

EXHIBIT 10

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
RACHEL WILSON
NOVEMBER 3, 2008
VOLUME I

ORAL AND VIDEOTAPED DEPOSITION OF RACHEL WILSON,
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
5:19 p.m. to 5:31 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 Rachel Wilson 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 5:19.

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

12 RACHEL WILSON,
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. Rachel Wilson.

18 Q. And how are you employed, Ms. Wilson?

19 A. With the district court, federal district
20 court.

21 Q. And in what division?

22 A. Tyler.

23 Q. Okay. So that would be the Tyler division of
24 the Eastern District of Texas?

25 A. Yes, sir.

1 Q. Okay. What did -- why did she tell you that?
2 Was there --

3 A. I was her supervisor at the time.

4 Q. And what was your reaction to Ms. Thompson
5 telling you that she had changed a docket entry at the
6 instructions of Mr. Maland?

7 A. Well, when she told me, I just said that I
8 probably would not have done that and then she -- then
9 she told me that Dave had -- Dave Maland had told her to
10 do it.

11 Q. And why did you say that you would not have
12 done that?

13 A. I don't have the -- I don't think I have the
14 authority to change it.

15 Q. Was there any other reason why you wouldn't
16 have done it?

17 A. Well, as long as I've been with the court,
18 I've always been told never to change a file mark.

19 Q. Okay. And who has told you that? Who's
20 instructed you to do that?

21 A. Just former supervisors.

22 Q. Have you been instructed as part of your
23 training as a deputy district clerk that docket entries
24 are not changed without an order of the court, without
25 some sort of motion and order practice?

1 A. You mean file marks or docket entries?

2 Q. This stuff.

3 A. You mean dates?

4 Q. Yeah, dates like -- like --

5 A. Yes, we do not change dates.

6 Q. And that's been part of your training as a
7 deputy district clerk, correct?

8 A. That's correct, uh-huh.

9 Q. Can you ever recall an instance where a date
10 was changed on a docket sheet like this, other than this
11 instance?

12 A. No, sir.

13 Q. How long have you been with the courts?

14 A. Twenty-two years.

15 Q. All right. Have you always been in Tyler?

16 A. Yes, sir.

17 Q. You said that you're a -- you're in
18 operations. What is -- what does that mean?

19 A. Well, I just started doing that recently. And
20 I assist with procedures and things like that, like
21 docketing procedures, creating and testing and -- in the
22 docketing area --

23 Q. Okay.

24 A. -- regarding the docket clerks.

25 Q. Okay. And obviously Faye Thompson was one of

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REPORTER'S CERTIFICATION
DEPOSITION OF RACHEL WILSON
NOVEMBER 3, 2008

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

That the witness, RACHEL WILSON, 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.....8 minutes

MR. McWILLIAMS...2 minutes

MR. HOLMES.....0 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 _____ day of

21 _____, 2008.

22
23
24 _____
April Eichelberger
Texas CSR No. 7495
25 Expiration Date: December 31, 2009

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:

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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:

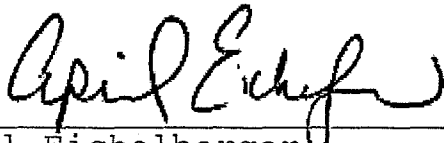
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20 Certified to by me this 5th day of

21 November, 2008.

22
23 

24 April Eichelberger

Texas CSR No. 7495

25 Expiration Date: December 31, 2009