



July 2<sup>nd</sup>, 2008

Fragomen, Del Rey, Bernsen & Loewy  
Mr. Michael Patrick  
7 Hanover Sq.  
NY, NY 10004-2756

Dear Michael,

I am replying to your request for an explanation of why certain ads have appeared on the internet that incorrectly represented your firm as the employer or as the point of contact. We appreciate your concern that these ads were not authorized by you or your clients and have inaccurate contact information. We have remedied the situation that led to this problem, and we have been assured that this will not happen again.

As you know, we place recruitment ads for certain clients of Fragomen. Thus, we note on the electronic insertion order provided by the newspaper that the placement was originated through your firm.

The issue you identified arose when placing ads with *The New York Times* and *The New York Times Online*. When we place an ad for these two outlets, the print ad is automatically fed from The Times classified system to the Monster Job Board, which powers The Times' "Help Wanted" web site. In the course of that feed, the Fragomen name which we show as originator of the print ad goes over to Monster and appears as a contact name below the web posting. Monster has been going in and removing that reference each time, per our instructions.

However, MySpace.com, without the approval of Monster, *The New York Times*, Miller, Fragomen, or the Fragomen clients has been "scraping" the postings from Monster, in some cases *before* Monster has removed the Fragomen name from the contact field. While it is unlikely that a reader would identify Fragomen as the point of contact, since the ad text has the appropriate contact information for applying for the position as detailed within the ad, the firm's Fragomen name does show up in the posting (albeit with no address, e-mail, phone number or method of contacting Fragomen, as well as an incomplete version of the firm's name).

Since we learned of this unauthorized use of your clients' ads, we have worked with The Times to make sure there is no longer a mention of Fragomen in the automatic data feed to Monster. Similarly, we have worked diligently with each newspaper we use for your clients' advertising to ensure that the third party name (Fragomen) should never appear in any aspect of future web postings for its clients.

This problem is not confined to either Miller Advertising or Fragomen, but it is a specific web advertising problem. Various newspapers inform us that they have to revise web ads for other agencies that do immigration ads so that each posting matches the company name mentioned in the text of the ad.

I hope this information helps. Please feel free to call me if you have any questions or need additional information. Although this was not our responsibility, I am sorry for any inconvenience this has caused.

Sincerely,

A handwritten signature in blue ink that reads "Dean W. Blake".

Dean Blake  
Account Executive  
Miller Advertising