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

APR 10 2006

JAMES R. LARSEN, CLERK
~~RICHLAND, WASHINGTON~~ DEPUTY

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

DECLARATION AND
RESPONSE TO IMPULSE
MEMORANDUM RE: IMPULSE
MOTION TO STRIKE

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 James S. Gordon III declares as follows:

- 2 1) I, James S. Gordon III, am a named third party defendant in
3 the above captioned lawsuit. I am over the age of 18 and am
4 otherwise competent to testify.
- 5 2) In the fall of 2004, my dad, Plaintiff, James S. Gordon, Jr.
6 taught me to do the forensic investigation of emails.
- 7 3) I have prepared forensic documents for this lawsuit as well as
8 other litigation.
- 9 4) I have two Internet domains hosted on the Omni server. Both
10 email domains are receiving spam from Impulse.
- 11 5) I, also, had an email address at the "gordonworks.com" domain.
- 12 6) Plaintiff apprises his clients of Omni's litigation via telephone
13 and an occasional meeting.
- 14 7) I receive copies of all filings by third party defendants in this
15 case.
- 16 8) I have personal knowledge of the violations of the laws alleged
17 by Plaintiff in its claims related to "gordonworks.com" as well
18 as those of Omni as Plaintiff has included me in the forensic
19 analysis.
- 20 9) Plaintiff has given me a set of close to 6,000 emails that have
21 been sent to Omni's server that we are dividing among
22 ourselves for analysis.
- 23 10) Counterclaims for illegal spamming made against Impulse
24 include my personal domains, which are hosted on the Omni
25 server as well as claims for and by Omni for illegal spamming

1 by Impulse under state and federal laws.

2 I declare under penalty of perjury under the laws of the United States
3 that the foregoing is true and correct.
4

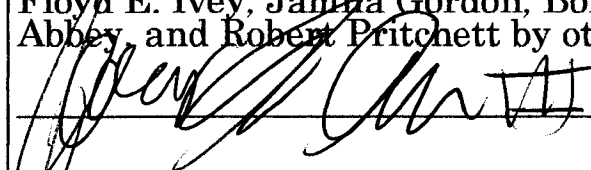
5 **Response to Motion to Strike**

6 My status as an investigative or forensic team member for Omni and
7 "gordonworks.com" gives me personal knowledge of this litigation.
8 Therefore, my declaration should be allowed to stand in its entirety.
9

10 James S. Gordon III
11 9804 Buckingham Drive
12 Pasco, WA 99301
13 509-210-1069

14 EXECUTED this 10th day of April, 2006

15 
16 _____
17 **Certificate of Service**

18 I, hereby, certify that on April 10, 2006, I filed this affidavit with this
19 Court. I have served Bob Siegel, Peter J. Glantz, Sean A. Moynihan,
20 Floyd E. Ivey, Jamila Gordon, Bonnie Gordon, Jonathan Gordon, Emily
21 Abbey, and Robert Pritchett by other means.
22 
23 _____
24
25