

# EXHIBIT 18

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

CERTIFIED COPY

ERIC M. ALBRITTON, ]  
Plaintiff, ]  
]

-vs- ] C.A. No. 6:08-CV-00089  
]

CISCO SYSTEMS, INC., ]  
RICK FRENKEL, MALLUN ]  
YEN and JOHN NOH, ]  
Defendants. ]  
\_\_\_\_\_ ]

The video taped deposition of PETER J. McANDREWS, called by the Defendant Cisco Systems, Inc. for examination, pursuant to subpoena and pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Cynthia J. Conforti, Certified Shorthand Reporter, at 333 North Wabash, Suite 4000, Chicago, Illinois, commencing at the hour of 11:14 a.m. on the 7th day of November, A.D., 2008.

1 MR. McWILLIAMS: I'm George McWilliams,  
2 representing Rick Frenkel.

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

5 (Witness duly sworn.)

6 PETER J. McANDREWS,  
7 called as a witness herein, having been  
8 first duly sworn, was examined and testified  
9 as follows:

10 EXAMINATION

11 BY MR. BABCOCK:

12 Q. Would you state your name, sir.

13 A. It's Peter J. McAndrews.

14 Q. Mr. McAndrews, what do you do for a  
15 living?

16 A. I'm a lawyer.

17 Q. Where do you work?

18 A. I work at the law firm of McAndrews Held &  
19 Malloy.

20 Q. In Chicago?

21 A. Yes.

22 Q. Are you a partner in the firm?

23 A. Yes, I am.

24 Q. Okay. And as I understand it, there's  
25 some other McAndrews in this firm. One would be

1 maybe, but that's typically how I would use the  
2 term.

3 Q. I was playing basketball one day and was  
4 really getting into it with a guy and called him a  
5 punk, and he was Hispanic, and apparently in that  
6 culture calling somebody a punk is a bad thing  
7 because next thing I know there was a fist flying  
8 by my face, but you -- your definition I think is  
9 more accepted in the crowd that we run in.

10 Let me hand you Exhibit 37. This is an  
11 e-mail from you to Eric Albritton and with a copy  
12 to John Ward, correct?

13 A. That's right.

14 Q. And it's dated February 25th, 2008, 10:31  
15 in the morning, correct?

16 A. That's right.

17 Q. And the subject is Troll Tracker exposed,  
18 and you send a link. What did you mean by "Troll  
19 Tracker exposed"?

20 A. I don't recall if that was title of an  
21 article that I read, but I -- but what I was  
22 referring to is that Rick Frenkel had outed  
23 himself as Troll Tracker.

24 Q. And then you go on to say:

25 Rick Frenkel is the same punk we met with

1 at Cisco last month. Did I, did I read that  
2 correctly?

3 A. Yes, you did.

4 Q. And why did you use the phrase "punk" to  
5 refer to Rick Frenkel?

6 A. Because I thought that he was  
7 disrespectful and somewhat arrogant, and that was  
8 surely inclusive of my knowledge at this time that  
9 he had written all those defamatory things about  
10 my firm, my client and my local counsel and that  
11 he had done it anonymously.

12 Q. The -- his, his being disrespectful, young  
13 and arrogant was in part based on your  
14 interactions with him in a meeting with Cisco the  
15 prior month or a month earlier. Is that right or  
16 not?

17 A. I would say it was based in part on that  
18 but primarily tainted by what I now knew that he  
19 had done.

20 Q. All right. And when you say "the  
21 defamatory things about my client, my firm and my  
22 local counsel," you are referring to the October  
23 17th and 18th, 2007 articles, correct?

24 A. Yes. And I believe there was one further  
25 article, at least one.

1 certainly something that the clients would  
2 consider.

3 MR. McWILLIAMS: Objection, nonresponsive.

4 BY MR. McWILLIAMS:

5 Q. Have you heard any lawyer who practices in  
6 the Eastern District of Texas be critical of  
7 Johnny Ward or Eric Albritton's reputation since  
8 the Troll Tracker article?

9 A. I have not personally heard that, no.

10 Q. Now, do I understand that in the filing of  
11 the ESN complaint that the basic communication  
12 with Eric Albritton's office was with Amie Mathis  
13 and you?

14 A. No, that's not true. She took over -- as  
15 was discussed earlier, she took over the  
16 communication chain later in the afternoon after  
17 the complaint was in Mr. Albritton's firm's hands.

18 Q. Okay. She took over the communication  
19 chain late in the afternoon of October the 15th.

20 A. That's right.

21 Q. And then she continued in that  
22 communication chain through the 15th and the 16th.  
23 And what about the 17th?

24 A. You know, I don't recall whether there  
25 were any communications with Amie on the 16th.

1 STATE OF ILLINOIS )

2 ) SS:

3 COUNTY OF C O O K )

4 The within and foregoing deposition of  
5 the witness, PETER J. McANDREWS, was taken before  
6 CYNTHIA J. CONFORTI, CSR, CRR, Notary Public, at  
7 Suite 4000, 333 North Wabash Avenue, in the City  
8 of Chicago, Illinois, commencing at 11:14 a.m., on  
9 November 7, 2008.

10 The said witness was first duly sworn and  
11 was then examined upon oral interrogatories; the  
12 questions and answers were taken down in shorthand  
13 by the undersigned, acting as stenographer and  
14 Notary Public; and the within and foregoing is a  
15 true, accurate and complete record of all the  
16 questions asked of and answers made by the  
17 aforementioned witness at the time and place  
18 hereinabove referred to.

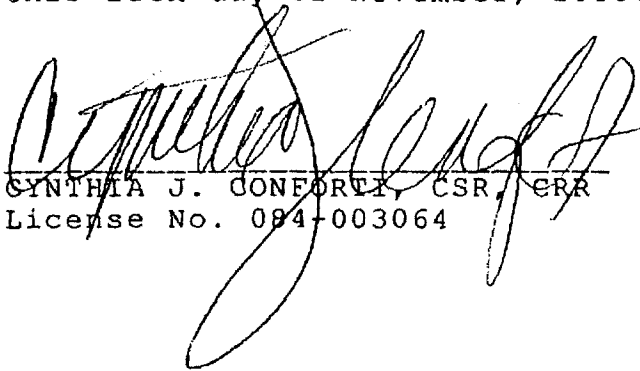
19 The signature of the witness was not  
20 waived and the deposition was submitted to the  
21 deponent as per copy of the attached letter.

22 The undersigned is not interested in the  
23 within case, nor of kin or counsel to any of the  
24 parties.

25 Witness my official signature and seal as

1 Notary Public in and for Cook County, Illinois, on  
2 this 11th day of November, 2008.

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~~CYNTHIA J. CONFORTI, CSR, CRR~~  
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