

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE OMNICOM GROUP, INC.
SECURITIES LITIGATION

02 Civ. 4483 (WHP)

**CORRECTED DECLARATION OF DAVID R. HASSEL IN OPPOSITION
TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I, DAVID R. HASSEL, declare under the penalty of perjury as follows:

1. I am a member of the bar of this Court and an Associate at Bernstein Litowitz Berger & Grossmann LLP, counsel for Lead Plaintiff New Orleans Employees' Retirement System and the certified Class in the above captioned action.

2. Copies of the following documents are submitted herewith:

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| Exhibit 1 | Email from Neumann to Castellaneta & Angelastro re: ccd book basis 98 to end, (OMC0035110-11) |
| Exhibit 2 | Email from James Litinsky to Weisenburger & Angelastro with Trading Price/Basis Analysis for Five Companies (Answerthink, Netcentives, Razorfish. Organic & Agency) (Dep. Ex. 170) |
| Exhibit 3 | June 12, 2002, <i>The Wall Street Journal</i> – Unadvertised Deals: At an Ad Giant, Nimble Financing Fuels Rapid Growth (Dep. Ex. 385) |
| Exhibit 4 | Deposition Transcript of Andrew Bursky, May 23, 2006 |
| Exhibit 5 | Email from Sandra Marricco to Angelastro, Weisenburger, <i>et al.</i> attaching Omnicom phone directory (Dep. Ex. 192) |
| Exhibit 6 | Letter from Maeve Robinson to Fleet National Bank, dated November 30, 2001 (Dep. Ex. 427) |
| Exhibit 7 | Email from John Voorhis to Neumann, dated November 28, 2001 (SUBP_00027025) |

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| Exhibit 8 | Email from Tierney to Weisenburger re: Organic Chicago Lease, dated May 13, 2002 (Dep. Ex. 210) |
| Exhibit 9 | Order Entry Approving Motion <i>in Limine</i> in <i>in re Raytheon Sec. Litig.</i> , No. 1:99-cv-12142-PBS (D. Mass), entered April 21, 2004 |
| Exhibit 10 | Email from Profusek to Lee Feld re: OGNC Boston Lease, dated November 21, 2001 (SUBP_00137876) |
| Exhibit 11 | Email from Mark Kingdon to Tierney and Neumann FW: Boston – legal action, dated November 28, 2001 (SUBP_00137888) |
| Exhibit 12 | Email from Tierney to Lee Feld re: Organic Boston; Agency Vail, dated July 23, 2002 (SUBP_00140832) |
| Exhibit 13 | WF Realty LLC Memorandum from Howard Wendy to Alan J. Robin, Esq., re: Organic Lease – San Francisco, dated October 24, 2001 (OH 00913) |
| Exhibit 14 | Email from Profusek to Marita Scarfi re: LOC extension agreement, dated October 10, 2001 (OH 02595) |
| Exhibit 15 | Email from Profusek to Marita Scarfi re: Organic, Inc. – Revised Intercreditor Agreement and Form of Pledge Agreement, October 30, 2001 (OH 02597) |
| Exhibit 16 | Email from Profusek to Alan Robin re: Omnicom, dated November 14, 2001 (OMC 0057644) |
| Exhibit 17 | Email from Weisenburger to Tierney and Profusek re: Organic, dated October 12, 2001 (OMC 0093055.1) |
| Exhibit 18 | Email from Marita Scarfi to Profusek re: sf lease bank timing, dated on or around November 19, 2001 (OMC 0099062) |
| Exhibit 19 | Email from Profusek to Alan Robin, Profusek <i>et al.</i> re: Revised Second Amendment, dated November 6, 2001 (OMC 0100597) |
| Exhibit 20 | Email from Profusek to Alan Robin, Marita Scarfi <i>et al.</i> re: Second Amendment from Barbara Milanovich (OMC 0100598) |
| Exhibit 21 | Email from Profusek to Marita Scarfi re: LOC extension agreement, dated October 10, 2001 (OMC 0100607-08) |
| Exhibit 22 | Email from Jonathan Nelson to Project O re: SF Real Estate, dated October 19, 2001 (SUBP_00024888) |
| Exhibit 23 | Seneca Formation Documents (Dep. Ex. 158) |
| Exhibit 24 | Second Corrected Expert Report of J.T. Atkins, dated December 18, 2006 |

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| Exhibit 25 | Corrected Rule 26 Statement of Harris Devor, dated December 18, 2006 |
| Exhibit 26 | Preferred Approval, authorizing sale of Razorfish, dated May 1, 2001 (Dep. Ex. 327) |
| Exhibit 27 | Preferred Approvals, authorizing sale of Red Sky Interactive and Dash.com, dated December 31, 2001 (JD_052160-63) |
| Exhibit 28 | Omnicom account registers (Dep. Ex. 67) |
| Exhibit 29 | Funds Transfer request from Tierney to Weisenburger (Dep. Ex. 189) |
| Exhibit 30 | Tierney request for funds from Pegasus Escrow account, signed by Weisenburger (OMC 00113250) |
| Exhibit 31 | Omnicom Group, Inc. Netting Statements: Seneca Escrow, July 2001 (SUBP_00099729 & SUBP_00099759) |
| Exhibit 32 | Deposition Transcript of Wayne Wilson, October 23, 2006 |
| Exhibit 33 | Seneca Investments LLC Tax Form 1065, dated July 25, 2002 (Dep. Ex. 161) |
| Exhibit 34 | Deposition Transcript of Dr. Michael Horvath, April 12, 2007 |
| Exhibit 35 | Second Amended Complaint in <i>Tierney v. Omnicom</i> , No. 06cv14302 (LTS) (S.D.N.Y.), filed July 20, 2007 |
| Exhibit 36 | Deposition Transcript of Michael Tierney, June 16, 2006 |
| Exhibit 37 | Expert Report of Dr. Michael Horvath, dated December 18, 2006 |
| Exhibit 38 | Email from Weisenburger to Bursky re: FW: E-Investment Sales Letters – Revised, March 23, 2001 (Dep. Ex. 353) |
| Exhibit 39 | Akin Gump fax re: Pegasus Partners II, L.P. Distribution, dated April 26, 2002 (Dep. Ex. 162) |
| Exhibit 40 | Seneca Amendment Agreement, dated May 30, 2002 (Dep. Ex. 163) |
| Exhibit 41 | Seneca Draft Financials (Dep. Ex. 236) |
| Exhibit 42 | Revised Valuation Report of Richard May, March 16, 2007 |
| Exhibit 43 | Deposition Transcript of Dylan Haverty-Stacke, September 8, 2006 |
| Exhibit 44 | Memo to Files from Dylan Haverty-Stacke re: Communicade 2000 Internal Audit Review, dated February 8, 2001 (Dep. Ex. 262) |

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| Exhibit 45 | Memo from Angelastro to Neumann, et al. re: Hot Topic Released by Arthur Andersen, dated January 4, 2001 (Dep. Ex. 217) |
| Exhibit 46 | In the Matter of Fleet/Norstar Financial Group, Inc., Accounting and Auditing Release (“AAER”) No. 309 (Aug. 14, 1991) |
| Exhibit 47 | In the Matter of Excel Bancorp, Inc., AAER No. 316 (Sept. 11, 1991) |
| Exhibit 48 | In the Matter of Abington Bancorp Inc., AAER No. 370 (April 22, 1992) |
| Exhibit 49 | In the Matter of Presidential Life Corp., AAER No. 443 (March 1, 1993) |
| Exhibit 50 | Defendants' Third Revised Responses and Objections to Lead Plaintiffs' Revised First Set of Interrogatories, dated June 6, 2006 |
| Exhibit 51 | e-Service Investments Background (Dep. Ex. 126) |
| Exhibit 52 | Memo to Files from Dylan Haverty-Stacke re: OGI - Communicade - Disposition of Pre-Clearance Meeting Agenda, dated February 8, 2001 (Dep. Ex. 320) |
| Exhibit 53 | Unrealized Gain/Loss on Available for Sale Securities for Quarter Ended Dec. 31, 2000 (OMC 0093047-48) |
| Exhibit 54 | Memo from Neumann to Angelastro & Castellaneta with Valuation Analysis of Communicade companies attached, dated April 26, 2001 (Dep. Ex. 243) |
| Exhibit 55 | Deposition Transcript of Jack Benedik, May 16, 2006 |
| Exhibit 56 | Recap of Seneca Transaction Binder, dated June 19, 2002 (Dep. Ex. 180) |
| Exhibit 56 | Red Sky Valuation (OMC 0001078) |
| Exhibit 57 | Email among AA personnel re: disclosure of decline in value of e-investments, March 13, 2001 (Dep. Ex. 125) |
| Exhibit 58 | Deposition Transcript of David Tabak, April 27, 2007 |
| Exhibit 59 | Email from Jerry Neumann to Angelastro & Castellaneta re: Communicade Portfolio, with Communicade Holdings spreadsheet attached, January 8, 2001 (Dep. Ex. 177) |
| Exhibit 60 | Rebuttal Statement of Harris Devor, dated January 18, 2007 |
| Exhibit 61 | Newco Final Term Sheet, dated March 30, 2001 (Dep. Ex. 159) |
| Exhibit 62 | Email from Castellaneta to Angelastro re: Seneca, with a draft of the "e-Service Investments" document attached, January 24, 2002 (Dep. Ex. 175) |

