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

NOV 23 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.
James S. Gordon III, Third-Party
Defendant

Case No.: CV-04-5125-FVS
AFFIDAVIT OF THIRD-PARTY
DEFENDANT, JAMES S.
GORDON III

TO: Clerk of the Court

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

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James S. Gordon III declare as follows:

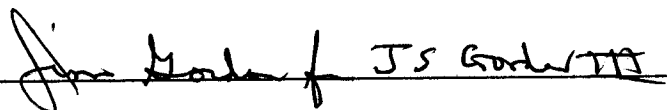
- 1) I, James S. Gordon III, am the named third party defendant in the above captioned lawsuit. I am over the age of 18 and am otherwise competent to testify.
- 2) Upon receipt of third-party plaintiff's service of process, the undersigned filed a notice of appearance (pro se) with this Court.
- 3) My 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 James S. Gordon III
5 9804 Buckingham Drive
6 Pasco, WA 99301
7 509-210-1069

8
9 EXECUTED this 22 nd day of November, 2005.

10 
11

12 I, hereby, certify that on November 22, 2005, I filed this affidavit with
13 this Court. The Clerk of the Court will provide electronic notification
14 system using the CM/ECF, which will send an electronic copy of this
15 Notice to Douglas E. McKinley, Jr., Peter J. Glantz, Sean A. Moynihan,
16 and Floyd E. Ivey. I have served all non-CM/ECF participants, Bonnie
17 Gordon, Jamila Gordon, Jonathan Gordon, Emily Abbey, and Robert
18 Pritchett by other means.
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No Recipient, Fwd: Stipulation

To:
From: Jim Gordon <Kamau@charter.net>
Subject: Fwd: Stipulation
Cc:
Bcc:
Attached:

Date: Mon, 03 Oct 2005 09:37:31 -0700
To: feivey@3-cities.com
From: Jim Gordon <Kamau@charter.net>
Subject: Stipulation
Bcc: "Douglas E. McKinley, Jr." <doug@mckinleylaw.com>

Floyd:

Will you stipulate to an extension of the time to file an answer to Impulse's countersuit until after the motion to dismiss the third-party defendants is heard? Each of us will be filing an answer and counterclaims, if the motion to dismiss is denied.

Regards,

James S. Gordon III
Jonathan K. Gordon

Jim Gordon
9804 Buckingham Drive
Pasco, WA 99301

509-210-1069 (home)
509-845-1870 (cell)
jim@gordonworks.com

"Get What You Want By Giving Others What They Want"
Dr. Tony Alessandra & Michael J. O'Connor...from "The Platinum Rule"

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