the above-styled and
numbered cause on the 3rd day of November, 2008, from
6:46 p.m. to 7:00 p.m., before April R. Eichelberger,
CSR in and for the State of Texas, reported by machine
shorthand, at the United States District Court for the
Eastern District of Texas, 211 West Ferguson Street in
the City Tyler and the State of Texas, pursuant to the
Federal Rules of Civil Procedure and the provisions
stated on the record or attached hereto.

1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: This is the oral and
3 videotaped deposition of Cindy Paar, taken in the suit
4 styled Eric M. Albritton versus Cisco Systems, Inc., et
5 al., Cause Number 6:08-CV-00089. Today's date is
6 November the 3rd, 2008. We are located at the Federal
7 Courthouse Eastern Division, 211 West Ferguson Street,
8 Tyler, Texas. We are now on the record. The time is
9 approximately 6:36.

10 Will the court reporter please swear in
11 the witness.

12 CYNTHIA PAAR,
13 having been first duly sworn, testified as follows:

14 EXAMINATION

15 BY MR. BABCOCK:

16 Q. Would you state your name, please?

17 A. Cynthia Paar.

18 Q. And, Ms. Paar, do you reside here in Tyler?

19 A. Yes, I do.

20 Q. Okay. And for whom do you work?

21 A. For the United States District Court.

22 Q. And that would be the U.S. District Court for
23 the Eastern District of Texas?

24 A. District of Texas.

25 Q. And are you in the Tyler division or do you

1 conversation that you had with -- with Shelley Moore in
2 October of 2007. Do you recall that conversation?

3 A. Yes.

4 Q. Tell me what Shelley said to you.

5 A. Well, I don't remember word for word, but --

6 Q. Well, I know, but generally.

7 A. -- basically she stated the facts as to what
8 happened, that she had gotten a call from an attorney
9 and they had filed it on the 15th and the -- but the
10 date was -- and it had two different dates, but the NEF
11 was showing the 16th and it was supposed to show the
12 16th on both of them. And she was wondering -- thinking
13 it was a system problem, asked me, you know, what --
14 what the deal -- would I look into it.

15 Q. Okay. And did you agree to look into it?

16 A. I did.

17 Q. And did you look into it?

18 A. I did.

19 Q. And what did you find when you looked into it?

20 A. I found that there was not a system problem,
21 that it did exactly what it was supposed to do.

22 Q. Okay. And did -- did Shelley think that there
23 might have been a system problem or --

24 A. Yes, I think she thought that.

25 Q. Okay.

1 A. That's why they usually call me.

2 Q. Okay. Did she describe what -- what she
3 thought the system problem was?

4 A. No, they don't say. They just say, "I
5 don't -- we don't understand why that -- the dates are
6 different."

7 Q. Okay.

8 A. And so could I, you know, look into that.

9 Q. All right. And she says in this e-mail
10 that -- that "I was a little leery about changing the
11 dates, and after talking with Cindy, I was even more --
12 I was" -- well, she left out the word "was," but "I am
13 more leery."

14 A. Uh-huh.

15 Q. What did you tell Shelley Moore to make her
16 more leery about changing the dates?

17 A. Well, I just -- I felt like the system had
18 done what it was supposed to do and that I didn't -- I
19 didn't think that, you know, changing a file date was
20 something that I could do without someone higher up
21 telling me to do that.

22 Q. Okay. And the system obviously assigned the
23 date on the docket sheet of October 15th of 2007 to the
24 date the complaint was filed, correct? I mean, that's
25 what you learned? Or did you?

1 take --

2 A. I -- I really don't know for sure.

3 Q. Okay. All right.

4 A. I just don't deal with that part of it.

5 Q. Okay. In any event, you were told by Shelley
6 that Mr. Albritton's office had started filing this
7 complaint before midnight and finished it after
8 midnight?

9 A. Right.

10 Q. Is that what you were told?

11 A. That's correct.

12 Q. Okay. And -- and your conclusion was if
13 the -- under those circumstances, the system would give
14 you exactly what the Notice of Electronic Filing shows
15 here, that is, the transaction is being received,
16 entered on one date, the 10/16 date, but filed on the
17 10/15 date, correct?