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| Exhibit 63 | Deposition Transcript of Andrew Castellaneta, May 31, 2006 |
| Exhibit 64 | Defendants' Supplemental Responses and Objections to Lead Plaintiff's Contention Interrogatories, dated May 30, 2007 |
| Exhibit 65 | Recap of Seneca Transaction (OMC 0001516-17) |
| Exhibit 66 | Email from Neumann to Nicole Blount re: Razorfish Sales, dated October 2, 2001 (SUBP_00025828-30) |
| Exhibit 67 | Letter from SEC to Barry Wagner with comments on Omnicom's Form S-3 and Form 10-K for 2001, May 10, 2002 (Dep. Ex. 280) |
| Exhibit 68 | EITF D-44: Recognition of Other-Than-Temporary Impairment upon the Planned Sale of a Security Whose Cost Exceeds Fair Value (Dep. Ex. 96) |
| Exhibit 69 | Memo from Kristin Guarneri to Files re: Chronological History of Transactions Regarding Seneca Investments "A-1", March 1, 2003 (Dep. Ex. 90) |
| Exhibit 70 | Presentation to Audit Committee: Evaluation of an "Other than Temporary" Decline in Fair Value of Contributed Assets, July 24, 2002 (Dep. Ex. 89) |
| Exhibit 71 | Deposition Transcript Joseph Verga, May 9, 2006 |
| Exhibit 72 | Background of the Transaction (DRAFT) (Dep. Ex. 103) |
| Exhibit 73 | Red Sky Interactive, Inc., Management Discussion and Analysis for the Month Ended February 28, 2001, (OMC 0032602-06) |
| Exhibit 74 | Email from Weisenburger to Neumann re: GE Capital, dated April 10, 2001 (OMC 0005648-50) |
| Exhibit 75 | Email from Weisenburger to Bruce Redditt, Profusek and Tierney re: Rescheduled Board Meeting, dated April 16, 2001 (OMC 0005658-59) |
| Exhibit 76 | Red Sky Executive Summary: Short Term Recommendations, (OMC 0055226-27) |
| Exhibit 77 | Email from Solomon to Tierney & Neumann re: New Co. Discussion, May 1, 2001 (Dep. Ex. 186) |
| Exhibit 78 | Memo from Jared Solomon to Tierney and Neumann re: 5/8/01 Discussion Notes (SUBP_00012197-99) |
| Exhibit 79 | In re: Red Sky Interactive, Inc., I.D. No. 76-0511003 (Bky. S.D.N.Y.), Affidavit Pursuant to Local Bankruptcy Rule 1007-2, filed July 19, 2001 |

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| Exhibit 80 | Email from Solomon to Tierney & Neumann re: 5/1/01 notes from morning meeting, dated May 1, 2001 (Dep. Ex. 298) |
| Exhibit 81 | Deposition Transcript of Teresa Iannaconi, May 2, 2006 |
| Exhibit 82 | Expert Report of Dr. William Holder, December 18, 2006 |
| Exhibit 83 | Email from Angelastro to Castellaneta & Neumann attaching Communicade Holdings spreadsheet and Net Cash Investments in Dot.coms, dated March 28, 2001 (Dep. Ex. 176) |
| Exhibit 84 | Deposition Transcript of Philip Angelastro, June 13-14, 2006 |
| Exhibit 85 | Relevant Journal Entries Relating to the Seneca Investment (Dep. Ex. 61) |
| Exhibit 86 | Memo from Angelastro to Castellaneta re: Closeout of Communicade, listing the journal entries used to record the Seneca transaction, dated June 25, 2002 (Dep. Ex. 530) |
| Exhibit 87 | Defendants' Reply Memorandum of Law in Support of Motion to Dismiss, filed November 14, 2003 (Dep. Ex. 539) |
| Exhibit 88 | Memo from Jack Benedik to Files re: Seneca Investments LLC, dated February 5, 2002 (Dep. Ex. 129) |
| Exhibit 89 | Background of the Transaction "A-2" (Dep. Ex. 97) |
| Exhibit 90 | Email from Angelastro to Maureen Melley re: for phil, dated May 17, 2002 with attachments (OMC 0008464-78) |
| Exhibit 91 | Minutes of a Special Joint Meeting of Omnicom's Audit and Finance Committees, May 30, 2002 (Dep. Ex. 255) |
| Exhibit 92 | Deposition Transcript of J.T. Atkins, March 8, 2007 |
| Exhibit 93 | Email from Neumann to Weisenburger re: Seneca Cash Flow, October 19, 2001 (Dep. Ex. 350) |
| Exhibit 94 | Letter from Wren, Weisenburger, and Angelastro (OMC) to KPMG re: Review of quarterly financial information focusing on Seneca ("Rep Letter" B-6), August 12, 2002 (Dep. Ex. 91) |
| Exhibit 95 | Management Rep Letter, February 18, 2002 (Dep. Ex. 130) |
| Exhibit 96 | Deposition Transcript of Harris Devor, April 18, 2007 |
| Exhibit 97 | Deposition Transcript of Wayne Reuvers, September 14, 2006 |

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| Exhibit 98 | Pegasus Partners II, LP – Cash Inflows and Outflows: E-Services (PEG-OM0001857) |
| Exhibit 99 | Not Used |
| Exhibit 100 | Holder Deposition Transcript, April 20, 2007 |
| Exhibit 101 | Deposition Transcript of Suh, October 13, 2006 |
| Exhibit 102 | Deposition Transcript of Kingdon, November 17, 2005 |
| Exhibit 103 | Deposition Transcript of Rayport, May 11, 2006 |
| Exhibit 104 | Deposition Transcript of Weisenburger, September 12-13, 2006 |
| Exhibit 105 | Rebuttal Report of J.T. Atkins, January 18, 2007 |
| Exhibit 106 | Email from Andrew Levine to Working Group re: Seneca closing documents with blackline version of Seneca Organization & Operating Agreement, dated May 2, 2001 (Dep. Ex. 293) |
| Exhibit 107 | Letter of understanding from Communicade to Pegasus Partners, dated March 20, 2001 (Dep. Ex. 160) |
| Exhibit 108 | Memo from Profusek to Weisenburger, Angelastro & Kevin Conzelmann with Seneca LOI and Term Sheet, dated March 12, 2001 (Dep. Ex. 296) |
| Exhibit 109 | Memo from Profusek to Weisenburger, Angelastro & Conzelmann with Seneca LOI and Term Sheet, dated March 12 & 13, 2001 (Dep. Ex. 297) |
| Exhibit 110 | Memo from Weisenburger to Profusek re: E-Service Opportunity Fund, dated March 9, 2001 (Dep. Ex. 351) |
| Exhibit 111 | Letter of Intent and Term Sheets, dated March 17, 2001 (OMC 0110686-94) |
| Exhibit 112 | e-Services Deal Value Sheet (OMC 0005983) |
| Exhibit 113 | E-Service Investments - Attachment 2 (JD 049447) |
| Exhibit 114 | Deposition Transcript of Gerard Neumann, June 1, 2006 |
| Exhibit 115 | Deposition Transcript of Profusek, November 3, 2006 |
| Exhibit 116 | Rebuttal Report of Richard May, dated January 18, 2006 |
| Exhibit 117 | Letter from Wren, Weisenburger, and Angelastro (OMC) to KPMG re: Review of quarterly financial information focusing on Seneca ("Rep Letter" B-2), dated November 11, 2002 (Dep. Ex. 261) |

