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

MAR 13 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

AFFIDAVIT OF THIRD-PARTY
DEFENDANT, BONNIE F.
GORDON IN SUPPORT OF
ANSWER AND
COUNTERCLAIMS

TO: Clerk of the Court

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

AND TO: Peter J. Glantz and Sean A. Moynihan

1 Bonnie F. Gordon declares as follows:

- 2 1) I, Bonnie F. Gordon, am a named third party defendant in the
3 above captioned lawsuit. I am over the age of 18 and am
4 otherwise competent to testify.
- 5 2) Mr. Douglas McKinley's, (Plaintiff's attorney) Rule 26
6 disclosure dated 8/9/04 in Docket # CV-04-5003-AAM, states, in
7 part, "Plaintiffs believe that the following individuals are likely
8 to have discoverable information relevant to disputed facts
9 alleged in the pleadings". My name is one of the named
10 individuals. Impulse sued a Richland police officer because his
11 name was also on this list. If I, in fact, have discoverable
12 information, Impulse has yet to attempt to discover it.
- 13 3) The Whois lookup process is a means for individuals or
14 organizations to identify ownership of registered Internet
15 domains. My Whois data for my domain references the fact that
16 I am a Washington resident. Exhibit #1
- 17 4) Mr. Kenneth Adamson of Impulse on October 21, 2003 wrote to
18 Commonwealth Marketing Group, Inc. of Uniontown, PA
19 informing it that "this recipient is in a file of blocked and/or
20 suppressed recipients and will not receive mail from any of our
21 marketing partners". On or before that date in 2003, Impulse
22 knew Plaintiff (and I) did not want its email ads. Exhibit #2^{a-b}
- 23 5) Memo dated May 17, 2004 to Mr. Ken Adamson of Impulse
24 shows an accurate subscriber profile for me. Dates of the
25 profiles were in September 2003. Exhibit #3

- 1 6) Examples of emails claiming that prizes have been won by a
2 "gordonworks.com" recipient. Exhibit #4a
- 3 7) Excerpt from referenced complaint, above. This a partial list of
4 the >500 aliases used by Impulse. Aliases have no legitimate
5 commercial purpose in email other than to obscure the sender's
6 identity. Exhibit #5 Source: Complaint, Gordon v.
7 Commonwealth Marketing Group, Inc.
- 8 8) I believe that Spamhaus is the foremost international authority
9 on email. Spamhaus refers to Impulse as one of the 200 worst
10 spammers on earth as it occupies a spot on a list referred to as
11 the Registry of Known Spam Operations or (ROKSO).
12 Spamhaus also cites Impulse's record of criminal violations –
13 thus the "spam gang" reference – Exhibit #6a and 6b
- 14 9) Impulse has sent approximately 166 emails to my new Internet
15 domain. Statutory damages of \$500 per email attach to each.
- 16 10) Plaintiff has taught me a process for analyzing email, I will use
17 his process and tool for my analysis. Exhibit #7.
- 18 11) Impulse has developed a means to buy/sell personal profiles,
19 which allows it (and its agents, if any) to perpetually renew its
20 right to spam an individual. Impulse does this, in part, via a)
21 using large numbers of "throwaway" domains – this is
22 necessary as domains will, have, and are being shut down for
23 spamming b) employing agents ostensibly overseas, which
24 complicates civil suits and gives it more bites at the proverbial
25 spam apple c) refusing to honor opt-out requests d) employing
hundreds/thousands of aliases in a shell game (where is the

1 spammer) and more.

