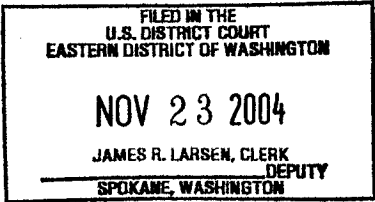


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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
AT RICHLAND

JAMES S. GORDON, JR,
an individual residing in
Benton County, Washington.

Plaintiff,

vs.

IMPULSE MARKETING GROUP, INC.,
a Nevada Corporation

Defendant.

NO. **CV-04-5125-FVS**

COMPLAINT

JURY TRIAL REQUESTED

TO: CLERK OF COURT

AND TO: Impulse Marketing Group, Inc.
C/o Capital Corporate Services, Inc. (registered agent)
202 S. Minnesota Street
Carson City, NV 89703

COMES NOW, plaintiff, James S. Gordon, Jr., and brings this COMPLAINT against
defendant named herein. Plaintiff alleges the following on information and belief:

1. PARTIES

1 1.1 Plaintiff James S. Gordon, Jr. is and was a resident of Benton County,
2 Washington during the time of all acts complained of herein.

3 1.2 Defendant IMPULESE MARKETING GROUP, Inc., is a Nevada Corporation
4 having its principle place of business located at FIVE CONCOURSE PKWY
5 #1950, Atlanta, GA 30328.
6

7 2. JURISDICTION

8 2.1 The Defendants regularly transact business within the State of Washington by
9 sending thousands of commercial electronic mail messages to residents of the
10 State of Washington.

11 2.2 As a result of the Defendant's transactions within the State of Washington, this
12 Court has personal jurisdiction over the Defendants under RCW 4.28.185(1)(a).

13 2.3 The cause of action complained of herein includes allegations that commercial
14 electronic messages sent by or on behalf of the Defendants to the Plaintiff
15 violate RCW 19.190 et seq. and RCW 19.86 et seq. and includes a prayer for
16 relief in excess of \$75,000, exclusive of interest and costs.
17

18 2.4 This Court has original jurisdiction over the subject matter of this complaint
19 under 28 U.S.C. § 1332 as it is a controversy between citizens of different
20 states, it contains allegations that the Defendants' conduct violated RCW 19.86
21 et seq. and RCW 19.190 et seq., and the amount in controversy exceeds
22 \$75,000, exclusive of interest and costs.
23

24 3. CAUSE OF ACTION
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3.1 Plaintiff realleges Paragraphs 1.1 through 2.4 and incorporates them herein as if set forth in full.

3.2 The Plaintiff is the registrant of the internet domain name "Gordonworks.com."

3.3 At all times relevant to this action, the Plaintiff's status as a Washington resident is and was available, upon request, from the Plaintiff.

3.4 The Plaintiff's status as a Washington resident and the Plaintiff's internet domain name "Gordonworks.com" has been and is registered, at all times relevant to this complaint, with the Washington's Association of Internet Service Providers' (WAISP) database.

3.5 Plaintiff is an interactive computer service as that term is defined in RCW 19.190.010 (7)

3.6 Defendants initiated the transmission, conspired with another to initiate the transmission, or assisted the transmission, of thousands of commercial electronic mail messages to the Plaintiff at various addresses at the Plaintiff's domain "Gordonworks.com."

3.7 The commercial electronic mail messages sent by the Defendants violated at least one prohibition of RCW 19.190.020 (1)(a) or (b) because each of the commercial electronic mail messages:

3.7.1 misrepresent or obscure information identifying the point of origin of the commercial electronic mail message, and/or

- 1 3.7.2 misrepresent or obscure information identifying the transmission path of the
- 2 commercial electronic mail message, and/or
- 3 3.8 contain false or misleading information in the subject line of the commercial
- 4 electronic mail message.
- 5
- 6 3.9 The commercial electronic mail messages sent by others with whom the
- 7 Defendants conspired to initiate the transmission, or assisted the transmission,
- 8 violated at least one prohibition of RCW 19.190.020 (1)(a) or (b) because each
- 9 of the commercial electronic mail messages:
- 10 3.9.1 misrepresent or obscure information identifying the point of origin of the
- 11 commercial electronic mail message, and/or
- 12
- 13 3.9.2 misrepresent or obscure information identifying the transmission path of the
- 14 commercial electronic mail message, and/or
- 15 3.10 contain false or misleading information in the subject line of the commercial
- 16 electronic mail message.
- 17
- 18 3.11 The Defendants knew or consciously avoided knowing that the initiator of these
- 19 commercial electronic mail messages was engaged in a practice that violates
- 20 Washington State's consumer protection act, RCW 19.86.
- 21 3.12 Pursuant to RCW 19.190.030 (1)(a) and (b), all of the commercial electronic
- 22 mail messages violate Washington State's consumer protection act, RCW 19.86,
- 23 because each of the commercial electronic mail messages:
- 24
- 25 3.12.1 misrepresent or obscure information identifying the point of origin of the
- 26 commercial electronic mail message, and/or

1 3.12.2 misrepresent or obscure information identifying the transmission path of the
2 commercial electronic mail message, and/or

3 3.12.3 contain false or misleading information in the subject line of the commercial
4 electronic mail message.
5

6
7 4. PRAYER FOR RELIEF

8 4.1 Plaintiff, James S. Gordon, Jr., prays for relief as follows:

9 4.2 That the Court adjudge and decree that defendants have engaged, and continue
10 to engage, in the conduct complained of herein.

11 4.3 That the Court adjudge and decree that the conduct complained of in paragraphs
12 3.1 through 3.12.3, constitutes violations of the Commercial Electronic Mail
13 Statute, RCW 19.190.020.
14

15 4.4 That the Court adjudge and decree that the conduct complained of in paragraphs
16 3.1 through 3.12.3 constitutes violations of the Commercial Electronic Mail
17 Statute, RCW 19.190.030, and therefore violate the Consumer Protection Act,
18 RCW 19.86.
19

20 4.5 That the Court assess civil penalties, pursuant to RCW 19.190.040(1) of five
21 hundred dollars (\$500) per violation against each of the defendants for each and
22 every one of the violations of RCW 19.190.020 caused by the conduct
23 complained of herein.
24

25 4.5.1 That the Court assess civil penalties, pursuant to 19.190.040(1) of one thousand
26 dollars (\$1,000) per violation against defendant for each and every one of the

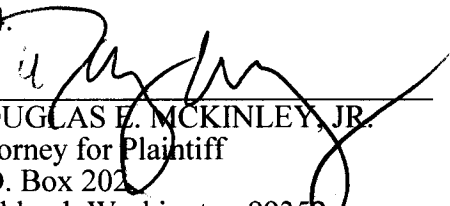
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commercial electronic email messages sent through plaintiff's interactive computer service in violation of RCW 19.190.020.

4.6 That the Court enter judgment pursuant to RCW 19.86.090 providing that Plaintiff has been injured by the conduct complained of herein, and ordering that the Plaintiff recover from each of the defendants the costs of this action, including reasonable attorney's fees.

4.7 That the Court order such other relief as it may deem just and proper to fully and effectively remedy the effects of, and prevent future instances of, the conduct complained of herein, or which may otherwise seem proper to the Court.

DATED this 23th day of November, 2004.


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