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| Exhibit 118 | Memo from Neumann to Weisenburger re: Seneca Cash Needs, March 22, 2002 (Dep. Ex. 303) |
| Exhibit 119 | Letter from Charles Carberry to the SEC re: Omnicom's additional materials, dated June 27, 2002 (Dep. Ex. 333) |
| Exhibit 120 | Omnicom Historical Stock Prices (Dep. Ex. 269) |
| Exhibit 121 | Rebuttal Report of Dr. Scott Hakala, dated January 18, 2007 |
| Exhibit 122 | Deposition Transcript of Scott Hakala, April 25, 2007 |
| Exhibit 123 | Deposition Transcript of Kenneth Lehn, May 4, 2007 |
| Exhibit 124 | Expert Report of Kenneth Lehn, December 18, 2006 |
| Exhibit 125 | Expert Report of Dr. Scott Hakala, December 18, 2006 |
| Exhibit 126 | Rebuttal Report of Kenneth Lehn, January 18, 2007 |
| Exhibit 127 | Email from Neumann to Chris Butler re: introducing bill and jerry, dated June 19, 2001 (Dep. Ex. 190) |
| Exhibit 128 | Salomon Smith Barney Research Report, <i>OMC: Real Story – Reiterate Buy</i> , dated June 6, 2002 |
| Exhibit 129 | <i>The Wall Street Journal</i> : Leading the News: Omnicom Director Quits Due to Entity Concerns, June 10, 2002 (Dep. Ex. 253) |
| Exhibit 130 | Deposition Transcript of Robert Callander, April 25, 2006 |
| Exhibit 131 | Letter from David Beim to Robert Callander re: thoughts on Omnicom transactions, dated May 9, 2002 (Dep. Ex. 82) |
| Exhibit 132 | E-mail from Robert Callander to John Wren re: Seneca, dated May 21, 2002 (Dep. Ex. 84) |
| Exhibit 133 | Transcript of Omnicom Conference Call held June 12, 2002 (Dep. Ex. 387) |
| Exhibit 134 | <i>Chicago Tribune</i> – “Omnicom is counting out on its accounting,” June 13, 2002 |
| Exhibit 135 | <i>Advertising Age</i> – “Nothing to Hide,” June 17, 2002 |
| Exhibit 136 | Communicade Holdings Charts (Dep. Ex. 169) |
| Exhibit 137 | e-Service Investments Deal Value Table and notes (Dep. Ex. 324) |

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| Exhibit 138 | Memo to files from Dylan Haverty-Stacke re: OGI - Consideration of Accounting for Communicade Investments as Cost or Equity Basis, February 9, 2001 (Dep. Ex. 123) |
| Exhibit 139 | Letter from Jones Day to the SEC responding to the SEC's Comment Letter on Omnicom's S-3 & 2001 10-K, dated May 21, 2002 (Dep. Ex. 282) |
| Exhibit 140 | Arthur Andersen Worksheets Reviewing Communicade Holdings (AA0016783-84) |
| Exhibit 141 | Defendants' Supplemental Objections and Responses to Plaintiff's Requests for Admissions, May 30, 2007 |
| Exhibit 142 | Excerpt from Agency.com's Definitive Proxy Statement, dated April 30, 2001 (SUBP_00101279-85) |
| Exhibit 143 | Deposition Transcript of John Wren, October 25-27, 2006 |
| Exhibit 144 | Deposition Transcript of Chan Suh, October 12, 2005 |
| Exhibit 145 | Agency.com Presentation "Management Upd," dated February 5, 2001 (Dep. Ex. 6) |
| Exhibit 146 | Minutes of a Regular Meeting of the Board of Directors of Agency.com Ltd., dated March 21, 2001 (Dep. Ex. 7) |
| Exhibit 147 | Director Materials: Meeting of the Board of Directors of Agency.com, March 21, 2001 (OMC 0056314-401) |
| Exhibit 148 | Email from Angelastro to Weisenburger re: Agency.com, , February 27, 2001 (OMC 0054092) |
| Exhibit 149 | Minutes of the February 7, 2001 Organic Board Meeting (Dep. Ex. 15) |
| Exhibit 150 | Minutes of the March 28, 2001 Organic Board Meeting (Dep. Ex. 21) |
| Exhibit 151 | E-mail from Mark Kingdon to Neumann cc: R. Weisenburger <i>et al.</i> re: Organic projections, February 16, 2001 (Dep. Ex. 34) |
| Exhibit 152 | E-mail from Jonathan Nelson to Wren re: Couple Things, dated March 9, 2001 (Dep. Ex. 35) |
| Exhibit 153 | E-mail from Mark Kingdon to Neumann re: OGNC, dated March 9, 2001 (Dep. Ex. 17) |
| Exhibit 154 | E-mail from Mark Kingdon to Neumann, M. Hudes, J. Nelson & S. Field re: Materials for tomorrow, dated March 20, 2001 (Dep. Ex. 36) |

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| Exhibit 155 | Memorandum from Profusek to Tierney and Neumann re: Communicade Directorships, dated May 1, 2001 (SUBP_00096638) |
| Exhibit 156 | Minutes of the Meeting of the Board of Directors of Healthology, Inc., March 13, 2001 (SUBP_00130577-80) |
| Exhibit 157 | Minutes of the Meeting of the Board of Directors of Healthology, Inc., January 24, 2001 (SUBP_00130581-84) |
| Exhibit 158 | Minutes of the Meeting of the Board of Directors of Healthology, Inc., February 28, 2001 (SUBP_00130586-88) |
| Exhibit 159 | Email from Weisenburger to Allen Chi re: Dash.com Board of Directors Meeting at 9am, Monday, January 22, 2001, dated January 21, 2001 (OMC 0005127) |
| Exhibit 160 | Email from Weisenburger to Allen Chi re: Dash.com Board of Directors Meeting at 9am, Monday, January 22, 2001, dated January 21, 2001 (OMC 0005130-31) |
| Exhibit 161 | Email from Dan Kaufman to Neumann re: Materials that were recently distributed to dash's Board and principal investors, dated May 9, 2001 (SUBP_00054916-97) |
| Exhibit 162 | Email from Tierney to Bruce Redditt, Neumann, Weisenburger, Profusek, Solomon, cc: Angelastro, Wren <i>et al.</i> re: Recruitsoft, dated January 10, 2001 (OMC 0093482) |
| Exhibit 163 | Email from Tierney to Tom Harrison, Weisenburger and Wren re: E Health Companies, dated January 25, 2001 (OMC 0006521-25) |
| Exhibit 164 | Email from Tierney to Tom Harrison, Weisenburger and Wren re: E Health Companies, dated January 30, 2001 (OMC 0006526-29) |
| Exhibit 165 | Email from Tierney to Tom Harrison, Weisenburger and Wren re: E Health Companies, dated February 8, 2001 (OMC 0006530) |
| Exhibit 166 | Handwritten note to Weisenburger from Bruce Redditt, attaching IP Networks presentation, dated January 30, 2001 (OMC 0019818-22) |
| Exhibit 167 | Email from Bruce Redditt to Weisenburger re: IP Networks and the Schwartzman's, dated February 20, 2001 (OMC 0087856-57) |
| Exhibit 168 | Memorandum from Tierney to Wren and Weisenburger re: Communicade Interactive Agencies, dated March 5, 2001 (Dep. Ex. 315) |

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| Exhibit 169 | Email from Tierney to Weisenburger, Profusek, Redditt, cc: Wren and Tom Watson, re: Pegasus, dated April 16, 2001 (OMC 0086888) |
| Exhibit 170 | Email from Weisenburger to Tierney, re: Recruitsoft, dated December 24, 2000 (OMC 0064322-23) |
| Exhibit 171 | Email from Tierney to Neumann, Weisenburger, Profusek <i>et al.</i> , cc: Angelastro, Wren <i>et al.</i> re: Recruitsoft, dated January 10, 2001 (OMC 0093440) |
| Exhibit 172 | Email from Tierney to Wren Weisenburger and Redditt, re: RecruitSoft, Third Round of Financing, dated November 10, 2000 (OMC 0066637-39) |
| Exhibit 173 | Email from Tierney to Solomon, cc: Weisenburger, Profusek, Redditt, Neumann, Wren, Angelastro <i>et al.</i> , re: RecruitSoft, Third Round of Financing, dated January 18, 2001 (OMC 0093486) |
| Exhibit 174 | Email from Neumann to Castellaneta and Angelastro re: portfolio, dated March 5, 2001 (Dep. Ex. 221) |
| Exhibit 175 | <i>Bloomberg.com</i> : SonicBlue to Buy ReplayTV for \$120 Mln, Cuts 400 Jobs (Update2), dated February 1, 2001 (JD 044916) |
| Exhibit 176 | Email from Weisenburger to Neumann re: ReplayTV, dated February 11, 2001 (JD 03305) |
| Exhibit 177 | Agreement and Plan of Merger by and among SonicBlue Incorporated, ReplayTV, Inc. and Rewind Acquisition Corp., dated as of March 23, 2001 (MD 05800-05949) |
| Exhibit 178 | Email from Weisenburger to Jim Beck re: Live technology, dated January 14, 2001 (OMC 0104465) |
| Exhibit 179 | Email from Weisenburger to Jim Beck cc: Dale Adams re: Unpaid balance, dated May 03, 2001 (OMC 0005693-95) |
| Exhibit 180 | Presentation: Cash BOD Meeting Discussion, January 22, 2001 (OMC0005108-11) |
| Exhibit 181 | Memorandum from Ken Campbell to Tom Huang re: Dash review, dated May 1, 2001 (SUBP_00055396-99) |
| Exhibit 182 | Email from Redditt to Tom Carey, Tierney, and Neumann re: IP Networks and the Schwartzman's, dated February 22, 2001 (OMC 0087979-81) |
| Exhibit 183 | Email from Weisenburger to Tierney, cc: Profusek re: Recruitsoft, dated January 11, 2001 (OMC 0094599.1-600.1) |

