

EXHIBIT 3

Wolohojian, Gabrielle

From: Alquist, Elizabeth A. [eaalquist@daypitney.com]
Sent: Wednesday, January 31, 2007 10:14 AM
To: Wolohojian, Gabrielle
Subject: FW: Subponea in regards to Joe W. Kuefler v. Webloyalty.com, Inc., No. 06 CA 11620 JLT (D. Mass.)

Gabrielle,

Please see below.

Beth

-----Original Message-----

From: Stuart Davidson [mailto:sdavidson@lerachlaw.com]
Sent: Friday, January 26, 2007 10:33 AM
To: Harris, Richard D.
Cc: Pisani, Lois D.; Alquist, Elizabeth A.; pnh@ctbbb.org; agarcia@phillipsgarcia.com
Subject: RE: Subponea in regards to Joe W. Kuefler v. Webloyalty.com, Inc., No. 06 CA 11620 JLT (D. Mass.)

Rick:

I would like to talk with you today about production of the paper complaints and some of the issues raised in your January 24, 2007 letter. I might as well let you know some of our thoughts on the letter now, so you can have some time to digest them before we speak:

First, to protect the "identifiable consumer information" from disclosure, we will agree to "(2)" at the top of page 2 of your letter, provided that: (a) the un-redacted copies are bates labeled; and (b) the BBB agrees to maintain the bates labeled unredacted copies upon their return to the BBB until the conclusion of the case. If the BBB is not willing to do this, then we propose to keep the unredacted copies ourselves and promise not to touch them without notice to the BBB and giving the BBB the opportunity to object.

Second, with respect to "(4)" at the top of page 2 of your letter, we would add the phrase "that is redacted" between the words "information" and "contained" on the last line.

Third, with respect to the production of electronic complaints, as we discussed, we are willing, for the time being, to receive the copies of the paper complaints now, with the understanding and agreement that, if we believe that it is necessary to obtain copies of the electronic complaints, we will work you you and the BBB to figure out the most practical way of obtaining those documents. For example, we have offered to send someone from our firm to the BBB's offices to sit in front of the computer and print out the electronic complaints without requiring an employee of the BBB to spend the time doing that. We would, of course, agree to reimburse the BBB for the cost of printing the electronic documents (e.g., paper, toner). However, since we have agreed, for the time being, to not seek from you the electronic complaints, we would appreciate it if the BBB could produce 2-3 examples of the electronic complaints so that we can at least see what the format look like.

Fourth, in the event that we do not believe that it is necessary to obtain the electronic documents, and, thus, not obtain all 906 complaints on file with the BBB, we would think that the appropriate thing to do would be to have someone from the BBB execute an affidavit or declaration attesting to the existence of the 906 complaints. If the BBB does not feel comfortable doing this, we will probably have to obtain all of the electronic complaints at some point.

Finally, with respect to the self-critical analysis privilege the BBB has interposed with respect to multiple categories of documents, we will look at that issue and get back to you on our thoughts.

I will try to contact you later today to discuss these issues.

Regards,

Stuart

Stuart A. Davidson, Esq.
LERACH COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP

2/20/2007

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From: Harris, Richard D. [<mailto:rdharris@daypitney.com>]
Sent: Thursday, January 25, 2007 1:23 PM
To: Stuart Davidson
Cc: Pisani, Lois D.; Alquist, Elizabeth A.; pnh@ctbbb.org; agarcia@phillipsgarcia.com
Subject: BBB: Subponea in regards to Joe W. Kuefler v. Webloyalty.com, Inc., No. 06 CA 11620 JLT (D. Mass.)
Importance: High

Stuart:

Consistent with our telephone discussion, attached is a formal response to the Webloyalty subpoena served on BBB. We should talk by telephone to schedule delivery of copies of the consumer complaints at a convenient time.

Thanks,

Richard D. Harris, Esq. ("Rick")
Day Pitney LLP
One Audubon Street, 6th Floor | New Haven CT 06511
| t (203) 752 5094 | f (203) 752-5001 | c (860) 655 0609
RDHarris@DayPitney.com www.DayPitney.com

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Note: Effective January 1, 2007, Day, Berry & Howard LLP and Pitney Hardin LLP merged to form Day Pitney LLP. Please revise my e-mail address and firm website URL, as described above. Our merged firm will have close to 400 lawyers with offices located throughout the Northeast from Washington, D.C. to Boston, MA. For more information on Day Pitney LLP, see our website at www.daypitney.com.

-----Original Message-----

From: Stuart Davidson [<mailto:sdavidson@lerachlaw.com>]
Sent: Tuesday, January 23, 2007 9:57 AM
To: Harris, Richard D.
Subject: RE: Webloyalty

Rick:

Please let me know where we are on the CT BBB's response to the subpoena and getting us the information we discussed about last week.

Thanks

Stuart

Stuart A. Davidson, Esq.
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From: Stuart Davidson
Sent: Tuesday, January 16, 2007 5:11 PM
To: 'rdharris@daypitney.com'
Cc: David George
Subject: Webloyalty

Rick:

Good talking to you. Below is my contact information. You can reach David George at the same numbers and address, or at dgeorge@lerachlaw.com. We look forward to hearing from you soon.

Regards,

Stuart

Stuart A. Davidson, Esq.
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