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

MAR 10 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, John Doe spammers 1-
300, Jeffrey P. Goldstein, Kenneth
Adamson, Phillip Huston

Case No.: CV-04-5125-FVS
THIRD-PARTY DEFENDANT'S
ANSWER AND
COUNTERCLAIMS AGAINST
THIRD-PARTY PLAINTIFF
JURY TRIAL DEMANDED

Impulse Marketing Group, Inc.,
Third-Party Plaintiff,
v.
Robert L. Pritchett, Third-Party
Defendant

TO: Clerk of the Court
AND TO: Floyd E. Ivey, Attorney for Third-Party Plaintiff
AND TO: Peter J. Glantz and Sean A. Moynihan

Introduction

I am a party to this action, because third-party plaintiff has created a ruse designed to intimidate me from testifying on Plaintiff's behalf.

Other than a statement in another case (rule 26 discovery) there is no evidence of any scheme or involvement by me in terms of submitting names or information to web sites.

Answer to Complaint

Third-party defendant denies each and every counterclaim in its entirety, except for publicly available information as to name, residence, and similar data.

FIRST AFFIRMATIVE DEFENSE

Third-party plaintiff's claims are barred, in whole or in part, for failure to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Third-party plaintiff has engaged in overtly criminal acts, i.e. violations of state and federal laws in furtherance of the fraud as evidenced via its specious counterclaims and causes of action, below.

THIRD AFFIRMATIVE DEFENSE

Any loss, injury, or damage incurred by third-party plaintiff was caused by third-party plaintiff rather than third party defendant as third-party plaintiff hired and provided oversight for its agents – having the power

1 to hire and fire its agents, at will, as well as to change the terms of any
2 contract extant between third-party plaintiff and its agents.

3 4 **FOURTH AFFIRMATIVE DEFENSE**

5 The relief sought by Plaintiff in this action would violate the WA state's
6 anti-slapp statute – thus rewarding the plaintiff for malicious
7 prosecution.

8 9 **FIFTH AFFIRMATIVE DEFENSE**

10 Any loss, injury, or damage incurred by third-party plaintiff was caused
11 by third-party plaintiff's deliberate or negligent acts as principal for the
12 email marketing enterprise in which it is engaged.

13 14 **SIXTH AFFIRMATIVE DEFENSE**

15 Third-party plaintiff has not suffered any damages due to third-party
16 defendant's alleged actions in the Complaint. All alleged damages are
17 speculative.

18 19 **SEVENTH AFFIRMATIVE DEFENSE**

20 Third-party plaintiff's claims are barred, in whole or in part, by the
21 doctrine of unclean hands and third-party plaintiff should be estopped
22 from bringing this lawsuit.

23 24 **FIRST CAUSE OF ACTION**

25 **Source: U.S. CODE - TITLE 18, PART I, CHAPTER 73—1514 (c)
et seq - OBSTRUCTION OF JUSTICE**

1 The matter before this Court is a civil not a criminal matter. However,
2 the behavior of the third-party plaintiff appears to be grounded in an
3 attempt to harass and intimidate potential witnesses – behavior which
4 would typically prompt a U.S. Attorney to investigate and perhaps file
5 criminal charges against the offending party.

6
7 Having no true basis on which to file counterclaims, third-party
8 plaintiff created a fictitious scenario wherein it became the victim of
9 some scheme. Initially, a Richland Police Officer, Lew Reed was alleged
10 to have been a part of this alleged scheme.

11 A deposition or interrogatories to each third-party defendant would
12 have been the civil and more productive route to information which may
13 or may not have been useful to third-party plaintiff. At this point, third-
14 party plaintiff has no more knowledge of third-party defendant's alleged
15 culpability than before the counterclaims were filed.

17 SECOND CAUSE OF ACTION

18 **RCW 4.24.510** – The instant action by third-party plaintiff was filed in
19 violation of Washington State's Anti-Slapp statute, which prevents civil
20 defendants from filing lawsuits to punish those who have contacted,
21 reported, or engaged a government official regarding the alleged civil or
22 criminal misdeeds of a defendant or prospective defendant in a lawsuit.

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1 Armed with only a suspicion or hint that there could be information
2 helpful to its case, third-party plaintiff sued prospective witnesses to
3 the underlying lawsuit.

4 5 **THIRD CAUSE OF ACTION**

6 **Third-party plaintiff's claims are barred, in whole or in part, by**
7 **the doctrine of unclean hands and third-party plaintiff should**
8 **be estopped from bringing this lawsuit.**

9 Third-party plaintiff's culpability in fraud and deceit had its origin in
10 fraudulent offers for prizes made to third-party defendant. The
11 fraudulent offers with the falsified headers – were sent by third-party
12 plaintiff and/or its agents, if any. These fraudulent and deceitful actions
13 have also manifested in terms of possible perjury by third-party
14 plaintiff.