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| Exhibit 184 | Handwritten cover memo from Profusek to Weisenburger attaching Revised NewCo Term Sheet, etc. (Dep. Ex. 352) |
| Exhibit 185 | Deposition Transcript of Thomas Campbell, November 7, 2006 |
| Exhibit 186 | Not Used |
| Exhibit 187 | Memorandum from Profusek to Weisenburger re: E-investment Sales, dated March 2, 2001 (Dep. Ex. 429) |
| Exhibit 188 | Email from Andrew Levine to Bursky <i>et al.</i> , cc: Weisenburger, Profusek, Thomas Bark re: Revised Pegasus Documents, dated March 29, 2001 (Dep. Ex. 454) |
| Exhibit 189 | Email from Andrew Levine to Bursky, Mendelsohn and Pesner re: Pegasus, dated March 30, 2001 (PEG-OM 0001861) |
| Exhibit 190 | Press Release: Pegasus and Omnicom to Form E-Services Holding Company, dated April 2, 2001 (SUBP_00108531) |
| Exhibit 191 | Minutes of the Meeting of the Board of Directors of Omnicom Group Inc., March 29, 2001 (Dep. Ex. 75) |
| Exhibit 192 | Deposition Transcript of Bruce Crawford, June 7-8, 2006 |
| Exhibit 193 | Email from Jim McGuire to Barry Wagner, dated April 20, 2001 (OMC 0054796) |
| Exhibit 194 | Fax from Linda Mihok to Bursky, dated May 2, 2001, of signature pages (PEG-OM 0000247-54) |
| Exhibit 195 | Letter from J. Erik Sandstedt to Hon. Michael H. Dolinger, dated December 1, 2005, re: <i>In re Omnicom Group, Inc. Securities Litigation</i> , 02-CV-4483 (RCC) |
| Exhibit 196 | Memorandum of Law in Support of Motion to Dismiss Consolidated Class Action Complaint, filed on behalf of Defendants July 30, 2003 |
| Exhibit 197 | Memorandum from Neumann to Weisenburger, cc: Tierney re: Seneca Management Fee, dated November 3, 2003 (SUBP_00100016-17) |
| Exhibit 198 | Omnicom Group Inc. Form 10-Q for the Quarter Ended March 31, 2001 (Dep. Ex. 289) |

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| Exhibit 199 | Omnicom Group Inc. Form 10-Q for the Quarter Ended March 31, 2001 (Dep. Ex. 356) |
| Exhibit 200 | Omnicom Group Inc. Form 10-Q for the Quarter Ended June 30, 2001 (Dep. Ex. 357) |
| Exhibit 201 | Omnicom Group Inc. Form 10-Q for the Quarter Ended November 30, 2001 (Dep. Ex. 254) |
| Exhibit 202 | Omnicom Group Inc. Form 10-Q for the Quarter Ended November 30, 2001 (Dep. Ex. 358) |
| Exhibit 203 | Email from Tierney to Neumann and Redditt, re: Communicade Reorganization, dated December 11, 2000 (Dep. Ex. 396) |
| Exhibit 204 | Email from Andrew Levine to, <i>inter alia</i> , Bursky, Weisenburger, Profusek, Angelastro, Tierney, Neumann, re: Seneca, dated May 2, 2001 (Dep. Ex. 187) |
| Exhibit 205 | Facsimile Transmission from Profusek to Akin Gump, Jones Day and Tierney, dated April 19, 2001, attaching revised agreements (OMC 0060389-420) |
| Exhibit 206 | Final Agency.com Ltd. Proxy, dated October 2, 2001 (Dep. Ex. 113) |
| Exhibit 207 | Letter from Tierney to the Board of Directors of Agency.com Ltd., dated May 14, 2001 (Dep. Ex. 3) |
| Exhibit 208 | SEC Schedule TO relating to Organic, Inc., effective December 5, 2001 (Dep. Ex. 19) |
| Exhibit 209 | Letter from Tierney to Organic Inc., dated December 4, 2001 (Dep. Ex. 49) |
| Exhibit 210 | Draft Letter from Neumann to Tierney regarding restricted stock, dated March 2002 |
| Exhibit 211 | Draft Minutes of a Special Meeting of the Board of Directors of Omnicom Group Inc., held on June 16, 2002 (OMC 0043645-47) |
| Exhibit 212 | Seneca Statement on Schedule 13D relating to ownership of Agency.com securities, filed May 14, 2001 |
| Exhibit 213 | Collection of Bills, Expenses and Receipts for Communicade/Seneca |
| Exhibit 214 | Collection of Emails from "Cash Desk" to Neumann, attaching Omnicom Capital statements of account for Communicade/Seneca (SUBP_00055858-67, SUBP_00029417-26, SUBP_00035604-14) |
| Exhibit 215 | Collection of DDB Invoices |

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| Exhibit 216 | AT&T Wireless Services Statement for the account of Gerard Neumann at Omnicom in 2001 and 2002 |
| Exhibit 217 | Collection of Xerox Invoices |
| Exhibit 218 | Furniture Rental Associates, Inc. Invoices (SUBP_00108065-66) |
| Exhibit 219 | Collection of Omnicom/DDB Invoices |
| Exhibit 220 | Horticultural Creations Invoices |
| Exhibit 221 | Collection of Omnicom Shipping Requests and other Invoices |
| Exhibit 222 | Collection of Bills and Invoices from September to December 2001 |
| Exhibit 223 | Collection of documents relating to Employee benefits, D&O insurance, health, employee stock purchase, health club memberships |
| Exhibit 224 | Omnicom Corporate Telephone Directories for July 2001 and June 2002 |
| Exhibit 225 | Email from Neumann to Tierney, re: RAZF, dated June 28, 2001 (SUBP_00026125) |
| Exhibit 226 | Seneca Cash Needs table for September/October 2001 (SUBP_00125272-73) |
| Exhibit 227 | Memorandum from Neumann to Weisenburger re: Seneca Cash Needs, dated March 22, 2002 (Dep. Ex. 207) |
| Exhibit 228 | Employment Termsheet for Michael Tierney (Dep. 316) |
| Exhibit 229 | Collection of Documents Relating to Omnicom Restricted Stock Awards |
| Exhibit 230 | Collection of Documents Relating to Omnicom's Employee Stock Purchase Plan |
| Exhibit 231 | Email from Tierney to Wren and Weisenburger, re: Organic, Senior Management Compensation, dated January 29, 2002 (Dep. Ex. 204) |
| Exhibit 232 | Email from Patty Koedatich to Tierney, cc: Weisenburger re: Organic, Senior Management Compensation, dated February 1, 2002 (Dep. Ex. 399) |
| Exhibit 233 | Collection of correspondence between Omnicom senior management and Seneca |
| Exhibit 234 | Collection of emails between Omnicom senior management and Seneca regarding Red Sky |

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| Exhibit 235 | Email from Neumann to A. Levine, re: ABC Employment Agreements, dated May 16, 2001 |
| Exhibit 236 | Collection of emails between Omnicom senior management and Seneca regarding possible investments |
| Exhibit 237 | Defendants' Objections and Responses to Plaintiff's Requests for Admissions, May 7, 2007 |
| Exhibit 238 | Collection of emails between Omnicom senior management and Seneca regarding taking Organic private |
| Exhibit 239 | Memorandum from Tierney to Wren and Weisenburger re: Agency and Organic Office-by-Office Comparisons, dated May 6, 2002 (Dep. Ex. 401) |
| Exhibit 240 | Documents reflecting Tierney's continued employment at Omnicom |
| Exhibit 241 | Collection of documents regarding Seneca's inclusion in Omnicom benefit plans |
| Exhibit 242 | Collection of documents relating to Omnicom's Staff Performance Appraisals of Seneca employees |
| Exhibit 243 | Collection of documents reflecting third parties' beliefs that Seneca acted in Omnicom's interest |
| Exhibit 244 | Collection of documents reflecting Tierney's and Neumann's belief that their jobs did not change upon formation of Seneca |
| Exhibit 245 | Collection of documents relating to confusion between Seneca's and Omnicom's separate identities |
| Exhibit 246 | Emails showing Seneca identifying itself as a division of Omnicom |
| Exhibit 247 | Emails showing Tierney's regular attendance at Omnicom staff meetings |
| Exhibit 248 | Agency.com Preliminary Proxy Statement, filed August 10, 2001 (Dep. Ex. 2) |
| Exhibit 249 | Deposition Transcript of Michael Tierney in <i>Schneider v. Dinallo</i> (Dep. Ex. 305) |
| Exhibit 250 | Emails showing involvement of Wren, Weisenburger and Profusek in Agency Management Buyout post-Seneca Formation |
| Exhibit 251 | Emails showing involvement of Wren, Weisenburger and Profusek in Agency Going-Private Transaction post-Seneca Formation |

