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 8 and Third Party Plaintiff

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 25 **UNITED STATES DISTRICT COURT FOR THE**  
 26 **EASTERN DISTRICT OF WASHINGTON**

27 JAMES S. GORDON, JR.,

28 Plaintiff,

29 vs.

30 IMPULSE MARKETING GROUP,  
 31 INC.,

32 Defendant

No. CV-04-5125-FVS

MEMORANDUM: DEFENDANT  
 AND THIRD PARTY PLAINTIFF'S  
 RESPONSE TO THIRD PARTY  
 DEFENDANT'S MOTION TO  
 COMPEL

WITHOUT ORAL ARGUMENT

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**I. INTRODUCTION**

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3 Third Party Defendants Move to Compel Third Party Plaintiff regarding  
4 Third Party Plaintiff's responses to Third Party Defendants' Interrogatories and  
5 Requests for Production. The Third Party Plaintiff has timely responded to all  
6 Third Party Defendant Discovery.

7 The majority of interrogatories propounded by the Third Party Plaintiffs was  
8 not relevant to the Third Party Plaintiff's causes of action alleged against the Third  
9 Party Defendants.

10 Third Party Plaintiff's causes of action include 1. First Cause of Action-  
11 Indemnification and Contribution; 2. Second Cause of Action-Fraud and Deceit;  
12 3. Third Cause of Action-Tortious Interference with Business Relationships; 4.  
13 Fourth Cause of Action-Breach of Contract and 5. Fifth Cause of Action-  
14 Injunctive Relief. The Third Party Plaintiff's discovery addressed broadly the  
15 business of the Defendant Impulse Marketing Group. The Third Party  
16 Defendant's discovery rarely sought discovery re: the above indicated causes of  
17 action. Hence, Third Party Plaintiff has objected to the majority of the  
18 Interrogatories and Requests for Production propounded by Third Party  
19 Defendants.

20 The Third Party Plaintiff has produced an opt in spread sheet which bears  
21 email addresses at the "gordonworks.com" domain and with names suggestive of  
22 the names of the Third Party Defendants.

23 The Third Party Defendants have not sought a LR 37.1 Discovery  
24 Conference with the Third Party Plaintiff. The Third Party Defendants have not  
25 cited law, in their Motions to Compel, to overcome the objections raised by the  
26 Third Party Plaintiff.

27 The Third Party Plaintiff requests the court to deny Third Party Defendants'  
28 Motions to Compel.

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DATED this 5<sup>nd</sup> day of April, 2006.

LIEBLER, IVEY, CONNOR, BERRY & ST. HILAIRE

s/ FLOYD E. IVEY  
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and Third Party Plaintiff

S/ FLOYD E. IVEY for Sean Moynihan and Peter  
Glantz

\_\_\_\_\_  
Sean Moynihan and Peter Glantz

I hereby certify that on April 5, 2006, I electronically filed  
MEMORANDUM: DEFENDANT AND THIRD PARTY PLAINTIFF'S  
RESPONSE TO THIRD PARTY DEFENDANT'S MOTION TO COMPEL  
with the Clerk of the Court using the CM/ECF System which will send  
notification of such filing to Robert Siegel, Peter J. Glantz and Sean A. Moynihan.  
I hereby certify that I have served the foregoing to the following non-CM/ECF  
participants by other means: Bonnie Gordon, Jonathan Gordon, James S. Gordon,  
III, Robert Pritchett, Emily Abbey and Jamila Gordon.

S/ FLOYD E. IVEY  
FLOYD E. IVEY