

EXHIBIT 3

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS

3 Docket No. 05-40170 FDS

4 STEPHANIE HOFER and
5 DOUGLAS HOFER
6 Plaintiffs

COPY

7 vs.

8 THE GAP INC., EXPEDIA, INC.,
9 and TURTLE BEACH TOWERS,
10 Defendants

11 Fort Lauderdale, Florida
12 October 17, 2006
13 12:00 o'clock p.m.

14 APPEARANCES:

15 THE LAW OFFICES OF RUSSO & MINCHOFF, P.A.

16 BY: INDIA L. MINCHOFF, Esquire

17 BY: STEVEN KUZMAN, Esquire

18 Appearing on behalf of the Plaintiffs.

19 THE LAW OFFICES OF BURNS & LEVENISON, P.A.

20 BY: LAWRENCE GREEN, Esquire

21 Appearing on behalf of the Defendant, Expedia.

22 THE LAW OFFICES OF SULLIVAN, WARD et al, P.D.

23 BY: DAVID LAFARGA, Esquire

24 Appearing on behalf of the Defendant, The Gap

25 -----
DEPOSITION

OF

LAURA VEGLIA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I-N-D-E-X

DATE	PROCEEDINGS	PAGES
10/17/06	Deposition	1 - 65

Witness	Direct
Laura Veglia	3

E-X-H-I-B-I-T-S

Plaintiff	Page
No. 5	36
No. 6	40
No. 7	44
No. 8	45

REDACTED

1 The deposition of LAURA VEGLIA was taken by
 2 me, Lisa Greenwell, a Notary Public for the State
 3 of Florida at Large, at the Pelican Grant Beach
 4 Resort, 2000 North Ocean Boulevard, Suite 706, in
 5 the City of Fort Lauderdale, County of Broward, in
 6 the State of Florida beginning at the hour of
 7 12:00 p.m., the 17th day of October, 2006, on
 8 behalf of the Plaintiffs in the above-entitled
 9 action pending in the above-named court.

10
11 Thereupon,

12 LAURA VEGLIA

13 having been first duly sworn, was examined and
14 testified upon her oath as follows:

15 DIRECT EXAMINATION

16 BY MR. KUZMAN:

17 Q. Please state your full name.

18 A. Laura Veglia.

19 Q. Tell me your residential address?

20 A. [REDACTED] Dania Beach
21 Florida, 33004.

22 Q. What is your place of employment?

23 A. I work for Expedia.

24 Q. What's the address of your place of
25 business?

1 A. 1501 Northeast 3rd Avenue, Suite
2 1500, Fort Lauderdale, Florida, 33301.

3 MR. KUZMAN: Mr. Green, if you would,
4 if you can look at Schedule A of notice of
5 taking deposition and let me know in which
6 of the numbered areas of inquiry under
7 Schedule A Mrs. Veglia will testify to.

8 MR. GREEN: Yes. Mrs. Veglia's
9 testifying in response to area Number 1 as
10 objected to by response to that. And also
11 in response to area Number 5 to the extent
12 that you have any questions as to Expedia
13 as procedures ~~and~~ practices with respect to
14 visits as opposed to the particular visit
15 which Mrs. Frazier testified to.

16 BY MR. KUZMAN:

17 Q. Mrs. Veglia, will you please tell me
18 when you first became employed at Expedia?

19 A. December 2001.

20 Q. In what capacity?

21 A. Regional director.

22 Q. Where did you work before assuming
23 that position?

24 A. I worked for Silver Sea Cruise.

25 Q. Silver Sea Cruises?

1 Expedia conducted annual inspections of Turtle
2 Beach Towers on the premises of Turtle Beach
3 Towers?

4 MR. GREEN: Well, I object to that.
5 It would be covered by the attorney/client
6 privilege.

7 BY MR. KUZMAN:

8 Q. Does Expedia, since the time that
9 you've been employed at Expedia, perform any
10 inspection of any of the properties that it lists
11 on its web site?

12 A. No.

13 Q. Does it visit any of the properties
14 as part of its regular course of business?

15 A. Yes.

16 Q. Does it visit those properties --
17 What's the purpose of those, those visits?

18 A. To meet the people at the hotels.

19 Q. When you see you meet the people at
20 the hotels, I take it you mean the people that run
21 the hotels?

22 A. The people that are responsible for
23 rates and inventory.

24 Q. Is there any other purpose to the
25 visits as far as you know?

1 A. To familiarize ourselves with the
2 properties and destinations.

3 Q. Why is it that you want to
4 familiarize yourself with the properties?

5 A. Um, so that we can have an
6 understanding of the property and -- and, um, look
7 at the listing to, um, determine the rates and
8 inventory.

9 Q. Part of that understanding is to
10 observe the condition of the properties that you
11 go to see?

12 A. It is not our responsibility to do
13 that.

14 Q. Not a responsibility to do that?

15 A. It is not -- it is not one of the
16 things that we do.

17 Q. All right. So you're strictly -- you
18 want to know what the rates are and what was the
19 other term you used?

20 A. The inventory.

21 Q. The inventory?

22 A. Hm-hum.

23 Q. And both of those would be related to
24 the financial aspects of the hotels, correct?

25 A. It would be part of the listing, yes.

1 yes.

