

# **EXHIBIT 3**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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

**DEFENDANT EXPEDIA, INC.'S SUPPLEMENTAL AUTOMATIC DISCLOSURE  
PURSUANT TO FED. R. CIV. P. RULE 26**

Defendant Expedia, Inc. ("Expedia") provides the following supplemental automatic disclosures ("Disclosure Statement") pursuant to Rule 26 of the Federal Rules of Civil Procedure and Rule 26.2 of the Local Rules of the United States District Court for the District of Massachusetts.<sup>1</sup>

In preparing this Disclosure Statement, Expedia has consulted all sources reasonably available to it and has drawn on all of its pretrial research, investigation, and analysis completed to date. Expedia reserves the right to identify additional persons and documents. This Disclosure Statement is made without prejudice to Expedia's right to utilize subsequently discovered evidence at trial or in connection with pretrial proceedings.

<sup>1</sup> Expedia served its initial Disclosure Statement on February 15, 2006.

**A. The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.<sup>2</sup>**

The following individuals are or have been associated with Expedia and are likely to have knowledge of discoverable information:

2. Nashara Frazier (Market Manager Caribbean, Partner Services Group), Expedia, Inc., 101 NE 3<sup>rd</sup> Avenue, Suite 1500, (954) 712-7831 (P): Ms. Frazier possesses knowledge of facts relevant to: a) the one property visit to Turtle Beach Towers, which occurred after the accident in question; b) the January 29, 2004 Expedia Travel "FIT TOUR OPERATOR AGREEMENT," by and between Expedia and Sherna Thomas d/b/a Turtle Beach Towers; and c) correspondence with Sherna Thomas.

Note, Expedia does not consent to the Plaintiffs or any other named Defendant contacting or corresponding with any present or past employee of Expedia.

The following individuals are not and have not been associated with Expedia and are likely to have knowledge of discoverable information:

4. Sherna Thomas (Unit owner at Turtle Beach Towers and party to the January 29, 2004 Expedia Travel "FIT TOUR OPERATOR AGREEMENT"), 319 Charles Avenue, Iron Shore, St. James, Jamaica, (876) 924-3369. Mrs. Thomas possesses knowledge of facts relevant to: a) the January 29, 2004 Expedia Travel "FIT TOUR OPERATOR AGREEMENT," by and between Expedia and Sherna Thomas d/b/a Turtle Beach Towers; b) the lack of Expedia's inspection of Turtle Beach Towers; and c) correspondence with Expedia.
5. Daine Thomas (Unit owner at Turtle Beach Towers and husband to Sherna Thomas), 319 Charles Avenue, Iron Shore, St. James, Jamaica, (876) 924-3369. Mr. Thomas possesses knowledge of facts relevant to: a) the January 29, 2004 Expedia Travel "FIT TOUR OPERATOR AGREEMENT," by and between Expedia and Sherna Thomas d/b/a Turtle Beach Towers; b) the lack of Expedia's inspection of Turtle Beach Towers; and c) correspondence with Expedia.

Expedia reserves the right to supplement these lists as additional persons are identified.

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<sup>2</sup> The headings herein correspond to those in Expedia's initial Disclosure Statement.

**B. A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.**

5. The January 29, 2004 Expedia Travel "FIT TOUR OPERATOR AGREEMENT," by and between Expedia and Sherna Thomas d/b/a Turtle Beach Towers.
6. Information concerning activity on Ms. Carrie LaRoche (formerly LaBelle's) Expedia.com account.
7. Expense report information generated by Nashara Frazier concerning the one property visit to Turtle Beach Towers, which occurred after the accident in question.
8. Various correspondence between Mrs. and/or Mr. Thomas and Expedia.

The documents listed above that are in the possession, custody, or control of Expedia are, or will be located at Expedia's counsel, Burns & Levinson LLP's office, located at 125 Summer Street, Boston, Massachusetts, or at Expedia's offices in Bellevue, Washington, Dallas, Texas and/or Ft. Lauderdale, Florida, and will be made available for inspection. Expedia anticipates that the majority of the above-listed documents will be produced directly to the other parties to the above-captioned matter, via their respective counsel of record, after the parties execute and file a protective order.

Expedia reserves the right to supplement this list.


**D. For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.**

Expedia refers the Plaintiffs to the policy appended hereto as Exhibit 1.

**F. Continuing Disclosure Obligation.**

Expedia recognizes that its disclosure obligation under Rule 26(a) of the Federal Rules of Civil Procedure continues throughout this case. As such, Expedia will disclose, subject to any applicable objections or privileges which may attach to such discoverable information, all such information and documents, data compilations, and/or tangible things that are relevant to the disputed facts alleged with particularity in the Complaint and that Expedia may learn or acquire subsequent to the date of this Disclosure Statement.

Respectfully submitted,  
EXPEDIA, INC.,  
By its attorneys,



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Dated: September 25, 2006

I hereby certify that a true copy of the  
above document was served upon the  
attorney of record for each other party  
by mail-hand on 2006 SEP 25  
Box on Expedia counsel on  
9/25/06 DTR