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

MAR 27 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.

James S. Gordon III, Third-Party

Defendant

Case No.: CV-04-5125-FVS

THIRD PARTY DEFENDANT'S  
MOTION FOR TEMPORARY  
INJUNCTION & DECLARATION  
IN SUPPORT

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

In November 2004, the above captioned case was filed with this Court. About six months ago, I was sued by Impulse in retaliation for Plaintiff listing me as a prospective witness in his lawsuit. Earlier this month, after the dismissal of my motion to dismiss, I filed an answer and reply to that lawsuit. Impulse is still sending email to my mailbox.

## Declaration

I, James S. Gordon III, declare the following:

- 1) I am a named third party defendant in the above captioned lawsuit. I am over the age of 18 and am otherwise competent to testify.
- 2) I introduced evidence in my answer to this lawsuit and the subsequent declarations in support thereof, which states that Impulse knew that the "gordonworks.com" Internet domain name was not to be sent email by Impulse or its affiliate marketers – see Impulse's Kenneth Adamson's October 21, 2003 memo, wherein he states, "...this recipient is in a file of blocked and/or suppressed recipients and will not receive mail from any of our marketing partners".
- 3) On January 7, 2004, Robert Kane, CEO of Commonwealth Marketing Group, Inc. of Uniontown, PA – the company which hired Impulse to send email on its behalf warned the owner of Impulse, Jeff Goldstein, "it is imperative that Impulse and any Impulse affiliate marketers take every available step to assure that no message of any kind be transmitted to the network

1 domain: "gordonworks.com". Impulse failed to comply with all  
2 requests to stop sending "gordonworks.com" email ads.

- 3 4) On March 22, 2006, Impulse sent ten emails addressed to the  
4 gordonworks.com domain. Two of those emails were addressed  
5 to "jay@gordonworks.com". **Exhibit 1**
- 6 5) The continued email abuse of the "gordonworks.com" domain by  
7 Impulse can not be justified by business necessity or any other  
8 legitimate reason --- the only purpose these emails serve is to  
9 harass, intimidate, and annoy me.
- 10 6) Impulse's lack of diligence in terms of its corporate obligations  
11 to the public vis à-vis honoring legitimate opt-out requests has  
12 led to ongoing damages – financial damages as well as damage  
13 to the "public trust" – these damages are ongoing and are due  
14 solely to Impulse's actions or lack of action.
- 15 7) Impulse continues to profit from selling my personally  
16 identifying information in spite of the current lawsuit citing  
17 violations of RCW 9.35 – Identity Theft Statute and RCW  
18 19.170- Free Prize Statute.
- 19 8) Impulse has acted with malice and oppression by forcing its  
20 marketing ads on me and quite likely on hundreds, thousands,  
21 or perhaps tens of thousands of Washington State residents.

22  
23 **THEREFORE**, third party defendant moves this Court to issue an  
24 order for a temporary injunction against Impulse Marketing Group, Inc.  
25 (a Nevada corporation) doing business in the State of Georgia.

1 Specifically, the undersigned asks this Court to enjoin Impulse  
2 and its agents, employees, directors, owners, contractors, and all others  
3 acting on behalf of Impulse from sending email to me and to enjoin  
4 Impulse from sending its email to all Washington State residents until  
5 this lawsuit has been adjudicated. Impulse's reckless behaviors are  
6 anathema to the "public trust" as it uses its business to harass,  
7 intimidate and annoy individuals who complain about its marketing  
8 practices. An injunction helps to preserve the public trust, especially on  
9 this matter which entails questions of identity theft and other public  
10 policy concerns.

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

13  
14 James S. Gordon III, Pro Se

15 9804 Buckingham Drive

16 Pasco, WA 99301

17 509-210-1069

18 EXECUTED this 27<sup>th</sup> day of March, 2006.

19  
20  
21 Certificate of Service

22 I, hereby, certify that on March 27, 2006, I filed this motion with this  
23 Court. I have served Bob Siegel, Peter J. Glantz, Sean A. Moynihan,  
24 Floyd E. Ivey, Bonnie Gordon, Jonathan Gordon, Jamila Gordon, Emily  
25 Abbey, and Robert Pritchett by other means.

