

# **EXHIBIT 4**

**Wolohojian, Gabrielle**

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**From:** Wolohojian, Gabrielle  
**Sent:** Wednesday, January 31, 2007 6:02 PM  
**To:** 'David George'  
**Cc:** Mark J. Tamblyn; Stuart Davidson; Andrew Garcia  
**Subject:** RE: webloyalty - fandango

David: Thank you for your email. Upon reflection, and considering the circumstances known to us, we request that you withdraw the subpoena as well as your Rule 56(f) motion. I make this request to avoid or narrow the motion that we will otherwise file. Please let me know by the end of tomorrow whether you will agree to these requests. I look forward to hearing from you. Gabrielle

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

**From:** David George [mailto:dgeorge@lerachlaw.com]  
**Sent:** Tuesday, January 30, 2007 3:09 PM  
**To:** Wolohojian, Gabrielle  
**Cc:** Mark J. Tamblyn; Stuart Davidson; Andrew Garcia  
**Subject:** webloyalty - fandango

Gabrielle,

As we discussed this afternoon, as a result of some internal communication issues, a subpoena was inadvertently served on the Connecticut Better Business Bureau. The subpoena, a copy of which is attached, was served on January 11th. The subpoena was not served on you prior to my sending this e-mail to you.

I have also attached correspondence dated January 24, 2007 from Day Pitney LLP, outside counsel for the Connecticut Better Business Bureau, to us, responding to the subpoena. As you will see, the BBB has 677 paper complaints related to Webloyalty and 229 electronic complaints related to Webloyalty.

In order to give you an opportunity to review the subpoena and the BBB's response, we will not accept production of any documents until you and I have a further discussion on this matter. In addition, we agree that nothing that has occurred to date with respect to the subpoena shall be deemed a waiver by any party of any position it desires to take in the event that a discovery dispute develops with respect to the production of documents being sought.

If you have no objections, it is our intention to obtain copies of all paper complaints and a few examples of electronic complaints, while reserving our rights to obtain hard-copies of the electronic files if and when we decide that it is necessary to do so. We will, of course, provide you with copies of any documents that we obtain.

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to which they are addressed. This communication may contain material protected by the attorney-client privilege. If you are not the intended recipient or the person responsible for delivering e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify an office administrator by telephone at (561) 750-3000. You will be reimbursed for reasonable costs incurred in notifying us. Thank you.

David J. George, Esq.  
Lerach Coughlin Stoia Geller Rudman & Robbins LLP  
120 E. Palmetto Park Road, Suite 500  
Boca Raton, FL 33432  
(561) 750-3000  
(561) 750-3364  
[dgeorge@lerachlaw.com](mailto:dgeorge@lerachlaw.com)