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7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON, SEATTLE**

9 **JAMES S. GORDON, Jr., a married**  
10 **individual, d/b/a**  
11 **'GORDONWORKS.COM'; OMNI**  
12 **INNOVATIONS, LLC., a Washington**  
13 **limited liability company;**

14 **Plaintiff,**

15 **v.**

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

24 **Defendants.**

**NO. CV-06-0204-JCC**

**PLAINTIFF'S FRCP 26(A)(1)**  
**INITIAL DISCLOSURES**

25 **TO: VIRTUMUNDO, INC, ADKNOWLEDGEMAIL.COM; ADKNOWLEDGE, INC.,**  
**SCOTT LYNN, and JOHN DOES, I-X**

**AND TO: Derek Newman and Roger Townsend, Newman & Newman, LLP**

Pursuant to FRCP 26(a)(1), Plaintiff James S. Gordon, Jr. provides the following initial disclosures. Plaintiff reserves the right to supplement these disclosures pursuant to FRCP

PLAINTIFFS' INITIAL DISCLOSURES - 1

**MERKLE SIEGEL & FRIEDRICHSEN**  
1325 Fourth Ave., Suite 940  
Seattle, WA 98101  
Phone: 206-624-9392  
Fax: 206-624-0717

26(e)(1). Plaintiff's disclosures do not provide contact information that is unavailable to them at this time, that is currently in Plaintiff's possession, or that is more readily available to Plaintiff.

**I. FED. R. CIV. P. 26(a)(1)(A): INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION:**

Plaintiff, James S. Gordon, Jr.: 9804 Buckingham Drive Pasco, WA 99301  
(509) 210-1069

Defendants  
Scott Lynn: 4600 Madison Ave, 10<sup>th</sup> Floor, Kansas City, MO 64112

and other entities who may have assisted, or conspired with Defendants to send unlawful email in violation of Washington statutes, as discovery may reveal.

**II. FED. R. CIV. P. 26(a)(1)(B): DOCUMENTS, DATA COMPILATIONS, & TANGIBLE THINGS**

Copies of offending emails (have been provided in pdf format to Defendant for the sake of efficiency).

Other data compilations are in the possession of Defendant, and/or its agents, and are expected to be produced in discovery.

**III. FED. R. CIV. P. 26(a)(1)(C): COMPUTATION OF DAMAGES**

Defendant is alleged to have sent at least 11,000 unlawful emails in violation of the subject statutes for statutory damages as follows:  
\$30,000 at \$500 per violation under RCW 19.190.040(1);  
\$60,000 at \$1,000 per violation under RCW 9.35;  
Treble damages for each violation in the amount of \$270,000 under RCW 19.86.090; plus costs and attorney fees as provided in the subject statutes;

**IV. FED. R. CIV. P. 26(a)(1)(D): INSURANCE AGREEMENTS**

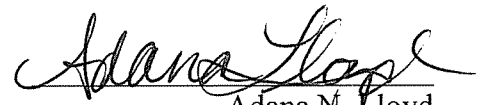
None known.

Dated this 5<sup>th</sup> day of June, 2006

  
Robert J. Siegel, WSBA #17312  
Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on June 5, 2006, I electronically filed Plaintiff's ***Initial Disclosures*** with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to Derek A. Newman.

  
Adana N. Lloyd