X-Persona: <gordonworks.com>  
Return-Path: <jay@gordonworks.com>  
Delivered-To: 7-jim@gordonworks.com  
Received: (qmail 21027 invoked by uid 0); 22 Mar 2006 03:25:00 -0600  
Received: (qmail 16994 invoked from network); 22 Mar 2006 03:24:51 -0600  
Received: from mail1.banddly.com (66.59.94.13)  
by clrobin.com with SMTP; 22 Mar 2006 03:24:49 -0600  
Message-ID: <18655218.1143019414944.JavaMail.root@banddly.com>  
Date: Wed, 22 Mar 2006 03:23:34 -0600 (CST)  
From: Free Card Search <card@banddly.com>  
Reply-To: Free Card Search <r-949146-35879@banddly.com>  
To: "jay@gordonworks.com" <jay@gordonworks.com>  
Subject: \*\*\*\*\*SPAM\*\*\*\*\* Your New Credit Line Has Been Approved Please Activate  
Mime-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="====\_Part\_68444\_19843883.1143019414941"  
X-CC: mkkksiulfuwllwfvvislvls kkwkukkluswnfqik lfvixquxsv  
X-Spam-Flag: YES  
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on gordonworks.com  
X-Spam-Level: \*\*\*\*\*  
X-Spam-Status: Yes, hits=11.9 required=7.0 tests=ADDR\_FREE,BAD\_CREDIT,  
BAYES\_56,BEEN\_TURNED\_DOWN,COMPLETELY\_FREE,FOR\_FREE,  
HTML\_IMAGE\_RATIO\_04,HTML\_MESSAGE,HTML\_TITLE\_UNTITLED,NO\_OBLIGATION,  
RCVD\_IN\_BL\_SPAMCOP\_NET,RCVD\_IN\_SBL,TO\_ADDRESS\_EQ\_REAL autolearn=spam  
version=2.63  
X-Spam-Report:  
\* 0.8 TO\_ADDRESS\_EQ\_REAL To: repeats address as real name  
\* 2.6 ADDR\_FREE From Address contains FREE  
\* 1.4 BEEN\_TURNED\_DOWN BODY: Have you been turned down?  
\* 0.4 BAD\_CREDIT BODY: Eliminate Bad Credit  
\* 0.5 COMPLETELY\_FREE BODY: No such thing as a free lunch (2)  
\* 0.6 FOR\_FREE BODY: No such thing as a free lunch (1)  
\* 1.5 NO\_OBLIGATION BODY: There is no obligation  
\* 1.1 HTML\_IMAGE\_RATIO\_04 BODY: HTML has a low ratio of text to image area  
\* 0.0 BAYES\_56 BODY: Bayesian spam probability is 56 to 60%  
\* [score: 0.5699]  
\* 0.1 HTML\_MESSAGE BODY: HTML included in message  
\* 0.4 HTML\_TITLE\_UNTITLED BODY: HTML title contains "Untitled"  
\* 1.5 RCVD\_IN\_BL\_SPAMCOP\_NET RBL: Received via a relay in bl.spamcop.net  
\* [Blocked - see <<http://www.spamcop.net/bl.shtml?66.59.94.13>>]  
\* 1.1 RCVD\_IN\_SBL RBL: Received via a relay in Spamhaus Block List  
\* [<<http://www.spamhaus.org/SBL/sbl.lasso?query=SBL30018>>]

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**FREE CARD SEARCH GIVES YOU THE POWER TO PURCHASE!**

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Free Card Search c/o Impulse Marketing Group  
1100 Hammond Drive NE  
Suite 410A - 202  
Atlanta, Georgia 30328

To no longer receive these messages, please send a blank email here:  
[unsub-xiaibarmecwki@banddly.com](mailto:unsub-xiaibarmecwki@banddly.com)  
OR Send a postal mail to: Premium Products, 301 E 47th St. New York, NY 10017