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

MAR 20 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.

Jamila E. Gordon, Third-Party  
Defendant

) Case No.: CV-04-5125-FVS

)  
) DECLARATION AND  
) RESPONSE TO IMPULSE AND  
) IVEY INITIAL MEMORANDUM  
) RESPONSE RE: THIRD PARTY  
) DEFENDANT'S MOTION TO  
) COMPEL AND MOTION TO  
) DISQUALIFY

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 Jamila E. Gordon declares as follows:

- 2 1) I, Jamila E. 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) Impulse is arguing about the prospect of losing Mr. Ivey as  
6 counsel for Impulse and the alleged hardship that would result.  
7 However, this argument is not well reasoned because a)  
8 Impulse retains counsel headed up by Klein, Zelman,  
9 Rothermel, & Dichter b) it is Klein et al which hired Mr. Ivey  
10 as local counsel for them c) It appears to me that Klein et al  
11 receive copies of all documents filed and has primary  
12 responsibility for Impulse's legal defense – not Mr. Ivey d) in  
13 the arguments regarding cited cases, it appears that the  
14 counsel disqualified were primary counsel not back-up or  
15 secondary counsel (a sub-contractor), e.g. Mr. Ivey e) the harm  
16 represented by disqualifying Mr. Ivey is greatly exaggerated as  
17 Klein et al are Impulse's primary counsel - this motion to  
18 disqualify does not impede that continued representation or  
19 interfere with its basic relationship as Impulse's counsel of  
20 choice f) using Mr. Ivey's words, "the court will not allow a  
21 litigant to delay filing a motion to disqualify in order to use the  
22 motion later as a tool to deprive his opponent of **counsel of his**  
23 **choice** [emphasis added] after substantial preparation of a  
24 case has been completed". The operative words are "counsel of  
25 his choice" – I submit that Mr. Ivey is not counsel of choice by

1 Impulse, but rather counsel of choice for Impulse's true,  
2 primary counsel, Klein et al. g) the cited case law does not  
3 apply to the disqualification of one's counsel's sub-contractor.

- 4 3) Commonwealth Marketing Group (CMG) – whose contract has  
5 already been introduced into evidence by Impulse sent a “cease  
6 and desist” letter to Impulse dated February 9, 2004 to stop it  
7 from sending emails to “gordonworks.com”. Impulse is  
8 withholding all documents which I have requested via  
9 discovery. It is my belief that these documents will substantiate  
10 the declarations made by me and further support the posture of  
11 CMG and Impulse indicated by the attached exhibit. **Exhibit 1**
- 12 4) Prior to this letter (Ex 1) by CMG, Impulse assured CMG that  
13 it was Can-Spam compliant. **Exhibit 2** However, Impulse  
14 continued to send spam to gordonworks.com through December  
15 2005 – a per se violation of Can-Spam and RCW 19.190 et seq,  
16 despite Impulse's assurances to CMG that it was using  
17 suppression or scrub lists to ensure compliance. Impulse is  
18 sending spam to my new domain as recently as March 2006.
- 19 5) Impulse's reliance on accusations of a scheme and the concepts  
20 of indemnification and contribution “fail” in light of the fact  
21 that internal documents from Impulse and external documents  
22 from CMG, which indicate that Impulse's Ken Adamson,  
23 Jeffrey Goldstein, and John Huston – at a minimum, knew that  
24 no email was to be sent to the email address which bears my  
25 name at “gordonworks.com”. Despite this knowledge, each man,  
individually and as a collective, failed to reign in the torrent of

1 email being sent to "gordonworks.com. My causes of action  
2 versus Impulse will bring out more of its scheme or conspiracy  
3 to defraud me.