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| Exhibit 252 | Email from Profusek to James Imbriacco (Agency) re: Concepts for Discussion, dated May 10, 2001 |
| Exhibit 253 | Email from Amir Goldstein to Weisenburger, Patty Koedatich and Mody Kidon, re: Investors Proportion in Botticelli, dated January 21, 2002 (Dep. Ex. 400) |
| Exhibit 254 | Emails from Wren, Weisenburger and Profusek to Organic Management regarding share buyout pre-Seneca |
| Exhibit 255 | Emails showing frequent contact between Defendants and Seneca regarding Seneca investments post-Seneca |
| Exhibit 256 | Email from Weisenburger to Profusek re: Special Committee Questions, dated May 04, 2001 (OMC 0005690.1-91.1) |
| Exhibit 257 | Deposition Transcript of Jonathan Nelson, November 30, 2005 |
| Exhibit 258 | Email Jonathan Nelson to Wren, re: Organic Request, dated November 19, 2001 (Dep. Ex. 314) |
| Exhibit 259 | Collection of emails showing involvement of Weisenburger, Wren and Angelastro post-Seneca in negotiating the buyout of Organic management's majority stake in Organic |
| Exhibit 260 | Collection of emails showing involvement of Weisenburger, Wren and Angelastro, <i>inter alia</i> , in post-Seneca discussions regarding Seneca's handling of its Organic investment |
| Exhibit 261 | Email from Mark Kingdon to Weisenburger, no subject, dated December 22, 2001 (OMC 0005730) |
| Exhibit 262 | Collection of documents showing Omnicom's intent to gain 100% ownership of Agency and Organic |
| Exhibit 263 | Letter from Jones Day to AS&TC, dated May 4, 2001, regarding Razorfish legend removal (JD 051331-36) |
| Exhibit 264 | Documents reflecting Seneca's sale of its Razorfish investment |
| Exhibit 265 | Razorfish Sales – August 2001 (JD 001427) |
| Exhibit 266 | Jones Day Opinion Letter, dated February 6, 2002 (Dep. Ex. 106) |
| Exhibit 267 | Documents reflecting guarantees, loans, and letters of credit from Omnicom to Seneca and its investees |

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| Exhibit 268 | Omnicom Form 4 relating to Agency.com Ltd., reporting May 2, 2001 Transaction (Dep. Ex. 535) |
| Exhibit 269 | Omnicom Form 4 relating to Agency.com Ltd., reporting May 2, 2001 Transaction (Dep. Ex. 536) |
| Exhibit 270 | Omnicom Form 4 relating to Razorfish, Inc. , reporting May 2, 2001 Transaction (Dep. Ex. 537) |
| Exhibit 271 | KPMG Memorandum entitled “Seneca Accounting” (KPMG 00060) |
| Exhibit 272 | KPMG Memo to Files, From Kristin Guarneri, cc: T. Iannaconi, Chronological History of Transactions Regarding Seneca Investments – December 31, 2003, dated March 2004 (KPMG 02472-85) |
| Exhibit 273 | Letter from C. Carberry to the SEC re: In the Matter of Omnicom Group Inc. (MHO-9506), dated June 17, 2002 (OMC 0000002-05) |
| Exhibit 274 | Draft Minutes of the May 30, 2002 Joint Finance Committee and Audit Committee (Dep. Ex. 538) |
| Exhibit 275 | Excerpts of Paragraph 172 of the Corrected Consolidated Class Action Complaint and the Defendants’ Answer thereto |
| Exhibit 276 | Email from Patty Koedatich to Francesca Leonardini and Bruce Redditt, re: File, dated June 14, 2002 (OMC 0013492-508) |
| Exhibit 277 | Email from S. Feuchtwanger to P. Koedatich, no subject, dated June 04, 2002 (Dep. Ex. 289) |
| Exhibit 278 | Deposition Transcript of Robert Davis, October 17, 2005 |
| Exhibit 279 | Jones Day Opinion Letter, dated February 18, 2002 (Dep. Ex. 107) |
| Exhibit 280 | “Fair Value of Seneca Investments LLC, as of December 31, 2001,” (Dep. Ex. 133) |
| Exhibit 281 | Amended Complaint, filed in <i>Tierney v. Omnicom Group Inc.</i> , No. 06 Civ. 14302 (LTS), filed February 16, 2007 (Dep. Ex. 540) |
| Exhibit 282 | Jones Day Opinion Letter, dated July 8, 2002 (Dep. Ex. 104) |
| Exhibit 283 | Draft Seneca Investments LLC Financial Statements: Period Ended December 31, 2001 (Dep. Ex. 137) |
| Exhibit 284 | Deposition Transcript of Daniel DiDomenico, May 18, 2006 |

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| Exhibit 285 | Engagement letter from Murray Devine Co. to Weisenburger, dated January 17, 2002 (Dep. Ex. 134) |
| Exhibit 286 | Email from Neumann to Daniel DiDomenico, re: Comments on Draft Report, dated February 25, 2002 (SUBP_00032590) |
| Exhibit 287 | Christopher Saunders, "Seneca to Merge Red Sky, Agency.com," Internet.commerce, October 4, 2001 (SUBP_00110582-84) |
| Exhibit 288 | Email from Weisenburger to Profusek and Tierney, re: Agency 3Q01 Write Down, dated August 30, 2001 (Dep. Ex. 226) |
| Exhibit 289 | Email from Neumann to DiDomenico, re: Cell Phone, dated May 29, 2002 (Dep. Ex. 225) |
| Exhibit 290 | Folder containing Murray Devine Co.'s June 2002 valuation of Seneca (Dep. Ex. 136) |
| Exhibit 291 | Email from D. Haverty-Stacke to Neumann, cc: Tierney, Castellaneta and Benedik, re: Meeting, dated November 28, 2001 (Dep. Ex. 127) |
| Exhibit 292 | Email from Neumann to Tierney re: Meeting, dated November 12, 2001 (Dep. Ex. 323) |
| Exhibit 293 | Facsimile Transmission from Profusek to Wayne Reuvers, <i>et al.</i> , dated November 9, 2001, transmitting revised Joint Development Agreement (Dep. Ex. 371) |
| Exhibit 294 | Email from Profusek to Weisenburger, re: LiveTech, dated October 24, 2001 (Dep. Ex. 344) |
| Exhibit 295 | Joint Development Agreement, as of July 1, 2001 (Dep. Ex. 233) |
| Exhibit 296 | Seneca Investments Inc., Book/Tax Rec on Sale of Investments, Year Ended 12/31/2001 (SUBP_00107880) |
| Exhibit 297 | Share Purchase Agreement, dated November 13, 2001 (Dep. Ex. 234) |
| Exhibit 298 | Email from Neumann to Wayne Reuvers re: Current Projects, dated November 26, 2001 (Dep. Ex. 199) |
| Exhibit 299 | Comments on October 26, 2001 draft Joint Development Agreement (Dep. Ex. 369) |
| Exhibit 300 | Seneca Receipts and Disbursements Spreadsheet, May-01 to Dec-01 (SUBP_00125221) |

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| Exhibit 301 | Email from Profusek to K. Conzelmann, cc: Weisenburger re: Seneca, dated October 29, 2001 (Dep. Ex. 349) |
| Exhibit 302 | Email from Levine to Wayne Reuvers re: LiveWeb Docs, dated January 15, 2002 (OMC0034065) |
| Exhibit 303 | Email from Levine to Wayne Reuvers re: LiveWeb Docs, dated January 15, 2002 (Dep. Ex. 468) |
| Exhibit 304 | Summary titled "The Preferred" (OMC 0031501) |
| Exhibit 305 | Amendment to Charter of Seneca Investments LLC, dated February 1, 2002 (JD 050499-504) |
| Exhibit 306 | Omnicom Annual Report and Form 10-K for 1999 (Dep. Ex. 247) |
| Exhibit 307 | The Street.com, "At Omnicom, an Ad Shop Turns Venture Capitalist," dated December 15, 1999 |
| Exhibit 308 | Memo to the Files, from Dylan Haverty-Stacke re: Omnicom Group Inc. – Consideration of carrying value of certain Communicade investments – A: 12/31/00, dated February 15, 2001 (Dep. Ex. 322) |
| Exhibit 309 | Collection of Communicade Portfolio Models, dated February and March 2001 |
| Exhibit 310 | Memorandum from Angelastro to Neumann, Profusek, Redditt, Tierney and Weisenburger re: Hot Topic Released by Arthur Andersen, dated January 4, 2001 (Dep. Ex. 263) |
| Exhibit 311 | Memo to the Files, from Kathleen Eagan, Kimberly Kochen Horton and Brian Sullivan re: Analysis of AP-125 Fraud Risk Factors, dated December 1, 2000 (updated February 14, 2001) (Dep. Ex. 120) |
| Exhibit 312 | Email from Weisenburger to Neumann re: draft term sheet and cap table for restructuring, dated November 20, 2000 (Dep. Ex. 449) |
| Exhibit 313 | Email from David Katzman to Allen Chi, no subject, dated November 21, 2000 (OMC 0090381) |
| Exhibit 314 | Email from Allen Chi to Nicole Blount re: Upcoming Board Meeting, dated December 11, 2000 (OMC 0090336-42) |
| Exhibit 315 | Email from Neumann to Solomon, re: ReplayTV Q3 Financial Statements, dated November 17, 2000 (OMC 0066711-13) |

