

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE WEBLOYALTY.COM, INC.  
MARKETING AND SALES PRACTICES  
LITIGATION

MDL No. 07-01820

Lead Case: 06-11620-JLT

**PLAINTIFFS' MOTION FOR LEAVE TO FILE  
CONSOLIDATED AMENDED COMPLAINT**

Plaintiffs hereby respectfully request that the Court grant Plaintiffs' leave to file a Consolidated Amended Complaint (the "Consolidated Complaint"), a copy of which is attached hereto as Exhibit "A," and in support thereof, state as follows:

On March 21, 2007, the Court ordered the consolidation of four related actions underlying *In Re Webloyalty.com, Inc. Marketing and Sales Practices Litigation*. As underscored by the Judicial Panel on Multidistrict Litigation's centralization and transfer of these actions under 28 U.S.C. § 1407, there are common issues of fact and law among the actions that comprise this litigation. A consolidated complaint is a common and effective device for managing multidistrict litigation. Operating under a master pleading will bring added efficiencies to this litigation, reducing unnecessary costs and delays.

In addition, the Consolidated Complaint was not delayed in that it responds to the Court's recent consolidation Order of March 21, 2007, and Plaintiffs have moved promptly in accordance with the Court's April 24, 2007 Order. Defendants will not be prejudiced by the filing of the Consolidated Complaint because this litigation is in its early stages – no discovery has taken place and this Court only recently consolidated these actions. Rules 15(a) and 42(a) of the Federal Rules of Civil Procedure, together, provide broad authority for the Court to grant permit Plaintiffs to file the Consolidated Complaint.

For these reasons, and the reasons more fully articulated in the accompanying

memorandum of law, Plaintiffs respectfully request that the Court grant this Motion and permit them to file the Consolidated Complaint.

Dated: May 24, 2007

Respectfully submitted,

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**LOCAL RULE 7.1(a)(2) CERTIFICATION**

I, David J. George, hereby certify that plaintiffs' counsel have conferred with counsel for the defendants and attempted in good faith to resolve or narrow the issues discussed in this motion and that we were unable to do so.

/s/ David J. George

**CERTIFICATE OF SERVICE**

I, David J. George, hereby certify that a true and accurate copy of the above document has been filed and served through the Court's electronic filing system, this 24<sup>th</sup> day of May, 2007.

*/s/ David J. George* \_\_\_\_\_