- 4 6) Impulse's reliance on the assertions of fraud and deceit,  
5 tortious interference, malicious prosecution and breach of  
6 contract (even if there was a contract [which I deny] it was  
7 rescinded via unsubscribe requests in October 2003 starting  
8 with Exhibit 3) fail because of the evidence of opt-out requests  
9 as early as October 1, 2003. These opt-out requests along with  
10 the communications between CMG and Impulse indicate a good  
11 faith effort to extricate me from the failed attempt to obtain a  
12 prize, which ultimately proved to be part of a fraudulent free  
13 prize scheme by Impulse to steal my identity. **Exhibit 3**
- 14 7) Impulse's "prayer" for an injunction appears to be pure  
15 sophistry as the documents above indicate that Impulse has  
16 refused to honor unsubscribe requests by "gordonworks.com"  
17 email addressee(s). Further, Impulse has re-framed its refusal  
18 into a story about its fabricated victimization. In addition to  
19 ignoring opt-out requests from "gordonworks.com", Impulse  
20 ignored edicts from CMG and its own internal suppression  
21 guidelines – making it answerable to no one. It is Impulse and  
22 its marketing partners' behaviors that led to any and all  
23 damages incurred by Plaintiff and the undersigned. Damages  
24 proffered by Impulse, allegedly as a result of a scheme, are  
25 illusory or self-inflicted.
- 8) Impulse's causes of action are based on a lie (or series of lies),

1 for example, a) I participated in a scheme to defraud it b) I  
2 opted into one or more of its websites c) I opted out of one or  
3 more of its websites d) I opted in and opted out, repeatedly e)  
4 Impulse believed that 3<sup>rd</sup> party defendants' subscriber profiles  
5 were inaccurate and untruthful f) I solicited emails in order to  
6 file multiple lawsuits (strictly speaking I have filed no lawsuits  
7 against anyone – my counterclaims and causes of action against  
8 Impulse were prompted by the pre-existing specious lawsuit by  
9 Impulse – I have sued no one else) g) Impulse has sustained  
10 financial loss and continues to accrue losses due to action(s) by  
11 Plaintiff and 3<sup>rd</sup> party defendants. Had Impulse done as it was  
12 instructed to do by its principal, CMG, this lawsuit may have  
13 been averted altogether. Impulse's Adamson letter of 10/23/03  
14 acknowledges Impulse's placement of "gordonworks.com" "in a  
15 file of blocked and/or suppressed recipients – ALL email after  
16 this time VIOLATED Impulse's and CMG's corporate policies  
17 as well as state and federal civil and criminal laws as outlined  
18 in my causes of action versus Impulse.

- 19 9) Based on an email [Exhibit <sup>6</sup> X] and discussion with my father,  
20 we both understood Mr. Ivey was "his" attorney and that all  
21 that was discussed between the two of them was privileged. I  
22 was shocked to hear that Mr. Ivey had switched sides as I had  
23 also contacted him about a separate personal legal matter. The  
24 documents in my possession appear to reveal a betrayal of my  
25 father and a skirting of the truth by Mr. Ivey. **Exhibit 4** –  
email dated 9/22/03; **Exhibit 5** – email dated 9/25/03; **Exhibit**

1       **6 – dated 9/30/03 to me; Exhibit 7 – dated 12/30/03; Exhibit**  
2       **8 – dated 4/4/05.**

3       10) I find it peculiar that Mr. Ivey would retain my father's email  
4       from 2002, but not the relevant 2003 emails.

5       11) **Exhibit 7** lists the case of Gordon v. Commonwealth Marketing  
6       Group, Inc. The actual mention of CMG was via hyperlink to a  
7       web site created by my father, which contained detailed  
8       information about the lawsuit and emails and the analysis of  
9       the email – I believe the web site has been taken down. On the  
10      surface, it appears that Mr. Ivey has direct intimate knowledge  
11      of both sides in the instant conflict. Impulse argues “the  
12      relevant test for disqualification is whether the former  
13      representation is ‘substantially related’ to the current  
14      representation” – Gas-A-Thon citation. The substantially  
15      related argument is buttressed by Impulse's assertion/claim in  
16      its Motion to Dismiss based on “res judicata” (circa January  
17      2005) that the corpus of email was **identical**.

18      12) Mr. Ivey et al have criticized my interrogatories, it appears that  
19      Impulse believes that I am simply parroting words for/from  
20      Plaintiff. Mr. Ivey fails to mention that I now have legitimate  
21      claims of my own (I have contemplated these counterclaims  
22      since the inception of the “slapp suit”). These new claims  
23      include a cause of action for statutory damages under RCW  
24      19.190 et seq and Can-Spam as Impulse has insinuated itself  
25      into web sites which do not disclose a link to Impulse.  
    Apparently, Impulse claims that it is a spammer's marketing

1 partner simply because it bought or sold an email list from that  
2 spammer. Impulse has failed to disclose via interrogatories and  
3 requests for production its list of so-called marketers or extant  
4 contracts with same - ostensibly to avoid being painted with the  
5 same brush as these "fly-by-night" criminal spam gangs. For  
6 this pro se defendant, the distinction between Plaintiff's claims  
7 and mine, if there is one, is not discernible to me.