- 2 12) Impulse needs to enmesh its identity with its so-called
3 marketing partners to enjoy the benefits of perpetual
4 spamming and the financial windfall that ensues. However, it
5 will distance itself from these marketing partners by employing
6 a tactic of "plausible deniability" when it comes to violations of
7 laws. The document "Defendant and third party plaintiff's
8 memorandum of law in opposition to third party defendants
9 motion to dismiss" – Complaint # CV-04-5125-FVS – contains
10 the following text strings or excerpts, which tend to enmesh or
11 meld the identities of Impulse and its marketing partners, the
12 web sites, and the alleged harm(s), etc. --- From the
13 Introduction, pages 3-5, "Impulse and/or its marketing
14 partners...from an Impulse-related website...using its
15 websites...submit to Impulse...by submitting their subscriber
16 profile to Impulse...grant Impulse the right...applicable
17 Impulse-related website...significance to Impulse...applicable
18 web site...adversely impacts Impulse...damages
19 Impulse...impacts Impulse's... harm to Impulse...various
20 Impulse-related websites...provide Impulse with
21 false...Impulse and/or its marketing partners...against
22 Impulse...failing to give Impulse...applicable Impulse-related
23 website...Impulse received inaccurate...causing Impulse
24 pecuniary...Impulse and its third party...harm to Impulse.
- 25 13) Each rendition of Impulse's counterclaims - each cause of action
versus me indicates a libelous statement and/or conclusion.

Exhibit 1



itdidnotendright.com



68.178.150.119



Bonnie Glover-Gordon
1419 Jadwin Avenue
Richland, Washington 99354
United States



Glover-Gordon, Bonnie bonniefaye@gordonworks.com
1419 Jadwin Avenue
Richland, Washington 99354
United States
5092101069 Fax --



Glover-Gordon, Bonnie bonniefaye@gordonworks.com
1419 Jadwin Avenue
Richland, Washington 99354
United States
5092101069 Fax --



NS1.GORDONWORKS.COM
NS2.GORDONWORKS.COM



Created: 05-Nov-04
Expires: 05-Nov-06
Source: whois.godaddy.com

Jacque Joseph

From: Kenneth Adamson [kadamson@impulsemg.com]
Sent: Tuesday, October 21, 2003 11:01 AM
To: Jacque Joseph
Subject: RE: Opt-in info on James Gordon

Hello Jacque

I got another response this morning from the "fpc-mail" mailing
Ken,

This is the basic data I found on this recipient:

Jim S. Gordon, 1419 Jadwin Avenue, Richland, WA 99352, 509-943-4715,
jim@gordonworks.com

I am sourcing back the site that he signed up on, date/time and IP
address (if available); whether it was an in-house list site or a
partner site, I will get you what we have.

Again to confirm, this recipient is in a file of blocked and/or
suppressed recipients and will not receive mail from any of our
marketing partners.

-----Original Message-----

From: Jacque Joseph [mailto:legaljj@usacdt.com]
Sent: Monday, October 20, 2003 6:33 PM
To: Kenneth Adamson
Subject: RE: Opt-in info on James Gordon

CONFIDENTIAL INFORMATION: This email and any file(s)
transmitted with it are confidential and are intended
solely for the use of the individual(s) or the entity
to whom it is addressed. This communication may contain
privileged material. If you are not the intended
recipient(s) or the person authorized by and responsible
for delivering the e-mail to the intended recipient(s),
be advised that you have received this e-mail in error
and that any use, dissemination, forwarding, printing,
or copying of this e-mail and any file attachment(s)
is not authorized by the sender of this e-mail
or Commonwealth Marketing Group, Inc. d.b.a. USA Credit, LLC.
If you have received this e-mail in error, please
immediately notify us by telephone at (724) 437-3707 or
(800) 447-1252 or reply by e-mail to the sender. If you
are not the intended recipient, please destroy the original
transmission and its content(s).

Exhibit 2b

Jacque Joseph

From: Kenneth Adamson [kadamson@impulsemg.com]
Sent: Friday, August 06, 2004 3:16 PM
To: Jacque Joseph
Subject: FW: Scrub

Sent: Tuesday, January 13, 2004 3:55 AM
To: Dist Service
Subject: Re: Scrub

At 06:40 PM 1/12/2004, you wrote:

January 12, 2004
Subject: Scrub

Dear Affiliate,

Due to legal issues, please scrub the domain gordonworks.com from all of your lists. None of IMG's products can be mailed to this domain. We appreciate your immediate attention to this matter. If you have any questions, please contact your broker or IMG directly. Thanks in advance for your help and cooperation.

