

EXHIBIT 16

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

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

CERTIFIED COPY

ORAL DEPOSITION OF
ELIZABETH DeRIEUX
NOVEMBER 5TH, 2008

ORAL DEPOSITION OF ELIZABETH DeRIEUX, produced as a witness at the instance of the DEFENDANT, CISCO, and duly sworn, was taken in the above-styled and numbered cause on the 5th of November, 2008, from 11:42 a.m. to 11:54 a.m., before Tammy Staggs, CSR in and for the State of Texas, reported by machine shorthand, at the Law Offices of Capshaw & DeRieux, 1127 Judson Road, Suite 220, Longview, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

1 MR. CAPSHAW: Calvin Capshaw representing
2 Elizabeth DeRieux.

3 THE VIDEOGRAPHER: Will the court
4 reporter please swear in the witness.

5 ELIZABETH DeRIEUX,
6 having been first duly sworn, testified as follows:

7 EXAMINATION

8 BY MR. BABCOCK:

9 Q. Would you state your name, please.

10 A. Elizabeth DeRieux.

11 Q. And how are you employed, Ms. DeRieux?

12 A. I'm am attorney with Capshaw & DeRieux.

13 Q. And that is a law partnership, I take it?

14 A. It is.

15 Q. And is this handsome gentleman to your right
16 your partner, Mr. Capshaw?

17 A. It is.

18 Q. Could you tell me your educational background?

19 A. I have a JD from the University of Houston
20 College of Law, 1984, and an undergraduate degree from
21 Lamar University in English 1980.

22 Q. Do you know the plaintiff in this case Eric M.
23 Albritton?

24 A. I do.

25 Q. And when did you first meet Mr. Albritton?

1 quality that I think of first when I think of Eric.

2 Q. Okay. Would you refer a case to him -- would
3 you refer a client to him?

4 A. I would.

5 Q. Okay. Have you ever?

6 A. I can't think of one right off, but I might
7 have.

8 Q. Okay. Has his reputation in your mind changed
9 from the time that you first got to know him
10 professionally to today, which is September 5th, 2008
11 [sic]?

12 A. Yes.

13 Q. Okay. And how has it changed?

14 A. When I first got to know him, he was a baby
15 lawyer. Perhaps not even -- I don't believe he was even
16 licensed at the time I first met him. And so I thought
17 at the time that he was very, very bright, and I didn't
18 know a lot about his personal integrity or his practice.
19 And I think since that time, I have gotten to know him
20 better. And he began his own practice, so his own
21 practice grew and with that his reputation grew.

22 Q. Okay. And when you say "his reputation grew,"
23 did his -- did his reputation increase or was it better
24 over time or worse over time or somewhere in the middle?
25 When you say "his reputation grew," what do you mean by

1 that?

2 A. His reputation is better.

3 Q. Better today than it was --

4 A. Than it was when I met him.

5 Q. Okay.

6 A. Yes, I believe that's right.

7 Q. Okay.

8 MR. BABCOCK: That's all I have. Thank
9 you. And thanks for accommodating our schedule here, we
10 appreciate it. Mr. McWilliams may have some questions
11 now.

12 EXAMINATION

13 BY MR. McWILLIAMS:

14 Q. Just a couple, Ms. DeRieux. Have you been
15 asked to come here today or serve as a witness in this
16 case to render any opinions other than the reputational
17 opinions that you have about Mr. Albritton?

18 MR. PATTON: Objection, form.

19 A. No.

20 Q. (BY MR. McWILLIAMS) Let me ask you about the
21 Inns of Court that you mentioned. What is the
22 membership of the Inns of Court organization that you
23 belong to?

24 A. I'm not sure what you're asking me. How many
25 people?

1 Q. You have not changed your opinion. And as far
2 as you know, none of the lawyers here and in the Inns of
3 Court and in East Texas --

4 MR. PATTON: Objection, form.

5 Q. (BY MR. McWILLIAMS) -- have -- have ever
6 criticized the reputation of Eric Albritton, you've
7 never heard of that, have you?

8 A. No.

9 Q. Okay.

10 MR. McWILLIAMS: Thank you.

11 MR. PATTON: Is that it?

12 THE VIDEOGRAPHER: This concludes the
13 video record. The time is approximately 11:54.

14 (Deposition concluded at 11:54 a.m.)

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REPORTER'S CERTIFICATION
DEPOSITION OF ELIZABETH DeRIEUX
NOVEMBER 5TH, 2008

I, TAMMY LEA STAGGS, Certified Shorthand Reporter in
and for the State of Texas, hereby certify to the
following:

That the witness, ELIZABETH DeRIEUX, 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 _____;

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

3 Mr. Nick Patton - (0:02)

4 Mr. Charles L. Babcock - (0:08)

5 Mr. George L. McWilliams - (0:02)

6 Mr. Sidney Calvin Capshaw - (0:00)

7
8 That pursuant to information given to the deposition
9 officer at the time said testimony was taken, the
10 following includes counsel for all parties of record:

11 FOR THE PLAINTIFF:
12 Nick Patton, Esq.

13 FOR THE DEFENDANT, CISCO SYSTEMS, INC.:
14 Charles L. Babcock, Esq.
15 Crystal Parker

16 FOR THE DEFENDANT, RICHARD FRENKEL:
17 George L. McWilliams, Esq.

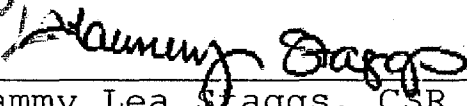
18 FOR THE WITNESS:
19 Sidney Calvin Capshaw, Esq.

20
21
22 That \$ _____ is the deposition officer's charges
23 to the Defendant, Cisco Systems, for preparing the
24 original deposition transcript and any copies of
25 exhibits;

1 I further certify that I am neither counsel for,
 2 related to, nor employed by any of the parties or
 3 attorneys in the action in which this proceeding was
 4 taken, and further that I am not financially or
 5 otherwise interested in the outcome of the action.
 6 certified to by me this 7th of November, 2008.

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AUTHENTIC COPY
 The original certified transcript
 file was electronically signed
 using RealLegal technology.



 Tammy Lea Staggs, CSR 7496
 Expiration Date: 12/31/2009
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