

EXHIBIT 8

Subject: Agreements concerning discovery

From: Jason McDonell
Extension: 35820

06/25/2009 05:11 PM

To: House, Holly, amy.donnely

Cc: "Howard, Geoff", "Alinder, Zachary J.", "Hann, Bree", Scott Cowan, Greg Lanier, Elaine Wallace, Jane L Froyd, Joshua L Fuchs, Jacqueline K. S. Lee

Holly and Amy,

This email sets forth the agreements we reached during today's meet and confer regarding SAP customer discovery and Safe Passage discovery. Please confirm Plaintiffs' acceptance of these agreements in reply to this email.

With regard to SAP customer discovery, Plaintiffs agree that they will not seek customer specific discovery (such as financial information, contracts, CRM data and customer-specific win/loss reports) of SAP customers beyond those customers who purchased TomorrowNow service and SAP products/support simultaneously or were existing TomorrowNow customers at the time they purchased new SAP software or service. With Plaintiffs' agreement on this matter, Defendants will not file a motion for a protective order on June 30 on this issue.

With regard to Safe Passage discovery, Defendants confirm that they have produced the following types of high-level, non-privileged Safe Passage documents, regardless of whether TomorrowNow was mentioned in the documents, to the extent that such documents exist and were found in the custodian production: documents containing summary sales and profit numbers for the Safe Passage program, high level win/loss documents concerning the Safe Passage program (as opposed to customer-specific win/loss documents), documents containing projections of Plaintiffs' losses resulting from the Safe Passage program, and pro formas and forecasts regarding the Safe Passage program. Further, Defendants confirm that, based upon a reasonably diligent search, Defendants have not located any central repositories of Safe Passage documents. With Defendants' confirmation on this matter, Plaintiffs will not file a motion to compel on June 30 on this issue.

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