

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
STEPHANIE HOFER and)	Civil Action
DOUGLAS HOFER,)	Docket No. 05-40170 FDS
)	
Plaintiffs,)	
)	
v.)	
)	
THE GAP, INC., EXPEDIA, INC.)	
and TURTLE BEACH TOWERS,)	
)	
Defendants.)	
)	
_____)	

**DECLARATION OF RODNEY E. GOULD, ESQ. IN SUPPORT OF
DEFENDANT EXPEDIA, INC.’S MOTION FOR SUMMARY JUDGMENT**

The undersigned, RODNEY E. GOULD, hereby makes the following declaration under penalty of perjury and pursuant to 28 U.S.C. § 1746:

1. I am a shareholder of the law firm of Rubin, Hay & Gould, P.C., attorneys for the defendant Expedia, Inc. (“Expedia”), and I am familiar with the matters set forth herein.

2. I make this declaration in support of Expedia’s motion for summary judgment.

3. Attached hereto as “Exhibit 1” is a true copy of Expedia, Inc.’s Answers to Plaintiff Stephanie Hofer’s First Set of Interrogatories (minus exhibit), dated July 26, 2006.

While Expedia subsequently supplemented certain answers contained therein, for purpose of this motion, Expedia directs the Court’s attention to the Answer to Interrogatory No. 2 only.

4. Attached hereto as “Exhibit 2” is a true copy of selected pages from the transcript of the October 17, 2006 deposition of Jill Knaack, a Rule 30(b)(6) witness produced on behalf of Expedia.

5. Attached hereto as “Exhibit 3” is a true copy of selected pages from the transcript of the October 17, 2006 deposition of Laura Veglia, a Rule 30(b)(6) witness produced on behalf of Expedia.

6. Attached hereto as “Exhibit 4” is a true copy of selected pages from the transcript of the October 17, 2006 deposition of Nashara Frazier, a Rule 30(b)(6) witness produced on behalf of Expedia.

7. Attached hereto as “Exhibit 5” is a true copy of selected pages from the transcript of the June 29, 2006 deposition of plaintiff Stephanie Hofer (Vol. I).

8. Attached hereto as “Exhibit 6” is a true copy of selected pages from the transcript of the July 27, 2006 deposition of Carrie L. LaRoche (formerly Carrie LaBelle).

9. Attached hereto as “Exhibit 7” is a true copy of selected pages from the transcript of the August 21, 2006 deposition of Denroy Scarlett.

10. Attached hereto as “Exhibit 8” is a true copy of selected pages from the transcript of the August 21, 2006 deposition of Faylin Miller.

11. Attached hereto as “Exhibit 9” is a true copy of selected pages from the transcript of the July 10, 2006 continued deposition of plaintiff Stephanie Hofer (Vol. II).

12. Attached hereto as “Exhibit 10” is a true copy of selected pages from the transcript of the October 13, 2006 continued deposition of plaintiff Stephanie Hofer (Vol. III).

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON FEBRUARY 16, 2007.

/s/ Rodney E. Gould

Rodney E. Gould (BBO # 205420)

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CERTIFICATE OF SERVICE

I, Rodney E. Gould, hereby certify that this document, filed through the ECF system, will be served electronically upon the registered participants identified on the Notice of Electronic Filing (NEF) and will be served upon any non-registered participants, as indicated on the NEF, by paper copy sent via first-class mail, postage prepaid.

DATED: February 16, 2007

/s/ Rodney E. Gould

Rodney E. Gould