8 13) Impulse knows that it is suing pro se defendants. Pro Se  
9 defendants by definition are typically not attorneys. As a result,  
10 pro se defendants will make mistakes. Impulse has seized every  
11 opportunity to threaten and intimidate 3<sup>rd</sup> party defendants in  
12 terms of filings made and the errors which ensue. The primary  
13 threat has been for sanctions for making mistakes. If allowed,  
14 these sanctions would render 3<sup>rd</sup> party defendants "paralyzed"  
15 in terms of mounting our legal self-defense. It is highly likely  
16 that 3<sup>rd</sup> parties will make more mistakes in our self-defense.  
17 As a matter of equity, this Court, I trust, will adjudge each  
18 filing made by a 3<sup>rd</sup> party defendant on a good faith proffer of  
19 facts - not my legal education or lack thereof.

20 14) I do not want to have to interact with Mr. Ivey et al because of  
21 his tendency to intimidate/threaten. There is a "veiled" threat  
22 by Mr. Ivey on page 10 of his memorandum suggesting that my  
23 father is "practicing law". This is not the first time that he has  
24 levied such a charge. If Impulse wishes to engage in another  
25 side show or ruse, then I would be happy to testify along with  
my family and my father's friends as to the role he has played

1 in this case – this calculated merit-less distraction is a waste of  
2 judicial resources predicated on the realization that Impulse's  
3 theory of the case is smoke and mirrors – something that our  
4 jury will clearly see.

- 5 15) My opinion is that Mr. Ivey is not a man of his word. That is  
6 the reason why I have requested my father's help. He has  
7 buffered me from the day-to-day skirmishes with Impulse.  
8 However, he has not submitted anything to the Court on my  
9 behalf without my input and foreknowledge. It appears that  
10 Impulse could correspond via email [to my father and copying  
11 3<sup>rd</sup> parties and Mr. Siegel] or suggest yet another way to  
12 overcome the impasse regarding the need to communicate in  
13 this case. We have been pulled into Impulse's mean-spirited  
14 and illegal charade, but we will defend ourselves to the best of  
15 our collective abilities.

16 I declare under penalty of perjury under the laws of the United States  
17 that the foregoing is true and correct.

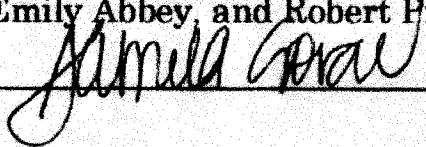
18  
19 Jamila E. Gordon  
20 9804 Buckingham Drive  
21 Pasco, WA 99301  
22 509-210-1069

23 EXECUTED this 20th day of March, 2006  
24  
25 



Certificate of Service

1 I, hereby, certify that on March 20, 2006, I filed this affidavit 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 Emily Abbey, and Robert Fritchett by other means.

  
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8 However, he has not submitted anything to the Court on my  
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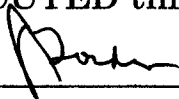
18  
19 Jamila E. Gordon

20 9804 Buckingham Drive

21 Pasco, WA 99301

22 509-210-1069

23 EXECUTED this 20th day of March, 2006

24  P O A  
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Certificate of Service

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I, hereby, certify that on March 20, 2006, I filed this affidavit with this Court. I have served Bob Siegel, Peter J. Glantz, Sean A. Moynihan, Floyd E. Ivey, Bonnie Gordon, James Gordon III, Jonathan Gordon, Emily Abbey, and Robert Pritchett by other means.

John P O A



One Millennium Drive  
Uniontown, PA 15401  
Phone: (724) 437-3707

February 9, 2004

Jeff Goldstein  
Impulse Marketing Group, Inc.  
Five Concourse Parkway, Suite 950  
Atlanta, GA 30328

Facsimile: (678) 805-2101

Re: James S. Gordon, Jr. v. Commonwealth Marketing Group, Inc.