18 A. Correct.

19 Q. Okay. And why is the system set up that way?

20 A. What way?

21 Q. The way so that if I'm filing -- if I want to
22 file a complaint and I want to -- because I want to have
23 a race to the courthouse, I want to get there first and
24 I'm uploading it but I don't hit the "send" button until
25 like 12:01 on the next day, why does it give me the

1 10/15 filing date?

2 A. Well, you would have to ask our administrative
3 office, which we are sent -- we're sent a basic
4 dictionary, what we call, of events. A complaint is a
5 very basic dictionary event.

6 Q. Sure.

7 A. I did not create that event. I do create
8 events, but that was not one that I created.

9 Q. Okay. Well --

10 A. So I could not tell you why they structured it
11 that way.

12 Q. Okay. All you know --

13 A. I'm given that event.

14 Q. All you know is that under these set of
15 circumstances, the system worked the way it was supposed
16 to work?

17 A. Correct. I can go in and look at each of the
18 functions that it's supposed to do, like, you know, when
19 you're pulling in the file -- the filer and who it's
20 against and things like that, I can just look at the
21 event the way it's structured and see that it pulls the
22 file date first, you know, and just so forth.

23 Q. Okay. Did you share Shelley Moore's sense
24 that -- that you would be leery about changing the
25 dates?

1 A. Correct.

2 Q. (BY MR. HOLMES) Is that what you were telling
3 me?

4 A. Correct.

5 Q. Okay. So when you say the system did what it
6 was supposed to do, you're saying that it recorded both
7 those dates the way you would have expected it?

8 A. Right.

9 Q. Okay. Has anyone ever told you that someone
10 accused our clerk's office of conspiring with Eric
11 Albritton to alter these documents with the intent of
12 creating subject matter jurisdiction?

13 MR. BABCOCK: Object to the form.

14 MR. McWILLIAMS: Objection, form.

15 A. Do I answer?

16 Q. (BY MR. HOLMES) Yeah.

17 A. No.

18 Q. Have you heard about these articles that this
19 fellow that called himself the "Troll Tracker" wrote
20 about us?

21 A. I've heard about it.

22 Q. What have you heard?

23 A. Oh, just basically that -- I had read the
24 article, I think, when Texas Lawyer came out.

25 Q. Okay.

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REPORTER'S CERTIFICATION
DEPOSITION OF CYNTHIA PAAR
NOVEMBER 3, 2008

I, April Eichelberger, Certified Shorthand Reporter
in and for the State of Texas, hereby certify to the
following:

That the witness, CYNTHIA PAAR, was duly sworn by
the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

That the deposition transcript was submitted on
_____ to the witness or to the attorney
for the witness for examination, signature and return to
me by _____;

That the amount of time used by each party at the
deposition is as follows:

- MR. BABCOCK.....12 minutes
- MR. McWILLIAMS...1 minute
- MR. HOLMES.....8 minutes;

1 That pursuant to information given to the deposition
2 officer at the time said testimony was taken, the
3 following includes counsel for all parties of record:

4 FOR THE PLAINTIFF:

5 Mr. James A. Holmes

6 FOR THE DEFENDANT CISCO SYSTEMS, INC.:

7 Mr. Charles L. Babcock, Ms. Crystal J. Parker

8 FOR THE DEFENDANT RICHARD FRENKEL:

9 Mr. George L. McWilliams

10 FOR THE WITNESS:

11 Mr. Thomas E. Gibson, Mr. Bob Wells

12 That \$ _____ is the deposition officer's charges
13 to the Defendant for preparing the original deposition
14 transcript and any copies of exhibits;

15 I further certify that I am neither counsel for,
16 related to, nor employed by any of the parties or
17 attorneys in the action in which this proceeding was
18 taken, and further that I am not financially or
19 otherwise interested in the outcome of the action.

20 Certified to by me this 5th day of

21 November, 2008.

22
23 

24 April Eichelberger

Texas CSR No. 7495

25 Expiration Date: December 31, 2009