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

MAR 06 2006

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.

Bonnie F. Gordon, Third-Party

Defendant

Case No.: CV-04-5125-FVS

THIRD-PARTY DEFENDANT,  
BONNIE F. GORDON'S MOTION  
TO COMPEL AND FOR  
SANCTIONS AND AFFIDAVIT  
RE: DISCOVERY

TO: Clerk of the Court

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

1 Third Party Defendant moves the Court for Sanctions and to Compel  
2 Third party Plaintiff's Responses to Third Party Defendant's  
3 Interrogatories and Request for Production of Documents. These  
4 documents were placed in US Mail on or about January 12, 2006. I  
5 initiated contact with Mr. Ivey to ensure the 30 day deadline was going  
6 to be met, he instead asked for a two-week extension. With that  
7 additional time, Impulse still failed to meet its discovery obligations. At  
8 the status conference in the Fall, Impulse sought 3+ additional months  
9 for discovery, it has squandered this time by not seeking any discovery  
10 of this (or other) third party defendant and will likely petition the Court  
11 for still more time.

12 Third Party Defendant's Motion to Compel is pursuant to FRCP 37(a)(2)  
13 (3)(4). Impulse has failed to make the required Rule 26 disclosures to  
14 the undersigned. Further, Impulse has provided evasive, incomplete  
15 disclosure, answer, or response to discovery propounded by the  
16 undersigned.

17  
18 Examples of the foregoing are duplicated below. However, Impulse's  
19 entire response to discovery is replete with these examples.  
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INTERROGATORY NO. 1:

1  
2 Please provide the full contact information (and URL or web address in the form of  
3 http://www.) for the owner of each opt-in web page that you allege that third party  
4 defendant opted in at.

RESPONSE:

5  
6  
7 Impulse asserts the Ambiguity, Irrelevancy and Overbreadth Objections. The  
8 information sought will not lead to the discovery of admissible evidence. Bushman  
9 v. New Holland, 83 Wn. 2d 429, 433-34 (1974); Felix A. Thillet, Inc. v. Kelly-  
10 Springfield Tire Co., 41 F.R.D. 55 (D.P.R. 1966). Further, Bonnie Gordon does not  
11 have standing to request information on behalf of all third party defendants.  
12 Notwithstanding the foregoing objections, Impulse refers Bonnie Gordon to the  
13 attachment appended hereto as "Updated Gordon Opt-In Information."

INTERROGATORY NO. 2:

14 Detail all personally identifying information which is collected by Impulse and/or  
15 its marketing partners

RESPONSE:

16  
17  
18 Impulse asserts the Ambiguity, Irrelevancy and Overbreadth Objections. The  
19 information sought will not lead to the discovery of admissible evidence. Bushman  
20 v. New Holland, 83 Wn. 2d 429, 433-34 (1974); Felix A. Thillet, Inc. v. Kelly-  
21 Springfield Tire Co., 41 F.R.D. 55 (D.P.R. 1966). Notwithstanding the foregoing  
22 objections, Impulse refers Bonnie Gordon to attachment appended  
23 hereto as "Updated Gordon Opt-in Information". This "document"  
24 appears to be a quickly thrown together Excel spreadsheet with  
25 information scattered about on it – basically useless.

1 INTERROGATORY NO. 3:

2 List all IP addresses and domains wherein marketing emails (spam) was sent from  
3 since August 1, 2003.

4  
5 RESPONSE:

6 Impulse asserts the Ambiguity, Irrelevancy and Overbreadth Objections. The  
7 information sought will not lead to the discovery of admissible evidence. Bushman  
8 v. New Holland, 83 Wn. 2d 429, 433-34 (1974); Felix A. Thillet, Inc. v. Kelly-  
9 Springfield Tire Co., 41 F.R.D. 55 (D.P.R. 1966). Notwithstanding the foregoing  
10 objections, Impulse refers Bonnie Gordon to the attachment appended hereto as  
11 "Updated Gordon Opt-In Information."

12 INTERROGATORY NO. 18:

13  
14 Provide full captioned information regarding all lawsuits that you have been a party  
15 to since 8/1/03.

16 RESPONSE:

17 Impulse asserts the Ambiguity, Irrelevancy and Overbreadth Objections. The  
18 information sought will not lead to the discovery of admissible evidence. Bushman  
19 v. New Holland, 83 Wn. 2d 429, 433-34 (1974); Felix A. Thillet, Inc. v. Kelly-  
20 Springfield Tire Co., 41 F.R.D. 55 (D.P.R. 1966).

21 The Request for Production (RFP) by Impulse is exemplified by the  
22 following: Responding to Request 1-6, Impulse states, "This Third Party  
23 Defendant Bonnie Gordon has no standing to propound discovery on  
24 behalf of Plaintiff or other Third Party Defendant's (sic).

25 Notwithstanding this Objection, as to Third Party Plaintiff Bonnie

1 Gordon, continues its location of written documents and will  
2 supplement this production" In RFP 7-8, Impulse states, in part, "A  
3 response to this request for production will not lead to discovery of  
4 admissible evidence". No. 9 is simply called "irrelevant".

5  
6 Third party Defendant asks the Court to award Sanctions per FRCP  
7 37(a)(4) in an amount equal to or greater than the Sanctions demanded  
8 by Impulse of Plaintiff. Or, in the alternative, simply require/order  
9 compliance with the rules.

10  
11 I declare under penalty of perjury under the laws of the United States  
12 that the foregoing is true and correct.


13  
14 Bonnie F. Gordon, Pro Se

15 9804 Buckingham Drive

16 Pasco, WA 99301

17 509-210-1069


18  
19 EXECUTED this 6<sup>th</sup> day of March, 2006.

20   
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21

22 Certificate of Service

23 I, hereby, certify that on March 6, 2006, I filed this motion with this  
24 Court. I have served Bob Siegel, Peter J. Glantz, Sean A. Moynihan,  
25 Floyd E. Ivey, Jamila Gordon, James Gordon III, Jonathan Gordon,  
Emily Abbey, and Robert Pritchett by other means.

  
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