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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES S. GORDON, Jr., a married individual, d/b/a 'GORDONWORKS.COM'; OMNI INNOVATIONS, LLC, a Washington limited liability company;

Plaintiffs,

v.

VIRTUMUNDO, INC., a Delaware corporation d/b/a ADKNOWLEDGEMAIL.COM; ADKNOWLEDGE, INC., a Delaware corporation, d/b/a ADKNOWLEDGEMAIL.COM; SCOTT LYNN and individual and his marital community; and JOHN DOES I-X,

Defendants.

NO. CV06-0204JCC

PLAINTIFF OMNI'S ANSWERS AND RESPONSES TO DEFENDANT VIRTUMUNDO'S FIRST INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO OMNI

Plaintiff Gordon answers Defendant Virtumundo's First Interrogatories and Requests For Production of Documents as follows:

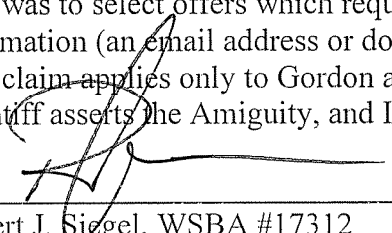
GENERAL OBJECTIONS

1. Plaintiff objects to each interrogatory to the extent that it seeks material or information that is privileged as an attorney-client communication. This objection hereinafter will be referred to as the "Attorney-Client Privilege Objection."
2. Plaintiff objects to each interrogatory to the extent that it seeks material or information prepared by or developed at the direction of counsel insofar as it is

reference to the General Objection defined herein. To the extent an answer is required to a request for admission for which an objection is lodged, it shall be deemed denied.

Answers to Interrogatories

1. James S. Gordon, Jr.
2. Business Records of offending emails on cd with legend, transmission path analysis, and highlighted misleading subject lines has already been provided to defendants. Additional analysis will be provided when complete. (See attached cd)
3. See #2.
4. See #2.
5. None
6. I do not recall. Most of these emails were sent to addresses belonging to clients, and were received on Omni's servers. Further, following unsubscribe instructions is not a statutory requirement per CEMA or CAN-SPAM.
7. Research on-going. I believe that Virtumundo obtained my, and my clients' email addresses (personally identifying information) via "free prize" web sites to which I, or one of them may have responded. Virtumundo obtained family member names at "gordonworks.com" from such marketing partners. A requirement of these free prize web sites was to select offers which required varying amounts of personally identifying information (an email address or domain is personally identifying information)
8. This claim applies only to Gordon and Gordonworks.com.
9. Plaintiff asserts the Amiguity, and Irrelvancy objections.



Robert J. Siegel, WSBA #17312

Without waiving the foregoing objection Plaintiff responds:

I have subscribed to lists related to my doctoral studies, of which I have kept no records. Further, I kept no records of lists. I will provide records of unsubscribe data that I have on a disk with an index to the files on it.

10. See response to No. 7.
11. Compiling, to be provided.
12. Omni is not asking for "actual" damages – only statutory damages as an interactive computer service as set forth in its Complaint and provided for by statute.
13. No other lawsuits.
14. All false and/or deceptive communications from defendants are contained in the offending emails, copies of which have been provided, and included on the cd
15. Plaintiff asserts the Irrelevancy objection, as a recipient has no affirmative obligation to "unsubscribe", "opt-out", or take any other steps to avoid receiving unlawful spam. Without waiving the foregoing objection:
All documentation of unsubscribe efforts are contained on cd previously provided, and are indexed as spam reports