Distributor Services
Impulsemg.com

CMG 000100

8/23/2004

John Fonzo

From: Jacque Joseph [legaljj@usacdt.com]
Sent: Monday, May 17, 2004 1:33 PM
To: Ken Adamson (E-mail); John Fonzo esq (E-mail)
Subject: FW: gordonwork

FYI
Jac

-----Original Message-----

From: Swati Raut [mailto:swati@rautmedia.com]
Sent: Monday, May 17, 2004 1:50 PM
To: 'Jacque Joseph'
Subject: RE: gordonwork

Fyi - we sent a request to our tech guy. As soon as I hear from him, I will let you know.

Swati Raut

Senior Account Executive

Raut Media, Inc.

Phone 732-906-1515

Fax 732-906-2112

swati@rautmedia.com

<http://www.rautmedia.com>

<http://www.affiliatelink.com>

-----Original Message-----

From: Jacque Joseph [mailto:legaljj@usacdt.com]
Sent: Monday, May 10, 2004 12:07 PM
To: 'Swati Raut'
Subject: RE: gordonwork

Thank you so much The information is very helpful. Would you be able to go back as far as you can (archived files) to try and locate any additional information on the gordonworks group e-mail addresses. Anything prior to September 2003 would really be of assistance.

Thank You Very Much
Jacqueline Joseph,
Assistant V.P. Corporate Compliance

-----Original Message-----

From: Swati Raut [mailto:swati@rautmedia.com]
Sent: Monday, May 10, 2004 11:00 AM
To: legaljj@usacdt.com
Subject: gordonwork

I apologize for the delay. Here is the information you requested.

james@gordonworks.com, JAMES, GORDON, 1419 JADWIN
AVENUE, RICHLAND, WA, 99352, 9/13/1956, F, 4.5.74.214,
9/7/2003 23:07:00, www.ecreditfinders.com

CMG 000158

9/14/2004

Exhibit \$

Faye, Gordon, faye@gordonworks.com, 2003-9-11 21:32:52, 4.5.74.214

from emailprize.com database:

james@gordonworks.com, 4.5.74.214, 2003-09-02
02:01:32, James, Gordon, 1951-03-30, 1419 Jadwin
Avenue, Richland, WA, us, 99352, 509-943-4715, 2170007, m

jay@gordonworks.com, 4.5.74.214, 2003-09-09
19:04:04, Jay, Gordon, 1978-11-09, 1419 Jadwin Avenue,
Richland, WA, us, 99352, 509-943-4715, 2189384, m

from home4freestuff.com database:

james@gordonworks.com, 4.5.74.214, 2003-09-02
22:50:18, 2097664, James, Gordon, 1951-03-30, 1419 Jadwin Avenue,
Richland, WA, us, 99352, 509-943-4715, 2277689, m

faye@gordonworks.com, 4.5.74.214, 2003-09-14
22:26:55, BF, Gordon, 1953-05-31, 1419 Jadwin Avenue,
Richland, WA, us, 99352, 509-943-4715, 2359957, f

jonathan@gordonworks.com, 4.5.74.214, 2003-09-16
15:14:19, Jonathan, Gordon, 1980-05-05, Mission,
Pasco, WA, us, 99301, 509-555-5555, 2371909, m

jamila@gordonworks.com, 4.5.74.214, 2003-09-16
15:26:17, Jamila, Gordon, 1974-07-01, 7 Roosevelt,
Walla Walla, WA, us, 99362, 509-526-5555, 2371947, f

emily@gordonworks.com, 4.5.88.163, 2003-10-23
23:51:02, NULL, NULL, NULL, NULL, NULL, NULL, NULL, NULL, NULL,
2507170, NULL

Swati Raut

Senior Account Executive

Raut Media, Inc.

