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

APR 10 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.

Robert L. Pritchett, 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 Robert L. Pritchett declares as follows:

- 2 1) I, Robert L. Pritchett, am a named third party defendant in the  
3 above captioned lawsuit. I am over the age of 18 and am  
4 otherwise competent to testify.
- 5 2) In the summer of 2003, Plaintiff, James S. Gordon, Jr.  
6 requested that I help him to understand Internet mail protocols  
7 and forensic techniques for determining the sender of an email.
- 8 3) I have a Masters of Science degree in Computer Systems.
- 9 4) Plaintiff asked me to work as the Chief Information Officer of  
10 Omni Innovations, LLC in 2003.
- 11 5) It is my expectation that I will be employed full-time by Omni.
- 12 6) I have used the forensic applications of VisualWare, Inc. to  
13 examine where Plaintiff's emails were sent from and by whom.
- 14 7) Plaintiff apprises me of Omni's litigation via telephone and  
15 occasional meetings.
- 16 8) I receive copies of all filings by third party defendants in this  
17 case.
- 18 9) I have personal knowledge of the violations of the laws alleged  
19 by Plaintiff in its claims related to "gordonworks.com" as well  
20 as those of Omni as Plaintiff has included me in the forensic  
21 analysis.
- 22 10) Plaintiff is dividing a set of close to 6,000 Omni emails (for  
23 analysis) between himself, one of his sons, and me. These  
24 emails were sent by Impulse and/or its agents.  
25

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

3  
4 **Response to Motion to Strike**

5 My status as a forensic team member and prospective Chief  
6 Information Officer for Omni and "gordonworks.com" affords me  
7 personal knowledge of this litigation. Therefore, my declaration should  
8 be allowed to stand in its entirety.

9  
10 Robert L. Pritchett  
11 1952 Thayer Dr.  
12 Richland, WA 99354  
13 509-210-0217

14 EXECUTED this 10th day of April, 2006

15 *Robert L. Pritchett*

16 **Certificate of Service**

17 I, hereby, certify that on April 10, 2006, I filed this affidavit with this  
18 Court. I have served Bob Siegel, Peter J. Glantz, Sean A. Moynihan,  
19 Floyd E. Ivey, Jamila Gordon, Bonnie Gordon, Jonathan Gordon, James  
20 Gordon III, and Emily Abbey by other means.

21  
22 *Robert L. Pritchett*  
23  
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