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 7 Impulse Marketing Group, Inc.
 8 and Third Party Plaintiff

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 16 Impulse Marketing Group, Inc.
 17 and Third Party Plaintiff

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 22 Fax (509) 628-2307
 23 Attorney for Plaintiff

24 **UNITED STATES DISTRICT COURT FOR THE**
 25 **EASTERN DISTRICT OF WASHINGTON**

26 JAMES S. GORDON, JR.,

27 Plaintiff,

28 vs.

IMPULSE MARKETING GROUP,
 INC.,

Defendant

No. CV-04-5125-FVS

DECLARATION OF FLOYD E. IVEY
 IN SUPPORT OF DEFENDANT'S
 MOTION TO COMPEL AND FOR
 SANCTIONS (SUPPLEMENTAL TO
 DECLARATION OF 2/21/06)

TELEPHONIC HEARING

IMPULSE MARKETING GROUP,
 INC.,

Third-Party Plaintiff,

vs.

BONNIE GORDON, et al.,

Third-Party Defendants.

1 I am counsel representing Defendant. On February 21, 2006 I prepared a
2 Declaration in Support of Defendant's Motion to Compel. On February 22, 2006 I
3 received from attorney Robert Siegel, Plaintiff's Responses to Defendant's First
4 Interrogatories and to Defendant's First Request For Production of Documents.

5 I reviewed the Plaintiff's Responses relative to Defendant's Interrogatories
6 and Requests for Production and summarized discovery deficiencies in a letter of
7 February 22, 2006 to attorney Mr. McKinley with copy to attorney Mr. Siegel.
8 My letter of February 22, 2006 is attached hereto. Communications with attorney
9 Mr. Siegel re: Defendant's Motion to Compel, the review of and summary of
10 contended discovery deficiencies, the revision and refile of Defendant's Motion
11 to Compel and Motion to Expedite, the time in speaking with the Court Clerk for
12 rescheduling and in filing of these pleadings has taken 6 hours at \$265/hour for a
13 total of \$1590.00. I have only reviewed Interrogatory answers through
14 Interrogatory 6 of 22 interrogatories and Requests for Production through Request
15 6.

16 Defendant requests Sanctions per FRCP 37(a)(4), for time expended in
17 contacting Plaintiff counsel re: responses, for time, in drafting and redrafting
18 Defendant's Motion to Compel and Motion to Expedite and associated documents
19 as follows: for time expended February 21, 2006 of 2.5 hours at \$265/hour for a
20 total of \$662.50. For time expended February 22, 2006 of 6 hours at \$265/hour
21 for a total of \$1590.00.

22 Defendant requests that Plaintiff be required to fully respond to Defendant's
23 Discovery by Friday, March 10, 2006.

24 I declare that the foregoing is true and correct.

25 Signed at Kennewick, Washington, this 22st day of February, 2006.

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27 /s/ FLOYD E. IVEY
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Floyd E. Ivey

I hereby certify that on February 22, 2006, I electronically filed **Declaration of Floyd E. Ivey in Support of Defendant's Motion to Compel and for Sanctions** with the Clerk of the Court using the CM/ECF System which will send notification of such filing to _____, Peter J. Glantz and Sean A. Moynihan. I hereby certify that I have served the foregoing to the following non-CM/ECF participants by other means: Bonnie Gordon, Jonathan Gordon, James S. Gordon, III, Robert Pritchett, Jamila Gordon and Emily Abbey. Robert Siegel has also received these pleadings by email.

S/ FLOYD E. IVEY

FLOYD E. IVEY

LIEBLER, IVEY, CONNOR, BERRY & ST. HILAIRE

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Attorneys at Law

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Intellectual Property

Floyd E. Ivey *

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Licensing, Litigation and Other

Intellectual Property Matters

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February 15, 2006

Via Email and Fax Only - 628-2307

Douglas E. McKinley, Jr.

Attorney at Law

P.O. Box 202

Richland, WA 99352

Re: Gordon v. Impulse Marketing Group Inc.–Discovery

Dear Doug:

Defendant's First Interrogatories and Requests for Production were mailed December 23, 2005. Responses were due January 25, 2006.

I acknowledge your advice re: withdrawal from another case with related issues. I am not aware that you intend to withdraw from this matter.

First, re: providing responses - I ask if you can assure, and preferably guarantee, that you can deliver responses next week by Thursday, February 24, 2006.

Second, if you cannot make responses by the 24th, I ask that we confer, in accordance with LR 37.1(b) by 5p.m. today, Thursday afternoon or Friday morning or afternoon.

You can reach me at both the office 735 3581 or cell 948 0943. Thank you.

Yours very truly,

/s/ FLOYD E. IVEY

FLOYD E. IVEY

FEI:gs

cc:Moynihan, Glantz by email

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