Phone 732-906-1515

Fax 732-906-2112

swati@rautmedia.com

<http://www.rautmedia.com>

<http://www.affiliatelink.com>

CONFIDENTIAL INFORMATION: This email and any file(s)
transmitted with it are confidential and are intended
solely for the use of the individual(s) or the entity
to whom it is addressed. This communication may contain
privileged material. If you are not the intended

CMG 000159

9/14/2004

X-Persona: <ValueWeb>

Received: from cust_req_fwding (msm@gordonworks.com --> jsg33051@gordonworks.com) by ams.fl.affinity.com id <225825-24448>; Sun, 10 Aug 2003 05:10:01 -0400

Received: from g.ew01.com ([69.6.0.16]) by ams.fl.affinity.com with ESMTTP id <223719-24447>; Sun, 10 Aug 2003 05:09:03 -0400

Received: (from daemon@localhost)

by g.ew01.com (8.8.8/8.8.8) id DAA98568;

Sun, 10 Aug 2003 03:36:27 -0400 (EDT)

Date: Sun, 10 Aug 2003 05:08:08 -0400 (EDT)

Message-Id: <200308100736.DAA98568@g.ew01.com>

From: You actually won <LuckyDeals@g.ew01.com>

To: msm@gordonworks.com

Subject: Prize Center

MIME-Version: 1.0

Content-Type: text/html; charset="iso-8859-1"

Please respond here for your chance to claim big prize:

[Click Here](#)

* Supplies are LIMITED. Hurry before they are given away

unsubscribe from this mailing list: [click here](#)

or send a blank to: r.LuckyDeals.0-1edf9a8-3885.gordonworks.com.-msm@g.ew01.com

ezeih



From fields of Impulse Illustrating the Use of Aliases

1. From: account security ivisiondeals@v.ew01.com
2. From: Platinum yourdeals@mydailydeals.net
3. From: USA Platinum wins@winspire.net
4. From: "\$7500 Credit!" credit@mygreatoffers.com
5. From: "7500@Ad-Freedom" ad-freedom@comcast.com
6. From: "Account Openings" Account_Openings_20007_pof@reply.freetx.com
7. From: "Account Openings" Help-My-Credit.ijhopq@ijhopq.emza.net
8. From: "Account Openings" Help-My-Credit.ijhopq@ijhopq.lnk2c.com
9. From: "Account Openings" itsimazing.552ytgu@552ytgu.emza.net
10. From: "Account Openings" itsimazing.552ytgu@552ytgu.lnk2c.com
11. From: "Accounts" Accounts-replyto-1503-958917644@lists.cool-offers.net
12. From: "Advisory Board" [Advisory Board-14630050@12277.Inbound.netoes.com](mailto:Advisory_Board-14630050@12277.Inbound.netoes.com)
13. From: "Advisory Board" [Advisory Board-14630059@12277.Inbound.netoes.com](mailto:Advisory_Board-14630059@12277.Inbound.netoes.com)
14. From: "Alex" leave-lotsolaughs-6436284C@mail.lotsolaughs.com
15. From: "All American" AllAmerican@firstclasstelemail.com
16. From: "All American" AllAmerican@telcomail.com
17. From: "Approvals" Approvals@bontc.com
18. From: "Approvals" Approvals@firstclasstelemail.com
19. From: "Approvals" Approvals@telcomail.com
20. From: "Card Services Department" CardServicesDepartment@b0ntc.com
21. From: "Card Services Department" Services@telcomail.com
22. From: "Congratulations!" credit@mygreatoffers.com
23. From: "ConsumerInfo.com" consumer_info@consumerinfo.rsc02.com
24. From: "Craig" leave-hopesforthefuture-33280780@hopesforthefuture.com
25. From: "Credit Approval Officer" tfs@r.aaaabi.com
26. From: "Credit Approval Officer" tfs@r.vollku.com
27. From: "Credit Card Approval" support@look4emails.com
28. From: "Credit Department" leave-hopesforthefuture-33280780@hopesforthefuture.com
29. From: "Credit Department" sales-alhc@outstandingvalues.com
30. From: "Credit Department" sales-axjs@outstandingvalues.com
31. From: "Credit Department" sales-cckg@outstandingvalues.com
32. From: "Credit Department" sales-obfb@outstandingvalues.com
33. From: "Credit Department" sales-oule@outstandingvalues.com
34. From: "Credit Department" sales-pmpp@outstandingvalues.com
35. From: "Credit Department" sales-wako@outstandingvalues.com
36. From: "Credit Department" sales-ynow@outstandingvalues.com
37. From: "Credit NOW" crednow@isweeps.money.energizing.net
38. From: "Credit NOW" crednow@isweeps.money.restful.net
39. From: "Credit NOW" internet@internetsweeps.energizing.net
40. From: "Credit NOW" isw@breezor.net
41. From: "ExceptionalDeals" promotions@firstchoiceinternet.com
42. From: "FG4A: Guaranteed* Gold Card!" fg4a@reply.mb00.net
43. From: "Gold Card" GoldCard-replyto-476-487183548@lists.herorig.com
44. From: "Great Deals" greatdeals@webstakes.com
45. From: "Guaranteed Approval" mail33@mail.play4keeps.com
46. From: "Issuance Supervisor" Issuance@telcomail.com
47. From: "Issuance Supervisor" IssuanceSupervisor@b0ntc.com

