

1 MERKLE SIEGEL & FRIEDRICHSEN, P.C.  
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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; OMNI INNOVATIONS,**  
 12 **LLC., a Washington limited liability**  
**company,**

13 **Plaintiffs,**

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;**  
 19 **SCOTT LYNN, an individual; and**  
**JOHN DOES, I-X,**

20 **Defendants.**

NO. CV06-0204JCC

**DECLARATION OF ROBERT J.**  
**SIEGEL IN RESPONSE AND**  
**OPPOSITION TO MOTION TO**  
**COMPEL SEGREGATION OF**  
**EMAILS**

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

23 1. I am counsel of record for Plaintiffs in this matter.  
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25 DECLARATION OF ROBERT J. SIEGEL IN RESPONSE  
 AND OPPOSITION TO DEFENDANTS' MOTION TO  
 COMPEL SEGREGATION OF EMAILS  
 DISMISS GORDON v. VIRTUMUNDO GROUP, INC.

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 Fax: 206-624-0717

1 2. Attached hereto as **Exhibit "A"** is a true and correct copy of a letter received  
2 from defense counsel on April 3, 2006 regarding the preservation of evidence.

3 3. Attached hereto as **Exhibit "B"** is a true and correct copy of a letter sent by the  
4 undersigned to defense counsel outlining Plaintiffs' position on the issue raised in  
5 Defendants' Motion.

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

8 SIGNED this 2<sup>nd</sup> day of January, 2007, at Seattle, Washington.

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

10  
11 /s/ Robert J. Siegel  
12 ROBERT J. SIEGEL, WSBA #17312  
13 Attorney for Plaintiff

14 Certificate of Service

15 I, hereby, certify that on January 2, 2007, I filed this document with this Court via  
16 approved electronic filing, and served the following:  
17 Attorneys for Defendants: Derek A. Newman, Newman & Newman .

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19 Adana Lloyd

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DECLARATION OF ROBERT J. SIEGEL IN RESPONSE  
AND OPPOSITION TO DEFENDANTS' MOTION TO  
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