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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

DEFENDANT'S SECOND  
 SUPPLEMENTAL MEMORANDUM  
 IN SUPPORT OF DEFENDANT'S  
 MOTION TO COMPEL AND FOR  
 SANCTIONS

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IMPULSE MARKETING GROUP,  
 INC.,

Third-Party Plaintiff,

vs.

BONNIE GORDON, et al.,

Third-Party Defendants.

TELEPHONIC HEARING 3/8/06

1 The Defendant's Motion to Compel is set for Wednesday, March 8, 2006 at  
2 2:30 p.m. Defendant has previously communicated with Plaintiff counsel Mr.  
3 McKinley and Mr. Siegel regarding the Defendant's contentions that the  
4 Plaintiff's responses to Discovery have been non-responsive. Defendant has prior  
5 to March 3, 2006, advised Plaintiff Counsel of deficiencies in responses to  
6 Defendant's First Interrogatories through interrogatory No. 13.

7 Defendant has, on March 3, 2006, addressed the remaining interrogatories  
8 in a letter transmitted solely to Mr. Siegel. The letter of March 3, 2006 is  
9 incorporated herein as a statement of the contended deficiencies. Also attached to  
10 this Second Supplemental Memorandum is a copy of Defendant's Interrogatories  
11 and Defendant's Requests for Production. Also attached are Plaintiff's responses  
12 to Defendant's Discovery.  
13

14 Defendant asks the Court to award Sanctions per FRCP 37(a)(4). *Freeman*  
15 *v. San Diego Ass'n of Realtors* 322 F.3d 1133, 1156 (C.A.9 Cal. 2003). Defendant  
16 counsel Ivey has expended an additional 1.75 hours at \$265/hour in addressing the  
17 remaining interrogatory answers and requests the court to award sanctions.  
18

19 DATED this 3<sup>rd</sup> day of March, 2006.

20 LIEBLER, IVEY, CONNOR, BERRY & ST. HILAIRE  
21

22  
23  
24 By s/ Floyd E. Ivey

25 FLOYD E. IVEY, WSBA#6888  
26 Attorneys for Defendant

27 I hereby certify that on March 3, 22, 2006, I electronically filed  
28 **Defendant's Second Supplemental Memorandum in Support of Motion to Compel** with the Clerk of the Court using the CM/ECF System which will send notification of such filing to Robert Siegel, Peter J. Glantz and Sean A. Moynihan.

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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.

S/ FLOYD E. IVEY

FLOYD E. IVEY