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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

NOV 21 2005

JAMES R. LARSEN, CLERK  
DEPUTY  
RICHLAND, WASHINGTON

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

James S. Gordon, Jr., Plaintiff,

vs.

Impulse Marketing Group, Inc.,  
Defendant

Impulse Marketing Group, Inc.,  
Third-Party Plaintiff,

v.

Robert L. Pritchett, Third-Party  
Defendant

Case No.: CV-04-5125-FVS

AFFIDAVIT OF THIRD-PARTY DEFENDANT,

ROBERT L. PRITCHETT

TO: Clerk of the Court

AND TO: Floyd E. Ivey, Attorney for Third-Party Plaintiff

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Robert L. Pritchett declares as follows:

- 1) I, Robert L. Pritchett, am the named third party defendant in the above captioned lawsuit. I am over the age of 18 and am otherwise competent to testify.
- 2) Upon receipt of third-party plaintiff's service of process, the undersigned filed a notice of appearance (pro se) with this Court.
- 3) My email to Mr. Floyd E. Ivey asking him to stipulate to an extension of time to file an answer to the instant counterclaims is attached as (Exhibit 1).
- 4) As of the date below, Mr. Ivey has failed to respond to this emailed request.
- 5) Mr. Ivey has filed a motion for default without acknowledging or responding to my request for stipulation.
- 6) I have prepared an answer with affirmative defenses and counterclaims to Impulse's third party complaint in the event that my motion to dismiss is denied.

Mr. Ivey has an advantage in that he is an attorney and I am not. I trust that this Court will not grant him the additional advantage of an unfair surprise made in bad faith.

1 I declare under penalty of perjury under the laws of the United  
2 States that the foregoing is true and correct.

3  
4 Robert L. Pritchett

5 1952 Thayer Drive

6 Richland, WA 99354

7 EXECUTED this 21st day of November, 2005.

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9  \_\_\_\_\_

10 I, hereby, certify that on November 21, 2005, I filed this affidavit with  
11 this Court. The Clerk of the Court will provide electronic notification  
12 system using the CM/ECF, which will send an electronic copy of this  
13 Notice to Douglas E. McKinley, Jr., Peter J. Glantz, Sean A. Moynihan,  
14 and Floyd E. Ivey. I have served all non-CM/ECF participants, Bonnie  
15 Gordon, Jamila Gordon, James Gordon III, Emily Abbey, and Jonathan  
16 K.Gordon by other means.  
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X-IronPort-AV: i="3.97,169,1125892800";  
d="scan'208"; a="1467631512:sNHT26226726"  
Date: Mon, 3 Oct 2005 11:43:08 -0700 (PDT)  
Subject: Pro Se response to Impulse Marketing's Counter-Suit Update  
From: "Robert Pritchett" <rpritchett@maccompanion.com>  
To: feivey@3-cities.com  
Cc: doug@mckinleylaw.com, kamau@charter.net  
Reply-To: rpritchett@maccompanion.com  
User-Agent: SquirrelMail/1.4.3a  
X-Mailer: SquirrelMail/1.4.3a

Floyd, et. al;

I submitted my Pro Se Notice of Appearance last week to the Eastern Washington District of the Federal Court in Richland, responding to the counter-suit by Impulse Marketing.

Will you please stipulate to an extension of the time to file an answer to Impulse's counter-suit until the court has ruled?

--

Robert Pritchett  
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