when terminated simply move on to the next ISP already set up and waiting.

ROKSO is a "3 Strikes" register. To be listed in ROKSO a spammer must first be terminated by a minimum of 3 ISPs for AUP violations. IP addresses under the control of ROKSO-listed spammers are automatically and preemptively listed in the Spamhaus Block List (SBL).

For qualified Law Enforcement Agencies Spamhaus provides a special version of this ROKSO database which gives access to records with evidence, logs and information on illegal activities of many of these gangs, too sensitive to publish here.

Spamhaus also publishes a weekly TOP 10 "Worst ROKSO Spammers" chart.

Dan Traina	United States
Dana Jones - The Ballman	United States
Daniel Khoshnood	United States
Daniel Lessing - Coastal Promo / EZ Shoppin	United States
Daniel Lin	United States
Daniel Mankani	India
Danny Luna	United States
Datran Media	United States
Dave Patton / lightspeedmarketing	United States
David Lambert - Aztec Internet	United States
DM GROUP / Robert Hicks	United States
Drew Auman / thebulkclub.com	United States
Eddie Davidson	United States
Eddy Marin - Oneroute	United States
Eduardo de Souza / hostsolutions.us / hostingsmart.biz	United States
Elegance Network	United States
Elmar Bruneniekis	Latvia
elogic.cc	United States
Email Experts / Email Solutions	United States
emailspidereasy.com	China
Erhard Englhofer	Australia
Eric Reinertsen	United States
Estrela Marketing / Adam Taub	United States
EvoClix / Larry Tasman / Greg Numark	United States
eXcuria - inkjet cartridge spammers	United States
fairgamemail.us	United States
Franpro / qtwinc.com / azmalink.net	United States
Fred Lusky and Scott Maslowe / Netbenders and Lakeshore Development	United States
FutureVision Communication / sncsi.net	United States
G-Force Marketing / MegaHits Promoter	United States
Gaven Stubberfield	United States
George Kokinos / Miles Marketing	United States
Georgi Kara Yacoubain	United States
Glen and Stacey McCausland	United States
Glen Hannifin	United States
Global Internic / NewTLDRRegistration.com	Canada
Greg Nowakowski + Chris Tibaldo / Racksource + Zacson	United States
Henrik Jorgensen / Etech Scripts	Denmark
Henry Perez	United States
hispeedmedia.com / adprosolutions.com	United States
Hong Chen / YonHen Internet Marketing Center	China
Howard Minsky / TheAdStop.com / ad360.com	United States
Huntsville Consultants - Sean Sutherland	Canada
Husein Gandhi	India
Ivo Ottavio Reali Camargo	Brazil
James Botkin	United States
Jared Dingwerth / X-press Marketing	United States
Jason M. Pitts / AKA "J. Data" mortgage spammer	United States
Jeffrey P Goldstein / Gregory Greenstein - emailhello.com / impulse marketing	United States

SPAMHAUS



[Home](#) | [About ROKSO](#) | [ROKSO FAQs](#) | [Advanced Search](#)

Register Of Known Spam Operations

 

Jeffrey P Goldstein / Gregory Greenstein - emailhello.com / impulse marketing

[SBL Listings](#)

| [Index](#)

Country: **United States** State: **Georgia**

ROK1370 - Main Info



Breaking federal law?

ROK4893

Impulse Marketing Group spam servers

Jefferey Goldstein's "Impulse Marketing Group" have been caught committing rampant felonies of the Computer Fraud & Abuse Act and CAN-SPAM Act from this IP address on a massive scale.

