In Re: Webloyalty.com, Inc., Marketing and Sales Practices Litigation

Filed 02/20/2007

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Doc. 32 Att. 1

## **EXHIBIT 1**

## WILMERHALE

Gabrielle R. Wolohojian

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November 20, 2006

By E-mail and First Class Mail

David J. George, Esq. Lerach Coughlin Stoia Geller Rudman & Robbins LLP 120 East Palmetto Park Road, Suite 500 Boca Raton, FL 22432

Re: Kuefler v. Webloyalty.com, Inc., et al.

Dear David:

I write to follow up on our conversation of last week and in response to the draft motion and proposed order you sent on Friday.

We do not oppose your motion or proposed order. However, I wish to reiterate what I have previously offered with respect to discovery and any Rule 56(f) motion. Specifically, I have told you that defendants are willing to produce documents concerning Mr. Kuefler's transaction, to permit you to depose the affiants, and/or to take Rule 30(b)(6) deposition of each defendant concerning Mr. Kuefler's transaction. We do not believe that any discovery beyond Mr. Kuefler's individual claims is warranted or necessary to respond to the defendants' summary judgment motion because it is limited to his individual claims.

When we spoke last week, I asked what discovery you think you will seek beyond what we have voluntarily offered to produce. At that time, you were not prepared to discuss that. However, I asked (and believe that you agreed) to identify that information during the "meet and confer" required before filing your motion. I look forward to hearing the specifics from you then. So that we can ensure that that discussion will be as productive as possible, I suggest that we schedule that discussion to occur several days before the December 1 filing date you have proposed. Would you be free for a call on November 27 or 28?

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David J. George, Esq. November 20, 2006 Page 2

Finally, would you please let me know if you still would like to meet during the last week of November. As I have previously mentioned, we are willing to do so and also to give you a demonstration of what each of your named clients saw, received, and did with respect to enrolling in the Reservation Rewards program.

I look forward to hearing from you.

Sincerely,

Gabrielle R. Wolohojian

cc: John J. Regan, Esq. (by email)