



## O'MELVENY & MYERS LLP

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### VIA FACSIMILE AND U.S. MAIL

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4670 Nebo Dr., Suite 200  
La Mesa, CA 91941-5230

**Re: *Ryan v. Idearc Media***  
**San Diego Superior Court Case No. GIN 054512**

Dear Mr. McMillan:

Upon completion of the trial and in light of the discovery your client has recently propounded, I write with the hope that the parties can reach an amicable resolution in the best interest of all involved.

As you are aware, the jury found in favor of Mr. Ryan only on his claims of conversion (including an award of emotional distress damages) and failure to pay wages upon discharge (including an award of waiting time penalties), both of which were predicated on a single commission for the sale of a \$270 ad. The jury found in favor of Idearc Media on all remaining causes of action, including Mr. Ryan's claim of male on male gender discrimination. We understand that Mr. Ryan intends to seek attorneys' fees and costs incurred as a result of litigating the two causes of action in which he prevailed -- two causes of action that, I might add, could have been disposed of in a one day trial, at most, or in settlement.

Idearc Media intends to file post-judgment motions, including but not limited to a motion for judgment notwithstanding the verdict and a motion for attorneys' fees and costs for the gender discrimination claim (and any other fees and costs to which Idearc Media as the prevailing party may be entitled). The evidence at trial does not support an award of emotional distress damages based upon Mr. Ryan's conversion claim. Similarly, the record supports Idearc's position that Mr. Ryan's male on male gender discrimination claim was frivolous, unreasonable and groundless and that Idearc Media is entitled to its fees and costs. Idearc

Media's defense of Mr. Ryan's gender discrimination claim, unlike the prosecution of those claims for which Mr. Ryan prevailed, took substantial time and resources.

Before either party invests additional time and money in this case, however, Idearc Media proposes that the parties consider walking away from the case with neither side taking anything. I respectfully request that you encourage your client to consider this proposal as Idearc Media is prepared to push forward if this proposal is not accepted and there is certainly risk that your client will be forced to pay significant fees and costs to Idearc Media. Idearc Media is also prepared to appeal the jury's verdict and any adverse court rulings if necessary.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael McGuinness" with a stylized flourish at the end.

Michael McGuinness  
for O'MELVENY & MYERS LLP

cc: Adam J. Karr, Esq.  
NB1:733309.4

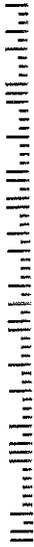


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