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THE HON. JOHN C. COUGHENOUR

9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON, SEATTLE

11 **JAMES S. GORDON, Jr., a married**
individual, d/b/a
12 **'GORDONWORKS.COM',**

13 **Plaintiff,**

14 v.

15 **VIRTUMUNDO, INC, a Delaware**
corporation, d/b/a
16 **ADNOWLEDGEMAIL.COM;**
17 **ADKNOWLEDGE, INC., a Delaware**
corporation, d/b/a
18 **ADKNOWLEDGEMAIL.COM;**
SCOTT LYNN, an individual; and
19 **JOHN DOES, I-X,**

20 **Defendants.**

NO. CV06-0204JCC

DECLARATION OF ROBERT J. SIEGEL IN SUPPORT OF PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

21 I Robert J. Siegel state and declare as follows:

22 1. I am counsel of record for Plaintiff James S. Gordon, Jr. in this matter.
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DECLARATION OF ROBERT J. SIEGEL IN SUPPORT OF
PLAINTIFF'S RESPONSE TO MOTION TO
DISMISS GORDON v. VIRTUMUNDO GROUP, INC.

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Phone: 206-624-9392
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1 2. Attached hereto as **Exhibit "A"** are true and correct copies of orders from this
2 Court, Thomas S. Zilly, denying defendants' motions to dismiss in Cause Nos.
3 C02-2183Z and C02-2184Z.

4 3. Attached hereto as **Exhibit "B"** is a true and correct copy of two recent decisions
5 by the Eastern District of Washington: Order Denying Defendant's Motion To
6 Dismiss, in Gordon v. Impulse Marketing Group, Inc., Cause No. CV-04-5125-
7 FVS, and Order Denying Motion To Dismiss For Lack of Jurisdiction, in Gordon
8 v. Ascentive, LLC., Cause No. CV-05-5079-FVS.

9 4. Attached hereto as **Exhibit "C"** is a true and correct copy of a Washington State
10 Superior Court's order denying Virtumundo's 12(B)(2) Motion To Dismiss in
11 Hodgell v. Virtumundo, Inc., (Cause No. 03-2-36850-4SEA), and Virtumundo's
12 Motion To Dismiss.

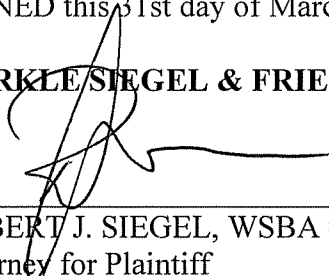
13 5. Attached hereto as **Exhibit "D"** is a true and correct copy of the Maryland
14 decision in the Court of Special Appeals of Maryland, No. 2321, 2004 in Marycle,
15 LLC., et al v. First Choice Internet, Inc., et al.

16 6. Attached hereto as **Exhibit "E"** is a true and correct copy of Plaintiff's First
17 Amended Complaint.

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

20 SIGNED this 31st day of March, 2006, at Seattle, Washington.

21 **MERKLE SIEGEL & FRIEDRICHSEN, P.C.**



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23 _____
24 ROBERT J. SIEGEL, WSBA #17312
25 Attorney for Plaintiff

DECLARATION OF ROBERT J. SIEGEL IN SUPPORT OF
PLAINTIFF'S RESPONSE TO MOTION TO
DISMISS GORDON v. VIRTUMUNDO GROUP, INC.

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Certificate of Service

I, hereby, certify that on April 3, 2006, I filed this affidavit with this Court via approved electronic filing, and served the following:

Attorneys for Defendants: Derek A. Newman, Newman & Newman .



Adana Lloyd

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