Dear Jeff:

Commonwealth Marketing Group, Inc. (CMG) hereby gives notice to Impulse Marketing Group, Inc. (IMG) to immediately cause IMG affiliated marketers, offerclicks and freebiegazette, to cease representing, in any and all manner whatsoever, IMG on behalf of CMG, unless and until IMG provides CMG with assurance that it has caused all of its affiliated marketers, including the two mentioned above, to cease and desist from sending messages, to the gordonworks.com e-mail domain.

CMG finds it necessary to take this drastic action as, despite repeated telephone conversations with IMG officers and staff of the need to act immediately on this extremely urgent matter, we learned today that the gordonworks.com domain continues to receive messages from IMG affiliated marketers. Specifically, on January 7, I wrote to you, attached a copy of an Order of Court of Benton County, Washington, against me, personally, CMG and IMG, enjoining the sending of e-mail messages to James Gordon. On January 9, John Fonzo, CMG Vice President and General Counsel, wrote to IMG's Phil Huston, requesting assurances concerning IMG CAN SPAM Act and state anti-Spam law compliance. (Gordon's lawsuits against CMG was filed pursuant to the Washington anti-Spam law). On February 2, Mr. Fonzo again wrote to Phil Huston, informing IMG in writing of our previous oral notification of the Gordon vs. CMG litigation, and raising indemnification issues under the CMG-IMG Website Development and Marketing Services Agreement.

It is my understanding that IMG's lawyers have responded in writing to the January 9 letter concerning SPAM law compliance, providing assurances of IMG compliance. Further, on multiple occasions, CMG has forwarded to IMG several e-mail messages as provided by James Gordon to me, for research and evaluation as to, among other things, origin of the messages, any evidence of Gordon opt-ins, as well as evidence of cessation of messages, to the extent they originated from an IMG affiliated marketer. My staff

CMG 000052

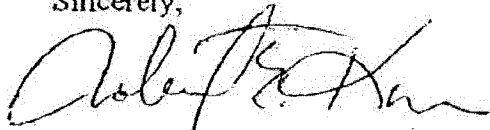
advises that they have had continuous dialogue with IMG technical staff as to these messages, together with certain assurances that proper safeguards were put in place to make certain that additional messages are not sent to Mr. Gordon.

What is equally troubling to me is that IMG was first notified of Gordon's alleged receipt of SPAM in September of 2003, immediately upon CMG's receipt of notice from Gordon of the allegations. Certainly, IMG has had sufficient time to address this serious situation. Thus, you can imagine my confusion, anger and embarrassment when I received from James Gordon on February 7, yet two additional e-mail messages that appeared to have originated from IMG affiliated marketers.

Jeff, it is absolutely imperative that this situation be addressed immediately. Given the long and productive business relationship that CMG and IMG has enjoyed, you must see this demand for IMG affiliated marketers who send messages to gordonworks.com, including the two mentioned above, to cease and desist representing IMG on CMG products as a final effort to get IMG's attention to do what is legally required and commercially responsible.

Please call me immediately upon receipt. At that time, we can direct to the person at IMG who will give this their undivided and immediate attention, the most recent e-mail messages received from James Gordon.

Sincerely,



Robert E. Kane  
President & CEO

CMG 000053

ATTORNEYS AT LAW  
485 MADISON AVENUE  
NEW YORK, NEW YORK 10022-5803

TEL (212) 935-8020

FAX (212) 753-8101

e-mail: kzrd@kzrd.com

FRED C. KLEIN  
ANDREW E. ZELMAN  
JOAN EBERT ROTHERMEL  
JOEL R. DICHTER  
JANE B. JACOBS  
NANCY B. SCHESS  
DAVID O. KLEIN  
LAURENCE J. LEBOWITZ  
SEAN A. MOYNIHAN

STEPHEN B. HANSBURG  
OF COUNSEL

JOHN T. UM  
JOSHUA D. ROSE  
DEENA B. BURGESS

February 3, 2004

VIA FIRST CLASS MAIL

John P. Fonzo, Esq.  
Vice President & General Counsel  
Commonwealth Marketing Group  
One Millennium Drive  
Uniontown, PA 15401

Re: CAN-SPAM compliance

Dear Mr. Fonzo:

