

MERKLE SIEGEL & FRIEDRICHSEN, P.C.  
Robert J. Siegel  
1325 Fourth Ave., Suite 940  
Seattle, WA 98101  
(206) 624-9392

THE HON. JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON, SEATTLE

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

**Plaintiff,**

v.

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

**Defendants.**

**NO. CV06-0204JCC**

**DECLARATION OF  
RUSSELL E. FLYE**

**IN SUPPORT OF PLAINTIFF'S  
MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

Russell E. Flye, declares as follows:

1. I, Russel E. Flye am over the age of 18, of sound mind, and am otherwise competent to

DECLARATION OF RUSSELL E. FLYE  
IN SUPPORT OF PLAINTIFF'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT  
DISMISS GORDON v. VIRTUMUNDO GROUP, INC.

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

1 testify.

2 I am and have been since June 1, 2001, a Washington State resident.

3 Since May 13, 2005, Griffin Online Domain and/or its principals, Bertrand Griffin II and  
4 Russell E. Flye, have been the registrant(s) of the internet domain 'chiefmusician.net'.

5 All email addresses at the 'Griffin Online' domain are held by a Washington State  
6 Limited Liability Company. Addresses List: Bertrand2@chiefmusician.net; bertrand-papa@  
7 chiefmusician.net; bg2@ chiefmusician.net; kiara@ chiefmusician.net; marian@  
8 chiefmusician.net; nia@ chiefmusician.net; sarg@ chiefmusician.net; shawana@  
9 chiefmusician.net.

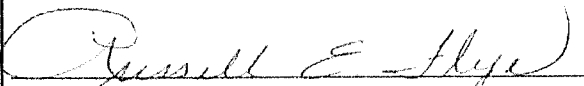
10 5. At all times since the registration of 'chiefmusician.net' the domain information of the  
11 registration has indicated a Washington residency for this domain and this information has been  
12 available through the domain registrar, and directly from me to anyone who would inquire.

13 6. My domain is hosted by Omni Innovations, LLC. on its server.

14 7. I have received multiple commercial emails sent to email addresses at my domain from  
15 defendants in this lawsuit.

16 I swear under the penalty of perjury under the laws of the State of Washington, that the  
17 foregoing is true and correct.

18 EXECUTED this 16 day of December, 2006

19   
20 Russell E. Flye \_\_\_\_\_

21  
22  
23 Certificate of Service

24  
25 DECLARATION OF  
IN SUPPORT OF PLAINTIFF'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT  
DISMISS GORDON v. VIRTUMUNDO GROUP, INC.

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

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

Certificate of Service

I, hereby, certify that on December 18, 2006, I filed this affidavit with this Court via approved electronic filing, and served the following:  
Attorneys for Defendants: Derek Newman

  
\_\_\_\_\_  
Adana Lloyd

DECLARATION OF  
IN SUPPORT OF PLAINTIFF'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT  
DISMISS GORDON v. VIRTUMUNDO GROUP, INC.

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