2 BY MR. KUZMAN:

3 Q. After they view the destinations,
4 what do they do with that information, if
5 anything?

6 MR. GREEN: Object to the form. I
7 object on two grounds. One, when you say
8 view the destination, it sounds like
9 they're looking at the entire property.

10 And then you're saying, what do they
11 do with that information. You're
12 suggesting that there's written
13 information. So I object on both scores—
14 here.

15 MR. KUZMAN: Let me rephrase.

16 BY MR. KUZMAN:

17 Q. The representatives at Expedia that
18 go out to view, let's say, a particular hotel in
19 the Caribbean, okay, do they report back to
20 Expedia as to what their observations were?

21 A. That is not the intent.

22 Q. The intent is strictly what?

23 A. Our job is to manage rates and
24 inventory.

25 Q. And that's the purpose of Expedia?

1 area.

2 MR. KUZMAN: But she's being produced
3 regarding inspections and I think that this
4 ties into --

5 MR. GREEN: If you want to tie it
6 into inspections and ask it in that
7 regards, certainly. But if you're asking
8 her the intent of this document, I take
9 exception to that.

10 BY MR. KUZMAN:

11 Q. All right. Well, you've already
12 testified that Expedia does not perform any
13 inspections of the physical plant of any of the
14 hotels listed on its web site, correct?

15 A. Can you repeat that question?

16 Q. Fair to say that Expedia does not
17 inspect the physical plant of the facilities that
18 are advertised on its web site?

19 A. That is my -- that is my
20 understanding.

21 Q. And that they -- they make visits to
22 the facilities and that has to do with the number
23 of rooms that are available, correct?

24 MR. GREEN: Well, hold on. She's --
25 she's said what the visits are for, it's

1 right hand bottom corner. See where it says
2 3/25/02?

3 A. I see that.

4 Q. Does that have any significance to
5 you as to when this appeared on the Expedia web
6 site?

7 A. I really don't know what this line
8 refers to, but it seems to have a date here of
9 3/25/2002.

10 Q. When was the last time you checked
11 out the web site for Turtle Beach Towers on
12 Expedia's web site?

13 A. ~~On the Turtle Beach web site or~~
14 Expedia -- the listing on Expedia?

15 Q. The listing on Expedia.

16 A. Um, to be honest with you, I don't
17 think I ever checked it out.

18 Q. The information that's contained in
19 this exhibit that is describing Turtle Beach
20 Towers as being the very best of Ocho Rios,
21 Jamaica and a perfect vacation paradise, do you
22 know where that information is derived from?

23 A. Um, I don't know where this
24 particular information is derived from.

25 It says here that the description was

1 provided by Turtle Beach Towers.

2 Q. Okay. And so as far as you know,
3 this description was provided by Turtle Beach
4 Towers?

5 A. I can only assume that having read it
6 says that it was provided by Turtle Beach Towers
7 here, yes.

8 Q. Right. As far as you know, does
9 anyone from Expedia visit the hotel to insure that
10 the information that's conveyed from the hotel to
11 Expedia is accurate?

12 A. Ah, I don't know of any such person
13 that does that.

14 Q. And again,, there's no market visits
15 to a hotel property to insure that a description
16 which comes from a hotel is accurate, is that fair
17 to say?

18 A. Can you repeat the question again?

19 Q. Yeah. As far as you know, there's no
20 one at Expedia that will investigate whether the
21 information provided by a motel to Expedia is
22 accurate?

23 A. Um, I don't know of any such thing.

24 Q. By the way, I just wanted to go back
25 to something I know I asked you, but I forgot your

1 A. To meet with the representatives of
2 Sandals.

3 Q. Basically meet and greet?

4 A. Basically a meeting, right.

5 Q. Did they know you were coming?

6 A. Yes.

7 Q. In the last four years, how many
8 times have you been to Jamaica?

9 A. Um, in the last four years, that
10 would be of since 2003, so I've probably been
11 three or four times.

12 Q. What were the purposes of those
13 visits?

14 A. Um, either meetings with hotels or
15 conferences.

16 Q. Is there any criteria employed or
17 used by Expedia to determine which hotels would be
18 listed on their web site?

19 A. Is there a criteria? Well, they have
20 to sign a contract. They have to sign a listing
21 contract.

22 Q. Yep. And they have to agree those
23 terms, right?

24 A. Right.

25 Q. Is there anything else besides

1 signing a contract?

2 A. They have to provide rates and
3 inventory and information about the property.

4 Q. All right. Anything else?

5 A. They have to be open for business.

6 Q. Okay. That's always good. Yep.
7 Anything else?

8 A. I think all the -- all the terms of
9 working with Expedia are outlined in the listing
10 agreement. So there would be nothing else besides
11 that.

12 Q. All right. And listing agreement, do
13 you have a copy of that?

14 A. I'm taking about this document here
15 that we've --

16 Q. The contract?

17 A. Right.

18 MR. GREEN: Just so we're, because
19 there have been several documents, the
20 witness was just referring to Exhibit 7 and
21 she was also making reference to 3EXP 1 to
22 4.

23 THE WITNESS: Okay.

24 BY MR. KUZMAN:

25 Q. And the purpose of the meet and