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| Exhibit 316 | Email from Neumann to Redditt, Weisenburger, Thomas Bark, Andy Levine, Profusek and Angelastro re: ReplayTV, dated November 27, 2000 (OMC 0089199-200) |
| Exhibit 317 | Email from Neumann to Redditt, Weisenburger, Tierney, Solomon, Profusek, Angelastro re: ReplayTV, dated November 28, 2000 (OMC 0089201) |
| Exhibit 318 | Faxed letter from Mark Jackson of EchoStar Technologies Corp. to Anthony Wood, CEO of ReplayTV re: Acquisition of ReplayTV, Inc., dated November 27, 2000 (JD 013966-67) |
| Exhibit 319 | Email from Allen Chi to Profusek, re: LiveTech Spend, dated October 13, 2000 (OMC 0092596) |
| Exhibit 320 | Email from Castellaneta to Mark Espiritu re: Communicade Transfers, dated November 16, 2000 (OMC 0062446-47) |
| Exhibit 321 | Email from Allen Chi to Shawn Hagedorn re: 001217 12Mth Rev Projection2.5.xls, dated December 19, 2000 (OMC 0090246-74) |
| Exhibit 322 | Merrill Lynch Research Bulletin, Omnicom Group Inc., <i>26th Consecutive Positive Surprise; 7th Year of 20% Growth</i> , dated February 20, 2001 (Dep. Ex. 395) |
| Exhibit 323 | Salomon Smith Barney Research Report, Omnicom Group Inc., <i>OMC: Strong Numbers</i> , dated February 20, 2001 (Dep. Ex. 397) |
| Exhibit 324 | Cardona, Mercedes, Advertising Age, "Agencies see slower Q1," April 30, 2001 (Dep. Ex. 72) |
| Exhibit 325 | Stock Transfer Agreement, dated December 29, 2000 (Dep. Ex. 272) |
| Exhibit 326 | Highland Investments Organization Chart (Dep. Ex. 325) |
| Exhibit 327 | Email from Carol Hall to Weisenburger, re Expense Summary/Cash Statement 7/31/02, dated August 2, 2002 (Dep. Ex. 326) |
| Exhibit 328 | Merrill Lynch Account Opening or Maintenance Request for Re view, Account Name: Chaucer Investments Co. (Dep. Ex. 435) |
| Exhibit 329 | Memo to the Files from Lisa Hartman and Matthew Askins re: Related Party Transactions, January 7, 2002, as amended February 14, 2002 (Dep. Ex. 122) |
| Exhibit 330 | Merrill Lynch, Certification of Authority for Limited Liability Companies for Carol Hall, Chaucer Investments Co. LLC (Dep. Ex. 473) |

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| Exhibit 331 | Communicade Investment Company of Nevada, Inc. and Bernard Hodes Group Inc. – Sale of Stock of AnswerThink, Inc., HeadHunter.Net, Inc., L90, Inc., and Netcentives, Inc. (Dep. Ex. 442) |
| Exhibit 332 | Email from Weisenburger to Carol Hall re: Chaucer Transactions, dated March 28, 2001 (Dep. Ex. 242) |
| Exhibit 333 | Memo to Files, from Neumann and Castellaneta re: Communicade basket sale, dated December 29, 2000 updated through February 8, 2001 (Dep. Ex. 168) |
| Exhibit 334 | Chart: “Communicade Restructure” (JD 038211) |
| Exhibit 335 | Enclosure memo from Andrew Levine to Campbell re: Transfer Documentation, dated February 9, 2001, enclosing Stock Transfer Agreement |
| Exhibit 336 | Attachment A, communicade basket.xls 02/09/01 (Dep. Ex. 268) |
| Exhibit 337 | Stock Transfer Agreement, dated December 29, 2000 (Dep. Ex. 273) |
| Exhibit 338 | Email from D. Haverty-Stacke to Michele Marino re: Communicade, dated February 10, 2001 (Dep. Ex. 124) |
| Exhibit 339 | Communicade Inc Full Scope Audit, December 31, 2000: Subsequent Events Review (Dep. Ex. 265) |
| Exhibit 340 | Memo to the File from Michele Marino re: AA Full Scope Audit of Communicade, Inc., February 5, 2000 (Dep. Ex. 321) |
| Exhibit 341 | Memo to the Files from Neumann and Castellaneta re: Communicade basket sale, dated December 29, 2000 updated through February 8, 2001 (Dep. Ex. 168A) |
| Exhibit 342 | Cover Sheet: Updated Chaucer Sale (Dep. Ex. 168B) |
| Exhibit 343 | Option Agreement, dated December 29, 2000 (Dep. Ex. 241) |
| Exhibit 344 | Option Agreement, dated December 29, 2000 (Dep. Ex. 432) |
| Exhibit 345 | General – Omnicom Option Agreement.doc Prope... (Dep. Ex. 433) |
| Exhibit 346 | Expert Report of Richard Goldberg, December 18, 2006 |
| Exhibit 347 | Rule 26 Statement and Report of John B. McElhatton, December 18, 2006 |
| Exhibit 348 | Acknowledgement from Omnicom Group Inc. to Chaucer Investments Co., LLC, re: Option Agreement, dated February 9, 2001 |

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| Exhibit 349 | Acknowledgement pursuant to the Stock Transfer Agreement, dated March 16, 2001 (Dep. Ex. 437) |
| Exhibit 350 | Merrill Lynch Statement as of March 30, 2001 for Chaucer Investments Co. LLC (Dep. Ex. 439) |
| Exhibit 351 | Memo from Profusek to Angelastro re: Chaucer Option, dated March 16, 2001 (Dep. Ex. 440) |
| Exhibit 352 | Omnicom <u>news</u> News Release, dated February 20, 2001 (OMC 0032150) |
| Exhibit 353 | Business Wire, <i>Omnicom Group Announces Fourth Quarter Results</i> , dated February 20, 2001 |
| Exhibit 354 | Merrill Lynch Statement as of April 30, 2001 for Chaucer Investments Co. LLC (ML 0000521-604) |
| Exhibit 355 | Merrill Lynch Statement as of May 31, 2001 for Chaucer Investments Co. LLC (ML 0000605-742) |
| Exhibit 356 | ARCH_TRANSACTIONS (OMC 0113704-08) |
| Exhibit 357 | Omnicom Schedule 13D/A (Amendment No. 7), dated May 2, 2001 (Dep. Ex. 441) |
| Exhibit 358 | Acknowledgement, dated as of April 30, 2001 referring to the Stock Transfer Agreement dated December 29, 2000 (Dep. Ex. 443) |
| Exhibit 359 | Omnicom Schedule 14D-9 regarding HeadHunter.Net, Inc., filed August 24, 2001 |
| Exhibit 360 | Stock Transfer Agreement, dated December 29, 2000 (OMC 0113725-39) |
| Exhibit 361 | Email from Castellaneta to Matthew Rubinstein, George Lindo and Neumann, cc: Steven Azzopardi and Angelastro re: Q1 Transaction to be recorded, dated April 04, 2001 |
| Exhibit 362 | Omnicom Group Inc. Form 10-K for the fiscal year ended December 31, 2001 (Dep. Ex. 245) |
| Exhibit 363 | Merrill Lynch Bulletin, Omnicom Group Inc., <i>String of Success Remains Unbroken, 27th Quarter in a Row of Positive Surprise</i> , dated April 24, 2001 |
| Exhibit 364 | Omnicom Group Inc. Grant of Authority, Third Revision January 1999 (Dep. Ex. 398) |
| Exhibit 365 | Memo to Ivan Dolgins from Drew Murray re: Chaucer Trading Authorization, dated May 31, 2001 (Dep. Ex. 482) |

