Floyd v. Doubleday et al Doc. 52 Att. 6

EXHIBIT "F"

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April 19, 2007

VIA EMAIL: B.Becker@HARPO.COM

Mr. Bill Becker, General Counsel Harpo Studios 1058 W. Washington Chicago, IL 60607

Re: "A Million Little Pieces" Litigation, 06-mdl-1771 (U.S.D.C. S.D. N.Y.).

Dear Mr. Becker:

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) 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, and others that class counsel may deem appropriate, regarding their willingness to voluntarily provide additional notice to their customers and/or book club members. To assist us in advising the Court, we would like to know the answers to the following questions:

Bill Becker April 19, 2007 Page 2

- 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 by your book club? 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?
- With respect to your online operations, do you routinely e-mail materials to your 4. customers?
- As an alternative to any direct notice, would your company be willing to place a 5. banner-style ad somewhere on your website that links interested customers to our dedicated settlement website?
- With respect to any of the efforts above, would there be any cost or burden 6. associated with your efforts? If so, please give us an estimate of the cost.
- Is your company prepared to announce, on the Oprah Winfrey show, that viewers 7 may read a copy of the class notice on your website and/or a website designated for posting of the notice?

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 23, 2007, if at all possible. In the interim, should you wish to speak with 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.

205 West Randolph Street, Suite 1430 Chicago, IL 60606 (312) 346-7950

BRODSKY & SMITH, LLC

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Mineola, NY 11501 (516) 741-0626

Co-Lead Counsel for Class

cc. Mark B. Blocker, Esquire (Counsel for Random House) mblocker@sidley.com (via email)

> Derek J. Meyer, Esquire (Counsel for James Frey) dmeyer@mwe.com (via email)

Evan J. Smith

From: BBecker@harpo.com

Sent: Monday, April 23, 2007 5:44 PM

To: Ldrurylaw@aol.com

Subject: Class Action Notice re. Million Little Pieces

Mr. Drury,

We discussed internally your request that we post a notice concerning the class action settlement on our Show and have decided against doing so. We believe we have thoroughly addressed this issue on air and that our viewers will respond to what the retailers or press have to say about the settlement, so there is no need for us to revisit the incident.

Thank you for the opportunity.

Bill Becker

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