

The. Hon. Thomas Zilly

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON, SEATTLE

**OMNI INNOVATIONS, LLC, a  
Washington Limited Liability  
company; EMILY ABBEY, an  
individual,**  
  
**Plaintiffs,**  
  
v.  
  
**ASCENTIVE, LLC, a Delaware  
limited liability company; ADAM  
SCHRAN, individually and as part of  
his marital community; JOHN DOES,  
I-X,**  
  
**Defendants,**

**NO. 06-01284**

**DECLARATION OF JAMES S.  
GORDON, JR. IN REPLY RE  
MOTION TO DISQUALIFY  
COUNSEL**

James S. Gordon, Jr. declares as follows:

- 1) I, James S. Gordon, Jr., am the principal member and owner of Omni Innovations, LLC ("Omni") the Plaintiff in the above captioned lawsuit. I am over the age of 18 and am otherwise competent to testify.
- 2) As I stated in my initial declaration, in 2000, I retained the legal services of Floyd E. Ivey to assist me in drafting contracts for Omni among other matters. Mr. Ivey's firm invoiced me, and I paid them. After searching through some of

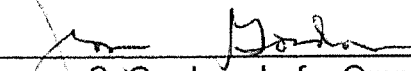
DECLARATION OF JAMES S. GORDON, JR.  
IN REPLY RE MOTION TO DISQUALIFY DEFENDANTS'  
COUNSEL

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

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1 my old records, I have recently found two of the billings for that period. (See  
2 billing from Mr. Ivey's firm attached hereto as Exhibit "A").

3 I declare under penalty of perjury under the laws of the State of Washington and of  
4 the United States that the foregoing is true and correct. Signed this 31st day of  
5 October, 2006

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7 \_\_\_\_\_  
8 James S. Gordon, Jr. for Omni Innovations, LLC  
9 as its owner and managing member.  
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CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Floyd E. Ivey,

Adana Lloyd

MERKLE, SIEGEL, & FRIEDRICHSEN, P.C.

DATE: NOVEMBER 1, 2006

BY: Adana Lloyd  
ADANA LLOYD  
1325 FOURTH AVENUE, SUITE 940  
SEATTLE, WA 98101  
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