Please be advised that this firm represents Impulse Marketing Group, Inc. ("Impulse"). We write in response to your January 9, 2004 correspondence addressed to Mr. Phil Huston, in which you request that Impulse detail the steps that it has taken to comply with the provisions of the CAN-SPAM Act of 2003 ("CAN-SPAM" or the "Act"), specifically as they relate to the services that Impulse provides to Commonwealth Marketing Group ("Commonwealth") under contract dated December 10, 2001 (the "Agreement"). Impulse has assured us that during the life of its relationship with Commonwealth, it will at all times provide services to Commonwealth in strict conformance with the requirements of CAN-SPAM and any subsequent amendments. In furtherance of this commitment, Impulse is amenable to crafting a mutually acceptable rider to the existing Agreement that will address the parties' respective CAN-SPAM obligations, while providing reciprocal indemnification provisions that will be triggered should either party at any time fail to comply with the Act.

As of January 1, 2004, Impulse has implemented the following internal procedures so that its business is conducted in accordance with CAN-SPAM regulations. In particular, and without limitation, Impulse ensures that each and every commercial e-mail that it sends, or has sent through a third party, contains: accurate header information; correct domain name and/or IP address; "subject" and "from" lines that are not fraudulent, deceptive or misleading; a functioning return/reply e-mail address for unsubscribe purposes and an unsubscribe hyperlink

KLEIN, ZELMAN, ROTHERMEL & DICHTER, L.L.P.

*John P. Fonzo, Esq.*

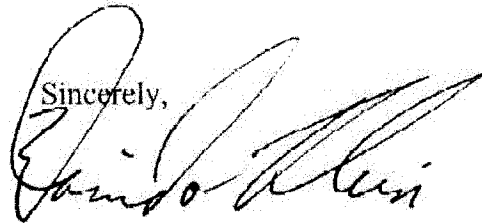
*February 3, 2004*

*Page 2*

that is functional for thirty (30) days after the applicable e-mail transmission date; language identifying such commercial e-mail as an advertisement or solicitation; and valid, physical mailing addresses (not P.O. boxes) for both Impulse and its advertiser-clients, such as Commonwealth. As required by the Act, Impulse processes all unsubscribe requests within ten (10) days of receiving such requests, if not sooner. Each unsubscribed e-mail address is then transferred to the Impulse suppression list. This list is updated on a daily basis, divided up into separate advertiser-specific suppression lists and made available to the applicable advertiser-clients for their own internal scrubbing and suppression purposes.

Should you have any further questions on the CAN-SPAM compliance measures taken by Impulse, please contact me at your convenience. We will begin drafting the CAN-SPAM rider next week and will have same for your review promptly thereafter. I look forward to working with you.

Sincerely,



David O. Klein

cc: Phil Huston

X-Persona: <ValueWeb>

Received: from cust\_req\_fwding (james@gordonworks.com --> jim@gordonworks.com) by ams.ftl.affinity.com id <216611-20680>; Wed, 1 Oct 2003 10:08:34 -0400

Received: from relay02.mindsharredesign.com ([216.39.113.10]) by ams.ftl.affinity.com with ESMTP id <216875-20663>; Wed, 1 Oct 2003 10:07:39 -0400

Received: from i.pm0.net (i.pm0.net [216.39.113.141])  
by relay02.mindsharredesign.com (Postfix) with ESMTP id A6E31643B  
for <james@gordonworks.com>; Wed, 1 Oct 2003 07:05:16 -0700 (PDT)

Received: (from pmguser@localhost)  
by i.pm0.net (8.12.8/8.12.2/Submit) id h91E7bxU007989;  
Wed, 1 Oct 2003 07:07:37 -0700 (PDT)

Date: Wed, 1 Oct 2003 07:07:37 -0700 (PDT)

Message-Id: <200310011407.h91E7bxU007989@i.pm0.net>

From: "EmailPrize.com" <pmgsender@returns.mb00.net>

To: <james@gordonworks.com>

X-PMG-Userid: emailprize

X-PMG-Msgid: unsubscribe

X-PMG-Recipient: james@gordonworks.com

Subject: Unsubscribed Successful!

MIME-Version: 1.0

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

You have been unsubscribed to the EmailPrize Newsletter. We are sorry to see you leave.

