

# EXHIBIT “E”

LAW OFFICES  
**BRODSKY & SMITH, LLC**

240 MINEOLA BLVD  
MINEOLA, NY 11501

Tel: 516-741-4827  
Fax: 516-741-0990  
[www.brodsky-smith.com](http://www.brodsky-smith.com)

THE NEW YORK COUNTY JUDICIAL CENTER  
1000 NEW YORK COUNTY JUDICIAL CENTER  
NEW YORK, NY 10017

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
1000 NEW YORK COUNTY JUDICIAL CENTER  
NEW YORK, NY 10017

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NEW YORK, NY 10017

April 12, 2007

**VIA FEDERAL EXPRESS**

Thomas Mars, General Counsel  
Wal-Mart Stores, Inc.  
Walmart.com, subsidiary of Wal-Mart Stores, Inc.  
702 Southwest 8th Street  
Bentonville, Arkansas 72716-0215

**Re: "A Million Little Pieces" Litigation, 06-md-1771 (U.S.D.C. SDNY).**

Dear Mr. Mars:

We are court appointed Class Counsel in the above referenced matter pending in the United States District Court for the Southern District of New York. We represent the class of consumers who purchased the book *A Million Little Pieces* from the date of the book's initial publication through and including January 26, 2006. As you may be aware from press reports, a classwide settlement has been reached between the Plaintiffs' Class, the publisher (Random House), and the book's author (James Frey). A motion for preliminary court approval of this settlement is currently pending before Judge Richard J. Holwell.

As part of the preliminary approval process, the Court has been asked to approve a plan to notify class members of the settlement. We have sought approval of a notice plan that provides for (1) publication of the notice in over 900 newspapers across the country; (2) the establishment of a dedicated website ([www.amlpsettlement.com](http://www.amlpsettlement.com)) where class members can obtain information about the settlement and print claim forms; and (3) direct mailing of notice by Random House to customers who purchased the book directly from Random House's website.

However, the Court has requested that Class Counsel inquire of some of the larger retail book sellers regarding their willingness to voluntarily provide additional notice to their customers. To assist us in advising the Court, we would like to know the answers to the following questions:

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1. Would your company be willing to voluntarily deliver (by e-mail or otherwise) the class notice directly to your customers who purchased the book? If not, why not?
2. Approximately what percentage of your book sales are made at your brick and mortar stores? With respect to those sales, do you have any records that would allow your company to determine who purchased the book (i.e. any records from any frequent buyers' program during the relevant period – prior to January 27, 2006)? Are there any restrictions on the use of this information?
3. With respect to any sales made through your online operations, do you have any records that would allow your company to determine who purchased the book? Are there any restrictions on the use of this information?
4. With respect to your online operations, do you routinely e-mail materials to your customers?
5. As an alternative to any direct notice, would your company be willing to
  - a) place a banner-style ad somewhere on your website that links interested customers to our dedicated settlement website, or
  - b) place a written notice at the checkout counters at each of your brick and mortar stores for a specified period of time notifying class members of the settlement.
6. With respect to any of the efforts above, would there be any cost or burden associated with your efforts? If so, please give us an estimate of the cost.

We are required to provide the Court with the results of our inquiry by April 27, 2007. Accordingly, we would appreciate a written response to this correspondence no later than April 20, 2007, if at all possible. In the interim, should you wish to speak with

Thomas Mars  
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us regarding these issues, we remain available at your convenience. We appreciate your attention to this matter and look forward to your response.

Very truly yours,

BRODSKY & SMITH, L.L.C.

By: 

Evan J. Smith, Esquire  
240 Mineola Boulevard  
Mineola, NY 11501  
(516) 741-0626

LARRY D. DRURY, LTD.

By: 

Larry D. Drury, Esquire  
205 West Randolph Street, Suite 1430  
Chicago, IL 60606  
(312) 346-7950

*Cot-Lead Counsel for Class*

LJS/jf  
Enclosures

cc: Mark B. Blocker, Esquire (Counsel for Random House)  
Sidley Austin Illinois Office (via regular mail)

Derek J. Meyer, Esquire (Counsel for James Frey)  
McDermott Will & Emery Illinois Office (via regular mail)

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**City** *BALA CYNWYD* **State** *PA* **Zip** *19004*

**2 Your Internal Billing Reference** *OPTIONAL*

**3 To** **Recipient's Name** *Thomas Mays* **Phone** *( )*

**Company** *Wal-Mart Stores*

**Recipient's Address** *702 Southwest 8th Street*

**City** *Baton Rouge* **State** *LA* **Zip** *70815*

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**LEGAL DEPARTMENT**

SUSAN E. SCHELL  
702 S.W. 8<sup>TH</sup> Street  
Bentonville, Arkansas 72716  
Fax (479) 277-5991  
Phone (479) 204-8831

Susan.Schell@walmartlegal.com

April 20, 2007

*Via Facsimile/516-741-0626*

Evan J. Smith, Esquire  
Brodsky & Smith, LLC  
240 Mineola Blvd.  
Mineola, NY 11501

Larry D. Drury, Esquire  
Larry D. Drury, LTD  
205 West Randolph Street, Suite 1430  
Chicago, IL 60606

**Re: "A Million Little Pieces" Litigation**

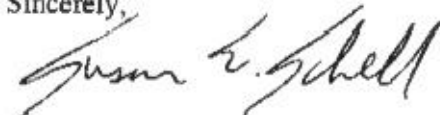
Dear Messrs. Smith and Drury:

I write in response to your April 12, 2007 letter to Thomas Mars, General Counsel to Wal-Mart Stores, Inc. ("Wal-Mart") concerning Wal-Mart's ability to assist you in notifying class members of the settlement in the litigation referenced above.

In answer to your questions, book sales are a small part of Wal-Mart's comprehensive retail business. Wal-Mart values and respects the privacy of its customers, and does not routinely track the book purchases of individual customers.

Given the nature of Wal-Mart's operations, it would not be practical to "place a banner-style ad" on our website, or to "place a written notice at the check out counters" of our more than 4000 stores. While Wal-Mart appreciates your need to effectively notify the class members, at this time, Wal-Mart is unable to assist you.

Sincerely,



Susan E. Schell  
Assistant General Counsel  
Litigation Support Group - Commercial Litigation