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THE HON. FRED VANSICKLE

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

JAMES S. GORDON, JR.,

Plaintiff,

v.
**IMPULSE MARKETING GROUP,
INC.,**

Defendant.

NO. CV-04-5125-FVS

**DECLARATION OF JAMES S.
GORDON, JR. IN SUPPORT OF
PLAINTIFF'S MOTION FOR
LEAVE TO FILE FIRST AMENDED
COMPLANT**

[HEARING: *May 1, 2006*]

I James S. Gordon, Jr. state and declare as follows:

1. I am the plaintiff in the above entitled action.
2. I am the owner, principal member of Omni Innovations, LLC., a Washington limited liability company ("Omni"). Omni in turn owns the internet email domain server which hosts the Gordonworks.com domain, among others. After the commencement of this lawsuit, and only recently after having updated and enhanced my database search capabilities, did I discover that numerous unlawful emails from Defendant IMG reside on Omni's server.

DECLARATION OF JAMES S. GORDON
IN SUPPORT OF MOTION TO AMEND - 1

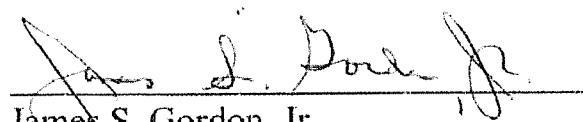
MERKLE SIEGEL & FRIEDRICHSEN, P.C.
ATTORNEYS AT LAW
1325 FOURTH AVENUE, SUITE 940
SEATTLE, WASHINGTON 98101-2509
PHONE: (206) 624-9392 FAX: (206) 624-0717

1 3. Omni has not previously been a party to this action, but I believe that Omni
2 is entitled to make claims for statutory damages for violations as set forth in my
3 First Amended Complaint.

4 4. Further, I feel obligated to advise the Court that Floyd Ivey, Defendant's
5 local counsel, in addition to having extensive discussions with me in contemplation
6 of spam lawsuits, formally represented Omni in the drafting of its LLC contracts,
7 and I believe that a conflict of interest exists with Mr. Ivey's representation
8 adverse to me and to Omni.

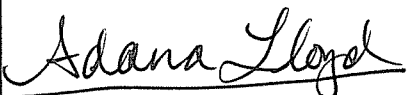
9
10 I declare under penalty of perjury under the laws of the State of Washington
that the foregoing is true and correct.

11 Signed this 28th day of March, 2006, at Pasco, Washington.

12 
13 _____
14 James S. Gordon, Jr.

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19 **Certificate of Service**

20 We, hereby, certify that on March 29, 2006, we filed this pleading
21 with this Court. The Clerk of the Court will provide electronic notification system
22 using the CM/ECF, which will send an electronic copy of this Notice to: Floyd E.
Ivey.

23 
24 _____
25 Adana Lloyd
26