EmailPrize.com



From: "floyd ivey" <feivey@3-cities.com>  
To: "Jim Gordon" <res08nqc@verizon.net>  
Subject: Re: Help With District Courts Complaints  
Date: Mon, 22 Sep 2003 10:29:23 -0700  
X-Mailer: Microsoft Outlook Express 6.00.2800.1158

Jim,

Thanks for the interesting note. I certainly have an interest but will first point you to direct contact with the Attorney General's office. They may be able to indicate the extent of their efforts and may have an interest in your work.

Moving a positive result in District Court to a meaningful prospect of gaining dollars will likely be difficult. The Attorney General may have a clear perspective of the possibility of having success via litigation.

Please let me know the nature of any contact you might have with the AG.

Floyd E. Ivey

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

From: "Jim Gordon" <res08nqc@verizon.net>  
To: <feivey@3-cities.com>  
Sent: Monday, September 22, 2003 8:15 AM  
Subject: Help With District Courts Complaints

- > Floyd:
- >
- > I would like you to consider the following information as I will need help
- > completing the work that I have outlined, below...
- >
- > I have taken the following affirmative steps to reduce the 600+ emails
- > that
- > I have been receiving every day since 1998:
- >
- > 1. I purchased forensic software to allow me to trace the origin of
- > emails.
- > 2. Mailed demand letters to individuals and entities that have spammed me.
- > Each letter contained the following info:
- > a. A two page copy of RCW 19.190 - WA anti-spam statute
- > b. Copies of the unlawful headers from the email that the
- > spammers
- > sent to me.
- > c. Demand for damages of \$500 per violation - the threshold for
- > sending a letter was 10 violations or more
- > 3. Mailed a total of 30 demand letters to the most egregious violators of
- > this law.
- >
- > Currently, I have drafted a complaint - the draft was based on a template
- > from a successful defense of RCW 19.190 in Western WA. I am seeking an
- > attorney to "perfect" my complaint so that I may file it in District
- > Court.
- > In the alternative, I may want to hire an attorney to represent me in
- > court.
- >
- > An interesting side note is since the demand letters were delivered to
- > these spammers, a few have continued to send their spam "flaunting" our
- > law. I believe that there is a second cause of action (perhaps harassment)

0003

Printed for Jim Gordon <Kamau@charter.net>

10/2/2005

17

Exhibit 5

From: "floyd ively" <feivey@3-cities.com>  
To: "Jim Gordon" <res08nqc@verizon.net>  
Subject: Re: Article from Wired World  
Date: Thu, 25 Sep 2003 09:38:24 -0700  
X-Mailer: Microsoft Outlook Express 6.00.2800.1158

Jim,

The problem with present resistance to spam is the cost. That is, it will cost \$225/hour for me to explore with no clear ability to find a solution. Further, should you actually locate a spammer there would be doubt regarding the ability to collect on any judgment.

In the mean time someone has commenced such a lawsuit. I haven't heard re: the status for months. And the Attorney Generals of many states are likely looking at the issue.

Thus others are doing the work at no expense to you. There will be a real budget needed for you to commence the effort. Please advise if you want to examine the prospect of going forward.

Floyd

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

From: "Jim Gordon" <res08nqc@verizon.net>  
To: <feivey@3-cities.com>  
Sent: Thursday, September 25, 2003 9:09 AM  
Subject: Article from Wired World

> Floyd:

>

> My domain name - gordonworks.com is under siege. Whether we consider my  
> domain name intellectual PROPERTY or personal PROPERTY, this property is  
> being encroached upon - to the tune of 4MB+ every day. This encroachment  
> displaces my computer's memory with unsolicited - even unlawful commercial  
> email.

>

> I have kept records of this spam since 8/6/03. In that time (51 days), I  
> have received 122MB of spam. In the past 24 hours, I have received 4.6MB  
of  
> spam. I am feeling a since of urgency...

>

> One might ask why I don't simply filter and delete these email. I have  
been

> filtering and deleting email since 1998. During that time, my daily volume  
> of email approached 1500 messages per day. I found that filters can be  
> defeated/circumvented - so I spent time revising and updating my filters.  
> My collection of spam (over 20,000 messages) now serves one purpose - that  
> of being evidence against those who spam me and millions of others.

>

> My spam problem was an imposition on my business and it is an imposition  
on

> my personal use of the Internet. Therefore, I have chosen to stop running  
> and hiding from spam. I believe that Washington's anti-spam statute was  
> designed to prevent much of the abuse that I am experiencing.