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| Exhibit 366 | Deposition Transcript of Carol Hall, December 8, 2006 |
| Exhibit 367 | Email from Drew Murray to Carol Hall re: Here it is....., dated Monday, April 28, 2003 (TC000001) |
| Exhibit 368 | Merrill Lynch FlashNote, Omnicom Group Inc., <i>Good News: No New News in WSJ Article</i> , dated June 12, 2002 (Dep. Ex. 405) |
| Exhibit 369 | Merrill Lynch FlashNote, Omnicom Group Inc., <i>The Issues Remain the Same</i> , dated June 19, 2001 (OMC 0089693-94) |
| Exhibit 370 | Collection of emails discussing the 20% ownership presumption for equity method accounting |
| Exhibit 371 | Email from Tierney to Angelastro re: Ntercept, dated November 27, 2000 (OMC 0062469) |
| Exhibit 372 | Email from Neumann to Noel Penrose cc: Levine, Redditt, Tierney and Angelastro, re: Oyster Equity Method, dated December 21, 2000 (Dep. Ex. 391) |
| Exhibit 373 | Omnicom Group Inc.: June 30, 2000 – Press Release Sign Off Meeting, July 24, 2000 (Dep. Ex. 319) |
| Exhibit 374 | Collection of Haverty-Stacke memos re: Accounting for Equity Investments (OMC 0110288-90 & OMC 0110322-25) |
| Exhibit 375 | FASB Interpretation No. 35, <i>Criteria for Applying the Equity Method of Accounting for Investments in Common Stock</i> , May 1981 |
| Exhibit 376 | Email from Neumann to Noel Penrose, cc: Levine, Angelastro and Redditt re: Oyster Equity Method, dated December 20, 2000 (OMC 0093552) |
| Exhibit 377 | Email from Weisenburger to Tierney, Redditt, Neumann <i>et al.</i> , re: Oyster Urgent Business Update, dated December 19, 2000 (OMC 0067264-65) |
| Exhibit 378 | Collection of Amendments to Stockholder Agreements of Healthology, e-Medicine, Media Space (OMC 0093887-92, SUBP 00130031, SUBP 00092859) |
| Exhibit 379 | Healthology, Inc. Statements of Operations and Accumulated Loss, Year ended December 31, 2000 (MD 03614) |
| Exhibit 380 | EMedicine.com, Inc. Income Statement for the 9 Months Ended December 31, 2000 (SUBP_00103140) |
| Exhibit 381 | MediaSpace Statement of Operations as of November 30, 2000 (MS 0626) |

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| Exhibit 382 | MediaSpace Statement of Operations for the years ended December 31, 2000 and 1999 (MD 03103) |
| Exhibit 383 | Organic Final Prospectus Pursuant to Rule 424(b)(4), dated February 9, 2000 (MD 01032-134) |
| Exhibit 384 | Banc of America Securities LLC Statements for Delta Holding Ventures LLC (Dep. Ex. 336) |
| Exhibit 385 | Communicade Private Secondary Cash Transactions with Unaffiliated Companies: September 1999 – December 2000 (SUBP_00107965) |
| Exhibit 386 | Delta Holding Ventures LLC and MC Development Chronology (Dep. Ex. 431) |
| Exhibit 387 | Letter from Brian Wong to Andrea Grant of EquiServe re: Organic, Inc. – Common Stock Held by Delta Holding Ventures LLC and MC Development LLC (JD 045955) |
| Exhibit 388 | Organic Registration Statement on Form S-1, filed November 24, 1999 |
| Exhibit 389 | Organic Registration Statement on Form S-1/A, filed January 11, 2000 |
| Exhibit 390 | Organic Final Prospectus on Form 424(b)(4), filed February 10, 2000 |
| Exhibit 391 | Omnicom Statement on Schedule 13G relating to Organic, Inc. ownership as of February 15, 2000 |
| Exhibit 392 | Omnicom Statement on Schedule 13G/A relating to Organic, Inc. ownership as of December 31, 2000 |
| Exhibit 393 | Organic, Inc. Capitalization as of February 28, 2001 (SUBP_00102903) |
| Exhibit 394 | Email from Neumann to Weisenburger re: Cap Tables for AGENCY.COM and Organic, dated May 1, 2001 (Dep. Ex. 334) |
| Exhibit 395 | Seneca Statement on Schedule 13D relating to Organic, Inc. ownership as of May 2, 2001 (OMC 0000020-33) |
| Exhibit 396 | Organic, Inc. Form 10-K for the fiscal year ended December 31, 1999 (MD 00895-956) |
| Exhibit 397 | Gantz, John, <i>Don't Expect Quick Comeback for Net Stocks</i> (Opinions), ComputerWorld, December 18, 2000 |
| Exhibit 398 | Iritani, Evelyn, <i>Year in Review: Top 10 Stories of 2000</i> , L.A. Times, December 24, 2000 |

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| Exhibit 399 | Faxed transfer instruction from Bruce Crawford to Salomon Smith Barney re: Organic Shares, dated June 18, 2001 |
| Exhibit 400 | CharlesSchwab Account Transfer Confirmation for Philip J Angelastro for the transfer of Organic Inc shares (OMC 0106978) |
| Exhibit 401 | Organic, Inc. Definitive Proxy Statement on Form DEF 14A, filed April 10, 2000 |
| Exhibit 402 | Omnicom Group Inc. Notice of Annual Meeting of Shareholders, dated April 11, 2001 (Dep. Ex. 68) |
| Exhibit 403 | Omnicom Group Inc. Notice of Annual Meeting of Shareholder, dated April 15, 2002 |
| Exhibit 404 | Agreement effective as of August 3, 2001 between Delta Holding Ventures LLC and MC Development, LLC (Dep. Ex. 338) |
| Exhibit 405 | Facsimile from A. Levine to K. Murphy/Dresdner Kleinwort Wasserstein transmitting authorizing letters from Delta Holding Ventures LLC and MC Development, LLC (Dep. Ex. 337) |
| Exhibit 406 | Share Purchase Agreement, entered into on August 3, 2001, among Seneca, E-Services Investments Organic Sub LLC and Delta Holding Ventures LLC (Dep. Ex. 343) |
| Exhibit 407 | Letter from T. Bark to J. Penn re: Tender Offer Statement on Schedule TO-T Relating to Common Stock of Organic, Inc. SEC File No. 5-58585, dated January 8, 2002 (Dep. Ex. 340) |
| Exhibit 408 | Seneca Statement on Schedule 13D/A (Amendment No. 1) relating to ownership of Organic, Inc. as of August 3, 2001 (Dep. Ex. 339) |
| Exhibit 409 | Folder Three from the Omnicom Group, Inc. Third Response to the SEC, dated July 12, 2002 (Dep. Ex. 342) |
| Exhibit 410 | Fax Transmittal from O'Melveny & Myers LLP to Wallace Showman of the errata sheet from the June 16, 2006 deposition of Michael Tierney |
| Exhibit 411 | Memorandum to the Files from Kristy Ackert re: Related Party Transactions, dated December 20, 2000 (Dep. Ex. 246) |
| Exhibit 412 | Memorandum to the Files from Lisa Hartman and Matthew Askins re: Related Party Transactions, dated January 7, 2002, as amended February 14, 2002 (Dep. Ex. 122) |


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| Exhibit 413 | Email from Angelastro to Castellaneta re: Organic, dated October 16, 2000 (Dep. Ex. 277) |
| Exhibit 414 | Binder of Transaction Documents: Communicade Investment Company of Nevada, Inc.: Exercise and Transfer of Warrants for Common Stock of Agency.com Ltd., dated December 29, 2000 (Dep. Ex. 237) |
| Exhibit 415 | Email from Angelastro to Castellaneta and Neumann re: Agency.com – important!, dated November 29, 2000 (OMC 0067104) |
| Exhibit 416 | Email from Angelastro to Castellaneta and Neumann re: Agency.com – important!, dated December 7, 2000 (OMC 0067103) |
| Exhibit 417 | Email from Angelastro to Castellaneta and Neumann re: Agency.com, dated December 15, 2000 (OMC 0062507) |
| Exhibit 418 | Return of Private Foundation for 2001 on IRS Form 990-PF for The Altus One Fund, Inc., c/o Randall R. Weisenburger |
| Exhibit 419 | Agency.com Proxy Statement, dated October 2, 2001 (Dep. Ex. 113) |
| Exhibit 420 | Excerpt from table of contents from the transaction binder for the Formation of Seneca (JD 005648, 52) |
| Exhibit 421 | Letter from Neumann to AAAA Holdings Inc. relating to agreement to purchase Agency warrant, dated May 22, 2001 (Dep. Ex. 330) |
| Exhibit 422 | Faxed letter from Robert Callander to John Wren with handwritten comments, dated February 10 and February 11, 2002 (Dep. Ex. 77) |
| Exhibit 423 | Letter from Crawford to Robert Callander responding to a fax of February 10, dated February 11, 2002 (Dep. Ex. 78) |
| Exhibit 424 | Draft, marked final, of Omnicom Group Inc.'s Annual Report on for 10-K for the year ended December 31, 2001 (Dep. Ex. 79) |
| Exhibit 425 | Minutes of a meeting of the Audit Committee of the Board of Directors of Omnicom Group Inc., held March 19, 2002 (Dep. Ex. 80) |
| Exhibit 426 | Minutes of a Special Meeting of the Board of Directors of Omnicom Group Inc., held on May 23, 2002 (Dep. Ex. 260) |
| Exhibit 427 | Minutes of a meeting of the Audit Committee of the Board of Directors of Omnicom Group Inc., held May 21, 2002 (Dep. Ex. 83) |
| Exhibit 428 | Minutes of the Annual Meeting of the Board of Directors of Omnicom Group Inc., held May 21, 2002 (Dep. Ex. 258) |

