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28692/1500  
RHJ  
RAE  
LW1

January 21, 2008

Robert H. Jordan, Esq.  
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Charleston, SC 29401-2239

Via facsimile (843) 722-8700  
Original will follow by U.S. Mail

**Re: Trademark Properties et al. v. A&E Television Networks et al.**  
**U.S.D.C. Civil Action No. 2:06-CV-2195-CWH**  
**Your File No. 28692/01500**

Dear Robert:

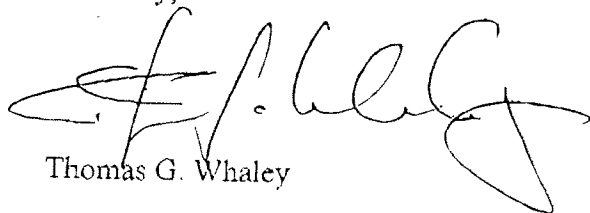
I appreciate your patience with regard to a response to your letter dated January 11, 2008.

To date, I have not been able to reach Mr. Cisa in order to come to resolution regarding a voluntary waiver of the privilege by Mr. Davis. As you know based on our recent conversations and for reasons I am sure you understand, I am uncomfortable agreeing to be deposed under these circumstances.

I remain of the opinion that the conversations about which I was asked during my deposition are privileged and I do not believe any of my responses given during my deposition could be deemed to result in a waiver of my client's privilege. As such, I must continue to decline to testify.

Your letter of January 11<sup>th</sup> indicates you will seek a motion to compel. I certainly understand and am available to discuss the matter.

Sincerely,



Thomas G. Whaley

c: Frank Cisa, Esq.

**Exhibit F**