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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.

Jonathan K. Gordon, Third-Party

Defendant

Case No.: CV-04-5125-FVS

MOTION TO COMPEL AND FOR
SANCTIONS & DECLARATION
RE: DISCOVERY

TO: Clerk of the Court

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

300

Introduction

1
2 I do not know the proper procedure for overcoming the impasse in terms
3 of conferring with Impulse regarding this case as Mr. Ivey informed us
4 that he will not contact my father, the Plaintiff, in this matter. On the
5 one hand, Mr. Ivey had an exchange with my mother, Bonnie Gordon,
6 via email and phone regarding discovery. And, on the other hand, those
7 “communications” did not alter the outcome of the process, i.e. Impulse
8 still failed to produce answers to the questions asked or to produce
9 documents that should have accompanied the discovery request.

10
11 In light of my recently filed answer and counterclaims against Impulse,
12 all requests Impulse deemed irrelevant, etc. are unequivocally relevant
13 and demand full disclosure under FRCP 37 (a)(2) (3).

14
15 It is hypocritical for Impulse to 1) complain that it is not receiving
16 adequate discovery by Plaintiff yet hamper each attempt to obtain
17 discovery by 3rd parties 2) invoke a rule regarding conferring with
18 opponent before filing and then refuse to comply with discovery in any
19 meaningful way – an attempt to have it both ways – benefiting from an
20 impasse Impulse is a party to creating 3) threaten sanctions from 3rd
21 parties for failing to obey a rule, which Impulse thwarts by denying me
22 required inputs to my self-defense. 4) allege that I along with other 3rd
23 parties are propounding questions and production requests as if for my
24 father. However, I have considered filing a counter suit against Impulse
25 since its initial false claims against me roughly six months ago. And
with my answer and counterclaims, it appears that my claims mirror

1 those of my father in many or most ways. Thus my discovery requests
2 are legitimate and require full disclosure and compliance with
3 applicable rules 5) squander close to 120 days since the statue
4 conference in the Fall of 2005 – requested ostensibly to conduct
5 discovery – with no discovery propounded by Impulse to 3rd parties. The
6 notion that Impulse’s reason for not propounding discovery during this
7 period of time was due to any concern for 3rd party defendants is
8 ludicrous in light of mean-spirited direct and indirect attacks on 3rd
9 parties.

10 Third Party Defendant moves the Court to Compel (discovery)
11 compliance and for Sanctions against Third Party Plaintiff as its
12 responses to Third Party Defendant’s Interrogatories and Request for
13 Production of Documents are evasive, incomplete, and non-responsive.
14 These documents were placed in US Mail on or about January 23, 2006.
15 Impulse has also failed to make the required Rule 26 disclosures to the
16 undersigned.

17 **Interrogatories & Requests for Production**

18
19 Impulse’s response is replete with objections due to relevancy, privilege,
20 undue burden, etc.

21
22 Third party Defendant moves the Court to award Sanctions per FRCP
23 37(a)(4) in an amount equal to or greater than the Sanctions demanded
24 by Impulse of Plaintiff. Or, in the alternative, simply require/order
25 compliance with the rules.

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

Jonathan K. Gordon, Pro Se

9804 Buckingham Drive

Pasco, WA 99301

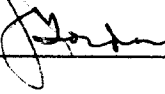
509-210-1069

EXECUTED this 20th day of March, 2006.

 P O A

Certificate of Service

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

 P O A