>

> The article below discusses the concept of "trespass" as it pertains to  
> spam...I experience this sense of being trespassed upon each time that I  
> check my email - 6+ times per day.

0019

file:///C:/DOCUME~1/JIMGOR~1/BUS/LOCALS~1/Temp/eud11.htm

10/2/2005

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Jamila & Tommy, 01:26 PM 9/30/2003 -0700, Update

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To: "Jamila & Tommy" <jamila@charter.net>

From: Jim Gordon <res08nqc@verizon.net>

Subject: Update

Cc:

Bcc: bonnie.gordon@verizon.net

Attached: C:\Temp\Spam Complaint Form\_files\Complaints\pleadingdraftAmericanHomeownersASSN.doc; C:\Temp\Spam Complaint Form\_files\Complaints\pleadingdraftTheodorehansson.doc;

Jamila:

Please hold on to the attachments - they are templates for future litigation. The email accounts for the family have the following totals:

<u>Name</u>	<u>Total Emails (unresearched)</u>	<u>Unlawful spam (researched)</u>
Bonnie	1505	153
James	3409	343
Jamila	1132	94
Jay	1552	124
Jon	1138	95

The complaints that I drafted for my attorney, Floyd Ivey, are attached. Each unlawful spam could be worth \$500 - if we prevail in court

feivey@3-cities.com, 11:13 AM 12/30/2003 -0800, Status

---

To: feivey@3-cities.com  
From: Jim Gordon <res08nqc@verizon.net>  
Subject: Status  
Cc:  
Bcc:  
Attached:

Floyd:

On Wednesday, the 24th a Superior Court judge gave me an early Christmas present in the form of two temporary restraining orders against two of the companies that have been spamming me. On January 8th, 2004, I will appear in Superior Court to request a permanent injunction against these companies and their agents.

Below are links to the steps that I have taken to stop the spamming.

Here's a link to the online Herald-Standard.

[http://www.heraldstandard.com/site/news.cfm?newsid=10686398&BRD=2280&PAG=461&dept\\_id=480247&rfi=8](http://www.heraldstandard.com/site/news.cfm?newsid=10686398&BRD=2280&PAG=461&dept_id=480247&rfi=8)

<http://www.gordonworks.com/spam>

<http://www.gordonworks.com/spam/TedHansson.htm>

<http://www.gordonworks.com/spam/CommonwealthMarketingGroup.htm>

If I prevail in these initial lawsuits, there are over 70 more anti-spam lawsuits that I wish to file in Superior and District Courts. If you are still interested, in what way do you envision assisting me?

Seasons Greetings,  
Jim Gordon

Akers, Doug E, 08:47 AM 4/4/2005 -0700, RE: FW: Battelle Contract for Review

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To: "Akers, Doug E" <doug.akers@pnl.gov>  
From: Jim <Kamau@charter.net>  
Subject: RE: FW: Battelle Contract for Review  
Cc:  
Bcc:  
Attached:

Actually it is Doug McKinley v Floyd Ivey

At 07:48 AM 4/4/2005 -0700, you wrote:

By chance are you working with Dave Broussard? Good Guy

Look forward to hear from one of them.

Take Care

Doug

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

From: Jim [mailto:Kamau@charter.net]  
Sent: Saturday, April 02, 2005 8:30 AM  
To: Akers, Doug E  
Cc: Shoemaker, Steven V  
Subject: Re: FW: Battelle Contract for Review

Doug:

I have not had an opportunity to take this contract to an attorney yet - because the two attorneys that I typically use are facing one another - one for me and the other against (yes, it technical is a conflict of interest, but...). The attorney that is for me, does work for the Lab, which makes advising me a possible conflict of interest - so, I may go to a third attorney...

I appreciate you diligence on the preparation of this document and will get legal advice as soon as possible.

Best Regards,  
Jim

At 07:29 AM 3/7/2005 -0800, you wrote:

Jim,

Here it is. Hopefully it will make it through this time.

Doug

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

From: Akers, Doug E  
Sent: Tuesday, February 22, 2005 12:07 PM  
To: 'jim@gordonworks.com'  
Cc: Shoemaker, Steven V; Strycker, Forest E Jr  
Subject: Battelle Contract for Review

Jim,