15 16 **FOURTH CAUSE OF ACTION**

17 **RCW 9.58.010 - Libel, what constitutes.**

18 Every malicious publication by writing, printing, picture, effigy, sign[,]
19 radio broadcasting or which shall in any other manner transmit the
20 human voice or reproduce the same from records or other appliances or
21 means, which shall tend: --

22
23 (1) To expose any living person to hatred, contempt, ridicule or
24 obloquy, or to deprive him of the benefit of public confidence or social
25

1 intercourse; or ...

2 (3) To injure any person, corporation or association of persons in his
3 or their business or occupation, shall be libel. Every person who
4 publishes a libel shall be guilty of a gross misdemeanor.

5 Documents and commentary regarding the caption case above have
6 appeared on web sites in American and Britain. The false allegations of
7 Impulse have no bases in fact – no evidence has been presented to this
8 Court pertaining to the veracity of said allegations. Nonetheless, these
9 false statements have been circulated on two continents, and thus
10 injuring plaintiff and third-party defendants in impermissible ways as
11 to the violations of the instant libel statute.

12 13 **FIFTH CAUSE OF ACTION**

14 **Permanent injunction – Impulse**, according to Internet watchdog,
15 Spamhaus is a “Criminal spam gang”, it is responsible for millions of
16 spam via a network of “fly by night” operators. These operators rob web
17 sites of email addresses and sell same on the open market an enterprise
18 Impulse has admitted to doing. As these behaviors are contrary to the
19 public good and are injurious to me, personally, a permanent injunction
20 against using unverified opt-in email addresses, must be stopped.

21 22 **SIXTH CAUSE OF ACTION**

23 **U.S. CODES TITLE 18, PART I, CHAPTER 96 - RACKETEER**
24 **INFLUENCED AND CORRUPT ORGANIZATIONS (RICO).**
25

1 As a third-party defendant, pro se, I lack the legal wherewithal to make
2 a case against Impulse Marketing Group for violations of the RICO
3 statute above. However, I have seen indications that through the many
4 Internet Protocol (IP) addresses and domains that they own or control,
5 pornography is being promoted, fraudulent offers for goods are made to
6 secure email addresses which can then be bought and sold for profit –
7 even though these addresses are personally identifying information as
8 indicated in the Identity Theft – RCW 9.35 statute in Washington
9 State. Impulse has hired at least five criminal spam gangs (according to
10 the International Spamhaus database) – these criminal spam gangs are
11 well-known in the Internet community because legitimate Internet and
12 Network Service Providers terminate their abusive operations a
13 minimum of three consecutive times before the spam operation is listed
14 in the Spamhaus database. The best known illegal spammer is Scott
15 Richter, recently sued by Microsoft for \$7 million. Impulse has hired
16 Mr. Richter's criminal spam operation to send some of its email.
17

18 If there is a concept of "ill-gotten gains", that concept applies to the
19 profits made by Impulse and its myriad co-conspirators, if any. See the
20 scam which separates unsuspecting Internet users of their email
21 addresses in the causes above.
22

23 Further, Impulse fails to acknowledge requests to unsubscribe to its
24 illegal mailing schemes – thus illegally harassing the public with untold
25

1 millions of illegal emails. **Impulse emails have become – an offer**
2 **you can't refuse (to receive).**

3
4 **PRAYER**

5 **WHEREFORE, Third-Party Defendant prays that this Court:**

- 6 1. Dismiss all counterclaims by third-party plaintiff.
7 2. Sanction Impulse Marketing Group for waste of judicial resources.
8 3. Award an equal amount to (the sanctioned amount) third-party
9 defendant for the time and distress of having to defend a specious
10 lawsuit.
11 4. Enjoin Impulse and its marketing partners from practices which
12 violate laws as evidence, above.
13 5. Grant third-party defendant such other and further relief as the
14 Court deems just and proper.

15 Dated this 10th day of March, 2006.

16
17 Robert L. Pritchett

18 Thayer Drive

19 Richland, WA 99354

20 509-210-0217

21 Dated this 10th day of March, 2006

22 *Robert L. Pritchett*
23 _____

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25 Certificate of Service

1 I, hereby, certify that on March 10, 2006, I filed this motion with this
2 Court. I have served Bob Siegel, Peter J. Glantz, Sean A. Moynihan,
3 Floyd E. Ivey, Bonnie Gordon, James Gordon III, Jonathan Gordon,
4 Jamila Gordon, and Emily Abbey by other means.

Robert Joseph Patchell

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