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Floyd E. Ivey
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Hon. Judge Zilly

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Attorney for Plaintiff

ROBERT J. SIEGEL
1325 4th Ave Ste 940
Seattle, WA
98101-2509

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

OMNI INNOVATIONS LLC et al

NO. CV-06-01284

Plaintiffs

**DECLARATION OF FLOYD
E. IVEY IN RESPONSE TO
PLAINTIFFS' MOTION
TO DISQUALIFY
COUNSEL FLOYD E. IVEY**

ASCENTIVE, LLC
a Delaware Limited Liability Company;
ADAM SCHRAN, individually and as part
of his marital community; JOHN DOES, I-X
Defendants

Floyd E. Ivey now declares that I have appeared for Defendant Ascentive, LLC in this matter on October 20, 2006.

I have separately moved for the Rescheduling or Striking of Plaintiffs' Motion to Disqualify.

I have reviewed the Declaration of Mr. James Gordon in Support of Disqualification. Mr. Gordon alleges that I have provided assistance to Mr.

EXHIBIT 3
*Second Amended Petition for
Writ of Mandamus*

1 Gordon regarding Omni Innovations LLC. I find no record of having consulted
2 with or having undertaken any work relative to Omni Innovations LLC. I have
3 had, in years past, minimal contact with Mr. Gordon. That prior contact is fully
4 addressed in the Exhibits and Memorandum which is identified as Exhibits to the
5 Defendants' Memorandum Opposing Plaintiff's Motion to Disqualify.

6 The Exhibits annexed to Mr. Gordon's Declaration, in this present matter,
7 were previously considered in a like Motion to Disqualify brought in a like case by
8 Mr. Gordon's wife in the Eastern District. I find no file, no memos, notes or any
9 evidence that assistance was provided to Mr. Gordon relative to Omni Innovations
10 LLC.

11 However, it is with certainty that I have not engaged in any effort regarding
12 Omni Innovations LLC and any issue in the case of Omni Innovations LLC. Any
13 contact by Mr. Gordon with this office relative to his intent to pursue violations of
14 RCW 19.190 are documented in the email annexed to Mrs. Gordon's Declaration
15 in the Eastern District matter of Gordon v. Impulse Marketing Group.

16 DATED this 20th day of October, 2006

17 LIEBLER, IVEY, CONNOR, BERRY & ST. HILAIRE

18
19 By s/ FLOYD E. IVEY

20 FLOYD E. IVEY, WSBA #6888
21 Counsel for Defendant
1141 N. Edison, Suite C
Kennewick, WA 99336

22 I hereby certify that on October 20, 2006, I electronically filed **Declaration**
23 **of Floyd E. Ivey Opposing Motion to Disqualify** with the Clerk of the Court
24 using the CM/ECF System which will send notification of such filing to Plaintiffs'
25 counsel Robert J. Siegel and Douglas McKinley.

26 S/ FLOYD E. IVEY

27 FLOYD E. IVEY
28

Floyd Ivey

From: Adana Lloyd [adana@msfseattle.com]
Sent: Tuesday, October 03, 2006 4:50 PM
To: 'Floyd Ivey'
Cc: Bob Siegel
Subject: Omni Innovations, LLC v. Ascentive
Attachments: Proposed Order.pdf; M2Disqualify.pdf; M2DisqualifyGordonDec.pdf;
M2DisqualifyGordonDecExh1.pdf; M2DisqualifyGordonDecExh2.pdf;
M2DisqualifyGordonDecExh3.pdf; M2DisqualifyGordonDecExh4.pdf;
M2DisqualifyGordonDecExh5.pdf; M2DisqualifyGordonDecExh6.pdf;
M2DisqualifySiegelDec.pdf; M2DisqualifySiegelDecExhA.pdf;
M2DisqualifySiegelDecExhB.pdf; Notice of Hearing.pdf

Dear Mr. Ivey:

Attached, as .PDF files, please find Plaintiff's Motion to Disqualify Counsel (and supporting documents). Please feel free to contact Mr. Siegel with any questions or concerns that you may have.

Sincerely,

Adana Lloyd
Merkle, Siegel, & Friedrichsen, P.C.
1325 Fourth Avenue, Suite 940
Seattle, Washington 98101
p.206.624.9392
adana@msfseattle.com

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06-01284
Exhibit A
Declaration of Ivey

LIEBLER, IVEY, CONNOR, BERRY & ST. HILAIRE

www.lieblerivey.com

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Intellectual Property

Floyd E. Ivey *

Registered Patent Attorney

Patents, Trademarks, Copyrights,

Licensing, Litigation and Other

Intellectual Property Matters

Craig M. Liebler
William J. Connor
Alicia M. Berry
Ronald F. St. Hilaire

felvey@3-cities.com
*cell: 948-0943

October 4, 2006

Via Email and U.S. Mail (bob@msfseattle.com ; doug@mckinleylaw.com)

Mr. Robert J. Siegel
1325 4th Ave Ste 940
Seattle, WA
98101-2509

Mr. Douglas E. McKinley, Jr.
P.O. Box 202
Richland, Washington 99352

Re: Omni v. Ascentive LLC

Dear Mr. Siegel and Mr. McKinley,

There is no evidence, in the above identified case, that service or process has been made on any defendant.

I have not appeared in the case. There is no attorney of record in the case for Defendants.

Notice of Motions, to counsel of record, requires as least 33 days notice in the noting for hearing absent a Motion to Expedite.

Your noting of this motion fails in all particulars.

I ask that you now strike the motion. I will appreciate your early advice.

Yours very truly,

S/ FLOYD E. IVEY

FLOYD E. IVEY

06-01284
Exhibit B
Declaration of Ivey

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Mr. Robert J. Siegel
March 27, 2006
Page 2

FEI:gs

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