



Association of Directory Publishers



R. Lawrence Angove
President & CEO

Seattle Update #3

October 28, 2010

CONFIDENTIAL & PRIVILEGED

To: All Directors

Fr: Ted Whitehouse and Larry Angove

Re: Seattle Ordinance

Yesterday, the panel of attorneys representing the industry interviewed the two firms under consideration for engagement as plaintiffs counsel in the Seattle matter.

Based on both strategic and financial aspects of the firms' proposals, the industry selected the Seattle firm of Perkins Coie. Negotiations to finalize its fixed-fee proposal should be concluded by tomorrow.

For a variety of good reasons, it was also decided that the action would be filed in Federal court. The suit could be filed in as soon as two weeks.

It is our understanding that YPA intends to be a named plaintiff in the suit. We continue to recommend that ADP not be a named plaintiff – for two reasons. One, the issue of collateral estoppel, as explained earlier. Two, the cost related to proving that we are not estopped by a negative Seattle result should we subsequently go to court in another jurisdiction. The only reason that ADP might consider being a named plaintiff would be if you as Directors feel that it would be politically advantageous to put our name on the suit as a statement to our membership. We believe that our non-plaintiff position can be rationally explained and easily understood by the majority of members.

Please let us hear if anyone now believes it is necessary for ADP to be a named plaintiff.

We will advise you of the financial details of this action as they are finalized.