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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 ROBERT J.
SIEGEL IN SUPPORT OF MOTION
TO DISQUALIFY COUNSEL**

I Robert J. Siegel state and declare as follows:

1. I am counsel of record for Plaintiff Omni Innovations, LLC ("Omni") in this matter.
2. I have previously advised Mr. Ivey of the unacceptable conflict of interest arising from his representation of parties with adverse interests to those of

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DECLARATION OF ROBERT J. SIEGEL
IN SUPPORT OF MOTION TO DISQUALIFY DEFENDANTS'
COUNSEL

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

1 Mr. Gordon and Omni in other pending lawsuits. Attached hereto as
2 Exhibit "A" are some of the communications to that effect.

3 3. Attached hereto as Exhibit "B" is a true and correct copy of the
4 communications to Mr. Ivey in this action, requesting him to voluntarily
5 disqualify himself, and his reply declining to do so. (Mr. Ivey simply
6 responded by referring us to a decision in the Eastern District matter
7 (Gordon v. Impulse) where that Court denied certain third-parties' attempt
8 to have Mr. Ivey disqualified. However, Mr. Ivey had no actual conflict
9 with any of the third parties, and Mr. Gordon, with whom he did have a
10 conflict, as described in this Motion, did not bring the motion, nor was he a
11 party to it.)

12 4. I believe that it is a matter of grave import essential to upholding the
13 integrity of the legal profession that that Mr. Ivey be made to abide by the
14 Rules of Professional Conduct, and that he be disqualified from
15 representing defendants in this matter.

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

18 SIGNED this 2nd day of October, 2006, at Seattle, Washington.

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

20 /s/ Robert J. Siegel
21 ROBERT J. SIEGEL, WSBA #17312
22 Attorney for Plaintiff
23
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DECLARATION OF ROBERT J. SIEGEL
IN SUPPORT OF MOTION TO DISQUALIFY DEFENDANTS'
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