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| Exhibit 429 | Resignation letter of Robert Callander sent to Crawford, dated May 22, 2002 (OMC 0000828) |
| Exhibit 430 | Omnicom Form 8-K, filed June 5, 2002 |
| Exhibit 431 | UBS Warburg Global Equity Research, Omnicom Group Inc., <i>Omnicom Reaffirms Guidance – Reiterating Buy Rating</i> , dated June 7, 2002 |
| Exhibit 432 | Merrill Lynch FlashNote, Omnicom Group Inc., <i>The Saga Continues</i> , dated June 10, 2002 (Dep. Ex. 381) |
| Exhibit 433 | PR Newswire, <i>Omnicom Group Reaffirms Expectations</i> , June 7, 2002 |
| Exhibit 434 | UBS Warburg Global Equity Research, Omnicom Group Inc., <i>Omnicom: Still the Leader; Reiterating Buy</i> , dated June 13, 2002 |
| Exhibit 435 | Merrill Lynch FlashNote, Omnicom Group Inc., <i>Good News: No New News in WSJ Article</i> , dated June 12, 2002 (Dep. Ex. 405) |
| Exhibit 436 | Lehman Brothers Equity Research, Omnicom Group, <i>Sifting Through the Issues</i> , dated June 13, 2002 |
| Exhibit 437 | Deutsche Bank, Advertising agencies, <i>Accounting concerns</i> , Dated June 14, 2002 |
| Exhibit 438 | Lehman Brothers Global Equity Research, Omnicom Group, <i>Second Quarter Review – Discussion of Outstanding Issues</i> , dated August 16, 2002 |
| Exhibit 439 | O’Leary, Noreen and Catharine P. Taylor, <i>Road to Recovery: KPMG OK brings Omnicom back from the brink</i> , AdWeek, August 12, 2002 National Edition |
| Exhibit 440 | Williamson, Debra A., <i>The fairy tale ends; Interactive 100 stumbles after dot-com business blows away</i> , Advertising Age, May 7, 2001 (Dep. Ex. 572) |
| Exhibit 441 | Historical Stock Prices of Agency.com Stock from December 12, 1999 through October 31, 2001 (Dep. Ex. 4) |
| Exhibit 442 | Sellers, Patricia, <i>Rocking Through The Ad Recession Omnicom is defying the Madison Avenue slump thanks to its CEO’s aggressive, contrarian strategy</i> , Fortune, September 17, 2001 (Dep. Ex. 573) |
| Exhibit 443 | Minutes of a Special Meeting of the Board of Directors of Omnicom Group Inc., held June 12, 2002 (OMC 0091582-83) |
| Exhibit 444 | Omnicom Group Inc Form 8-K, reporting event of June 13, 2002 (OMC 0092080-85) |

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| Exhibit 445 | Email from Profusek to Angelastro and Castellaneta, no subject, dated June 12, 2002 (OMC 0054888) |
| Exhibit 446 | Email from Angelastro to J. Verga, cc: Castellaneta re: KPMG Client Acceptance Process, dated June 12, 2002 (OMC 0035161-62) |
| Exhibit 447 | KPMG Significant Issues and Decisions Document for Omnicom Group Inc., period ending June 30, 2002, dated August 8, 2002 (Dep. Ex. 86) |
| Exhibit 448 | Draft Q&A Rev. 1.1 – Omnicom Public Q&A (OMC 0017434-40) |
| Exhibit 449 | Audit Committee Statement, dated June 17, 2002 (OMC 0013302) |
| Exhibit 450 | DRAFT Press Release – KPMG Confirms that Company Acted Appropriately (add other key findings); Company to Hold Conference Call to Discuss Review and Provide Update on Recent Issues (OMC 0017549) |
| Exhibit 451 | Minutes of a Special Meeting of the Audit Committee of the Board of Directors, held June 28, 2002 (OMC 0094804-05) |
| Exhibit 452 | Letter from Charles Carberry to Jason Lee, SEC, re: In the Matter of Omnicom Group Inc. (MHO-9506), dated July 12, 2002 (Dep. Ex. 341) |
| Exhibit 453 | Email from Angelastro to Weisenburger re: REVISED, dated May 14, 2002 (OMC 0008427-30) |
| Exhibit 454 | Email from Angelastro to Weisenburger, cc: Castellaneta re: presentation – 41, dated May 15, 2002 (OMC 0008443-53) |
| Exhibit 455 | Email from Angelastro to Weisenburger, cc: Castellaneta re: # 41 update, dated May 16, 2002 (OMC 0008457-63) |
| Exhibit 456 | Chart: Comparison of “Comment 41” Figures between internal and as reported to the SEC” |
| Exhibit 457 | Letter from Jason Lee, Senior Counsel to the SEC, to Custodian of Records, Omnicom Group Inc. re: <i>In the Matter of Omnicom Group, Inc.</i> , File No. MHO-9506, dated June 14, 2002 (JD 037175-76) |
| Exhibit 458 | Minutes of the Audit Committee of the Board of Directors of Omnicom Group Inc., held July 25, 2002 (Dep. Ex. 252) |
| Exhibit 459 | Deutsche Banc Alex. Brown, Omnicom Group, <i>Own for Market Leadership and EPS Consistency; 1Q01 Review</i> , dated April 26, 2001 (Dep. Ex. 384) |
| Exhibit 460 | Lehman Brothers Equity Research, Omnicom Group, <i>Solid 1Q01 Results, “Guarded” Outlook</i> , dated April 24, 2001 |

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| Exhibit 461 | Credit Suisse First Boston, Omnicom Group Inc., <i>Results Beat Expectations Once Again; OMC Remains the Top-Quality Franchise in the Sector</i> , dated April 25, 2001 |
| Exhibit 462 | Lehman Brothers Global Equity Research, Omnicom Group, <i>Stick with the Leader in a Tough Environment</i> , April 9, 2001 |
| Exhibit 463 | Omnicom Group Inc. – Notice of Annual Meeting of Shareholders, dated April 15, 2002 (OMNRJC 0056-83) |
| Exhibit 464 | Omnicom Group Inc. – Notice of Annual Meeting of Shareholders, dated April 22, 2003 (JDP 000522-563) |
| Exhibit 465 | Memo to the Files from Jack Benedik, Kimberly Kochen and Matthew Askins, re: Analysis of AP-125 Fraud Risk Factors, dated January 7, 2002 (Dep. Ex. 121) |
| Exhibit 466 | Memo to the Files from Kimberly Kochen Horten and Brian Sullivan, re: Results of the 2000 Omnicom Risk Management Meeting, dated December 8, 2000 (Dep. Ex. 118) |
| Exhibit 467 | Arthur Andersen “Fraud Risk Practice Aid” (Dep. Ex. 119) |
| Exhibit 468 | Table: “Compensation to Individual Defendants from Omnicom Management, Inc. (Source: Forms W-2) for Angelastro, Crawford, Weisenburger and Wren” (OMC 0070921) |
| Exhibit 469 | Defendants’ Transactions in Omnicom Securities, Including Options (OMC 0059676-80) |
| Exhibit 470 | Form 5 for John Wren, dated January 15, 2001 |
| Exhibit 471 | Form 5 for John Wren, dated February 8, 2002 |
| Exhibit 472 | Form 4 for Randall Weisenburger, dated March 30, 2000 |
| Exhibit 473 | Form 4 for Bruce Crawford, dated February 6, 2001 |
| Exhibit 474 | Form 4 for Bruce Crawford, dated March 7, 2002 |
| Exhibit 475 | Form 4 for Philip Angelastro, dated April 3, 2000 |
| Exhibit 476 | Bear Stearns Equity Research, <i>Meetings with Omnicom, Interpublic and WPP</i> , June 18, 2002 |
| Exhibit 477 | JP Morgan U.S. Research, Omnicom Group Inc., <i>Addressing the Liquidity Issue Part II</i> , June 20, 2002 |

Executed this 22d day of August, 2007
New York, New York



David R. Hassel