

Exhibit 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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

AFFIDAVIT OF FAYLIN MILLER

I, Faylin Miller, do hereby depose and state as follows:

1. I am a resident of Jamaica.
2. I offer this affidavit based upon my personal knowledge.
3. I am the General Manager of the Turtle Beach Towers Resort in Ochos Rios, Jamaica.
4. I was previously deposed in this case on August 21, 2006. Prior to November 14, 2006, I was not supplied a copy of my deposition transcript to review. Attorney Reith forwarded me a copy of my August 21, 2006 deposition transcript on November 15, 2006. I have now had the opportunity to review my transcript.
5. I am uncertain if I have met any employee from Expedia, Inc. or if any employee of Expedia, Inc., or any of its related entities, visited Turtle Beach Towers.
6. As I testified during my deposition, I had hoped to learn the specifics as to such a visit by reviewing certain documents that I believed were in my possession. Unfortunately, I was incorrect when I testified that such documents were in my possession.
7. Following my deposition, Attorney Reith met me at my Turtle Beach Towers office, and requested a copy of my file concerning the Expedia.com "inspections." It was then that I realized I did not have any documents concerning Expedia.com, other than those I brought with me to my deposition -- those being, emails from Attorney Feringa, The Gap, Inc.'s counsel, which merely concerned my deposition scheduling, my report concerning the accident in

question and a few miscellaneous communications from Expedia.com concerning room bookings.

8. Mr. Daine Thomas and Mrs. Sherna Thomas maintained the file concerning Expedia.com. Mr. and Mrs. Thomas own certain units at Turtle Beach Towers -- the units that are advertised on Expedia.com.

9. Although I recall someone visiting the Mr. Daine Thomas' and Mrs. Sherna Thomas' units and the Turtle Beach Towers and Turtle Beach Tower Resort's grounds, I am unsure if it was in fact an Expedia employee.

10. I understand that Mr. and Mrs. Thomas advertise their units with two internet website companies besides Expedia.com.

11. I may have met a representative from one of those two other websites.

12. Representatives from those two other websites may have been the ones to forward me those documents that I called "inspection reports" at my deposition.

13. Again, I have no way of confirming what company those representatives were from, as I have no documents to reference.

14. Mr. and Mrs. Thomas have superior knowledge as to who did or did not visit their units and Turtle Beach Towers Resort.

15. Whoever it was that visited Mr. and Mrs. Thomas' units and the Turtle Beach Towers Resort's grounds did not conduct safety inspections.

16. Nor did they submit safety "inspection reports." Rather, the "inspection reports" that I recall seeing concerned merely cosmetic or aesthetic issues.

17. No person has had any accident whereby they were injured or their property was damaged while at Turtle Beach Towers Resort, other than Ms. Hofer.

18. No person has issued any complaint concerning the safety of any units or Turtle Beach Tower's grounds.

19. I have never provided any safety complaint reports to Expedia, Inc. or any of its related entities, including Expedia.com, as none have existed.

20. Proprietors Strata Plan #7, Turtle Beach Towers, is the management company for the Turtle Beach Towers Resort. They are responsible to monitor, preserve and otherwise maintain all units, buildings and grounds of the Turtle Beach Towers Resort.

21. No person or attorney, other than Attorney Thomas Reith, has requested that I produce documents concerning Expedia.com. I did not provide any documents to Attorney Reith, as I have none, other than those made available at the time of my deposition.

Pursuant to 28 U.S.C. §1746, I, Faylin Miller, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on ~~December 17, 2006~~ February 5th, 2007


Faylin Miller