Law enforcement may contact Spamhaus for evidence logs of this activity.

Organization:

Impulse Marketing Group

Net OPS

5887 Glenridge Drive Suite 400

Atlanta, GA 30328

US

Phone: 678-805-2100

Email: systemadmin@impulsemg.com

Registrar Name.....: Register.com

Registrar Whois....: whois.register.com

Registrar Homepage: <http://www.register.com>

Domain Name: TOPHEALTHBENEFITS.COM

Was: SBL21094 69.42.77.70/32 (webair.com)

The address of this ROKSO record is: http://www.spamhaus.org/rokso/evidence.lasso?rokso_id=ROK4893

The above consists of information in the public domain. The Spamhaus Project makes every effort to avoid errors in submissions to the database, and will correct any errors, but accepts no responsibility or liability for any errors, or liability for any loss or damage, consequential or otherwise, incurred in reliance on the material in these pages. The information on this site is for information purposes only and is not intended as legal advice of any kind.



Sample Email Analysis

===Analysis=====

From: IP address 69.6.27.19, host name '09.postnote.com'.
Location: United States - For a detailed geographic trace, run VisualRoute.
eMailTrackerPro (tm) 3.0a (build 760)

===Received Headers (from you to sender)=====

R1: (unknown) - Thu, 4 Sep 2003 04:32:57 -0400
from cust_req_fwding (james@gordonworks.com --> jsg33051@gordonworks.com)
by ams.ftl.affinity.com
id <265853-28530>

R2: 69.6.27.19 - Thu, 4 Sep 2003 04:32:37 -0400
from 09.postnote.com ([69.6.27.19])
by ams.ftl.affinity.com
with ESMTTP
id <244412-28530>

R3: (unknown) - Wed, 3 Sep 2003 18:44:42 -0700 (PDT)
from daemon@localhost
by 09.postnote.com (8.8.8/8.8.8)
id SAA68492

===All e-mail Internet Headers=====

X-Persona: <ValueWeb>
Received: from cust_req_fwding (james@gordonworks.com -->
jsg33051@gordonworks.com) by ams.ftl.affinity.com id <265853-28530>; Thu, 4 Sep
2003 04:32:57 -0400
Received: from 09.postnote.com ([69.6.27.19]) by ams.ftl.affinity.com with ESMTTP id
<244412-28530>; Thu, 4 Sep 2003 04:32:37 -0400
Received: (from daemon@localhost)
by 09.postnote.com (8.8.8/8.8.8) id SAA68492;
Wed, 3 Sep 2003 18:44:42 -0700 (PDT)
Date: Wed, 3 Sep 2003 20:32:24 -0700 (PDT)
Message-Id: <200309040144.SAA68492@09.postnote.com>
From: \$7500 Unsecured Platinum Card <luckystuff@09.postnote.com>
To: james@gordonworks.com
X-info: Please report complaints to abuse@postnote.com
X-info: All e-mails sent through this system contains full working unsubscription
info.
Subject: James You* Qualify for a Platinum Card
MIME-Version: 1.0
Content-Type: multipart/alternative; boundary="MIME_BOUNDARY-15871-0-
1062651604"

NOTE: Each page of the [1,823 page] WORD document to Impulse contains an analysis of the email header (the upper portion which is labeled "Analysis") with annotation (highlights) for the respective components of the email. The lower portion of the page is the actual email, labeled "All email Internet Headers".

This document was prepared using EmailTrackerPro by VisualWare. The analyses are highlighted to illustrate areas which indicate obfuscation of the required (accurate) IP address and/or domain name in each received headers, denoted with an "R" followed by a number and colon.

Commercial email headers are held to a higher standard than those of more casual or non-commercial communications. And these non-commercial emails have a higher/truer fidelity to recognized standards for email, e.g. RFC 821/822. Therefore, denotations of the wrong GMT; missing IP addresses; missing domains; mismatched pairing of IP and domain; use of unallocated IP addresses; misleading subject lines; bad return addresses; aliases which misstate the origin of the sender obfuscate the sender's ID and/or location . Traceroutes and other analyses may be conducted on these emails.