

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JUDGE FRED VAN SICKLE

FLOYD E. IVEY
Liebler, Ivey, Connor, Berry & St. Hilaire
P. O. Box 6125
Kennewick, WA 99336-0125
509-735-3581
Attorneys for Defendant
Impulse Marketing Group, Inc.
and Third Party Plaintiff

Klein Zelman Rothermel LLP
By: Sean Moynihan, Esq.
485 Madison Avenue
New York, New York 10022
Telephone Number (212) 935-6020
Facsimile Number (212) 753-8101
Attorneys for Defendant
Impulse Marketing Group, Inc.
and Third Party Plaintiff

ROBERT SIEGEL
Attorney At Law
Attorney for Plaintiff

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

JAMES S. GORDON, JR., an individual
residing in Benton County, Washington,

Plaintiff

vs.

IMPULSE MARKETING GROUP, INC.,
a Nevada Corporation, et al.

Defendants.

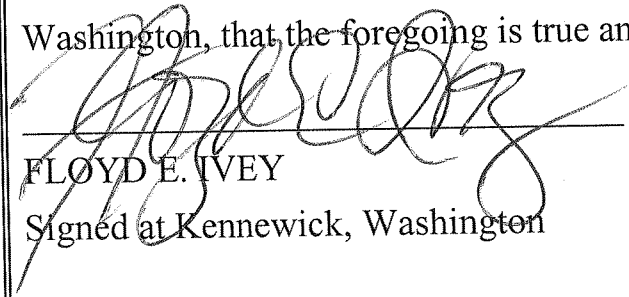
NO. CV-04-5125-FVS

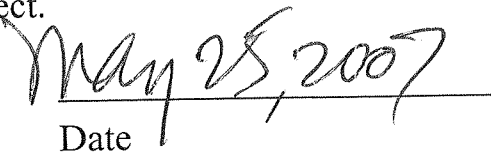
**SECOND
DECLARATION OF
FLOYD E. IVEY IN
SUPPORT OF MOTION
FOR ATTORNEY FEES RE:
DEFENDANT'S MOTION
TO DISMISS**

I am local counsel for Defendants herein. In preparation for the May 25,
2007 argument of Defendants' Motion for Sanctions and Fees my time involved
was 4.85 hours at a rate of \$265.00 per hour for a total \$1,285.25. The time
expended was reasonable and necessary for preparation for the Motion for

1 Sanctions/Fees, argument and filing of the Declarations. The attached redacted
2 narrative statement of efforts undertaken and fees is found as Exhibit 1 pages 3
3 and 4 of this Declaration.

4 I certify and declare, under penalty of perjury under the laws of the State of
5 Washington, that the foregoing is true and correct.

6 
7 FLOYD E. IVEY
8 Signed at Kennewick, Washington
9


Date

10
11 I hereby certify that on May 25, 2007, I electronically filed **Declaration of**
12 **Floyd E. Ivey in Support of Motion for Attorney Fees** with the Clerk of the
13 Court using the CM/ECF System which will send notification of such filing to
14 Robert Siegel and Sean A. Moynihan. I hereby certify that I have served the
15 foregoing to the following non-CM/ECF participants by other means: Bonnie
16 Gordon, Jonathan Gordon, James S. Gordon, III, Robert Pritchett, Emily Abbey
17 and Jamila Gordon.

18
19
20
21
22
23
24
25
26
27
28
S/ FLOYD E. IVEY
FLOYD E. IVEY

Date: 05/25/2007

Detail Transaction File List

Liebler, Ivey & Connor, P.S.

Page: 27

<u>Client</u>	<u>Trans Date</u>	<u>Tmkr</u>	<u>H P</u>	<u>Tcd</u>	<u>Stmt # Rate</u>	<u>Hours Worked</u>	<u>Hours to Bill</u>	<u>Amount</u>	<u>Ref #</u>
						<i>estimated</i>			
1698.051	05/17/2007	FEI	P	84	265.00	1.0	1.0	265.00	9
									10
1698.051	05/23/2007	FEI	P	84	265.00	0.75	0.75	198.75	11
1698.051	05/24/2007	FEI	P	37	265.00	1.25	1.25	331.25	12

Date: 05/25/2007

Detail Transaction File List

Page: 28

Liebler, Ivey & Connor, P.S.

<u>Fees</u>	<u>Client</u>	<u>Trans Date</u>	<u>Tmkr</u>	<u>H P</u>	<u>Tcd</u>	<u>Stmt # Rate</u>	<u>Hours Worked</u>	<u>Hours to Bill</u>	<u>Amount</u>	<u>Ref #</u>
									co-counsel Mr. Moynihan and Ms. Wolery re: time and attorney fees in bringing Motion to Dismiss and for Sanctions. Review Court Order. Email message to Ms. Wolery re: conference morning of 5/25 re: Hearing. Impulse Marketing Group, Inc. RE: Internet spam	
1698.051		05/25/2007	FEI	P	84	265.00	1.85	1.85	490.25	13
									Review Declaration of Ivey and revise. File Declarations of Mr. Moynihan, Ms. Wolery and Ivey. Teleconference with attorney Ms. Wolery re: factors of particular consequence for argument. Draft 2nd Declaration of Ivey re: time/fees for preparation for argument and file with the Court. Estimated time with co-counsel pre-argument and with the Court for hearing. Impulse Marketing Group, Inc. RE: Internet spam	

4
GRS