ATTORNEYS & COUNSELORS
1401 McKinney Street, Suite 1900
Houston, Texas 77010
(713) 752-4200 • fax (713) 752-4221
www.jw.com



Richard E .Griffin Licensed in Texas and Arkansas (713) 752-4212 rgriffin@jw.com

March 2, 2004

CONFIDENTIAL

Mr. David Touretzky Carnegie Mellon University 5000 Forbes Avenue Pittsburgh, PA 15213 VIA FEDERAL EXPRESS AND U.S. CERTIFIED MAIL, RRR

Dear Mr. Touretzky:

I and my firm, Jackson Walker, L.L.P., are some of several lawyers and law firms that represent the Amway Corporation. Amway is also represented by Brinks, Hofer, Gilson & Lione of Chicago, Illinois and Warner, Norcross & Judd of Grand Rapids, Michigan. These lawyers were asked by Amway to represent Amway's interest in litigation between Procter & Gamble and Amway that has been pending in federal courts in the states of Utah, Michigan and Texas. During the course of this lengthy litigation, Procter & Gamble solicited the opinions of G. Robert Blakey as a possible expert witness to advise P&G in the litigation.

You have indicated on your website, <u>Amway/Alticor/Quixtar Sucks!</u>, located at www-2.c.cmu.edu/~dst/Amway/, that you have a copy of the Blakey report and you have posted the report.

On June 12, 1998, the United States District Court for the Southern District of Texas signed a Protective Order in the Texas case, <u>Procter & Gamble v. Amway</u>, Cause No. H-97-2384. The Protective Order protects confidential information produced in discovery in the case. A copy of the Court's Protective Order signed by Judge Vanessa Gilmore is also enclosed for your inspection.

In the Texas case, P&G produced in discovery to Amway a copy of Mr. Blakey's written report. The parties -- Amway and P&G -- agreed that the Blakey Report was confidential and fell within the terms of the Protective Order. Thus, under paragraph 2 of the Protective Order, the report is confidential, even though a copy of the Blakey Report may not be designated or labeled "confidential." Professor Blakey was also deposed in the case. At his deposition, which was taken pursuant to a Protective Order issued by the United States District Court for the Southern District of Texas, his report was attached as Exhibit 1127 and Exhibit 1140.

Austin Dallas
Fort Worth
Houston
Richardson
San Angelo
San Antonio

3573966v1 Member of GLOBALAW ^{IM} This is a written notice from our firm, as officers of the United States District Court in Houston, Texas, that the Blakey Report is a confidential report, protected by the Protective Order and that the contents of the report shall not be made public but rather held in confidence.

Amway also is officially demanding that you immediately remove from your website any and all portions of the Blakey report so duplicated or repeated and that you advise everyone you know to have portions of the report to immediately send those copies to me and not to further repeat or publish the information contained in the report or in any way violate the Court's Protective Order. We also demand that you obey the terms of the Protective Order. To violate the Order could subject said persons to Court sanctions. This also constitutes our official demand that you advise us from whom or where you obtained a copy of the Blakey report in order that we may continue in our quest to see that the Orders of United States District Court for the Southern District of Texas, Houston Division are not violated. The immediate forwarding to us of all copies of the report in your possession is also demanded pursuant to the Protective Order.

As an attorney for Amway, I would suggest that a violation of the Federal District Court's Order is a serious matter, and that it may be in your best interests to seek the advice of an attorney. If you or your attorney have any questions concerning this matter, please feel free to contact me.

Very truly yours.

Richard E. Griffin

REG:jrv

Cc: The Honorable D. Vanessa Gilmore Judge, United States District Court 515 Rusk Street Houston, TX 77002

Stanley M. Chesley, Esq.
Waite, Schneider, Bayless & Chesley Co., L.L.P.
1513 Central Trust Tower
Fourth and Vine Streets
Cincinnati, Ohio 45202

Michael T. Gallagher, Esq. Gallagher, Lewis & Downey 700 Louisiana Street, 40th Floor Houston, TX 77002

John E. Jevicky, Esq.
Dinsmore & Shohl, L.L.P.
1900 Chemed Center
255 East Fifth Street
Cincinnati, OH 45202-3172

Richard A. Sheehy, Esq. R. Edward Perkins, Esq. McFall, Sherwood & Sheehy Two Houston Center 909 Fannin Street, Suite 2500 Houston, TX 77010-1003

Mr. Michael Y. McCormick Nelson, McCormick, Hancock & Newton 1900 West Loop South, Suite 700 Houston, TX 77027-3282

James R. Sobieraj Brinks, Hofer, Gilson & Lione 455 North Cityfront Plaza Drive NBC Tower, Suite 3600 Chicago, IL 60611-5599