

The. Hon. Thomas Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON, SEATTLE

OMNI INNOVATIONS, LLC, a
Washington Limited Liability
company; EMILY ABBEY, an
individual,

NO. 06-01284

Plaintiffs,

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

v.

ASCENTIVE, LLC, a Delaware
limited liability company; ADAM
SCHRAN, individually and as part of
his marital community; JOHN DOES,
I-X,

Defendants,

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

EXHIBIT

4

to Second Amended

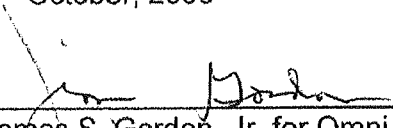
Petition for Writ of Mandamus

le

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

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

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


James S. Gordon, Jr. for Omni Innovations, LLC
as its owner and managing member.

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

7

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 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
TELEPHONE: 206.624.9392
FAX: 206.624.0717

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

8

EXHIBIT A

9

LIEBLER, IVEY & CONNOR, P.S.

Attorneys at Law
The Edison Professional Building
1141 N. Edison Street, Suite C
P.O. Box 6125
Kennewick, Washington 99336-0125

Craig M. Liebler
Floyd E. Ivey +
William J. Connor

Janet E. Taylor - Associate

Telephone (509) 735-3581
Facsimile (509) 735-3585

+ Registered Patent Attorney:
Patents, Trademarks,
Copyrights, Licensing,
Litigation and Other
Intellectual Property Matters

* www.LieblerIvey.com

Jim Gordon
1419 Jadwin Avenue
Richland WA 99352

Page: 1
August 28, 2000
Account No: 1445-001M
Statement No: 1

RE: Copyright/Trademark/Patent

Interim Statement

Fees

	Rate	Hours	
08/11/00 FEI Conference with Mr. Jim Gordon with review of issues related to 1. word game, 2. Cyclarm/motorcycle alarm, 3. Teen concepts and 4. HGH/agreements; discussion of projects and issues for focus and or priority of attempting the indicated projects; discussion of agreement/confidentiality agreements related to HGH with options in contracting.	195.00	0.75	146.25
For Current Services Rendered		0.75	146.25
Total Current Work			146.25
Balance Due			<u>\$146.25</u>

LIEBLER, IVEY & CONNOR
1141 N. Edison St., #C, P.O. Box 6125 (509) 735-3581
Kennewick, Washington 99336

Date Sept 15, 2000

Amount of Dancing Wolf, Inc. (Jim Gordon)
This check is for One hundred forty six + 25 Dollars \$ 146.25
for fees

THANK YOU!

GW

10 Check New Card

LIEBLER, IVEY & CONNOR, P.S. *

Attorneys at Law

The Edison Professional Building
 1141 N. Edison Street, Suite C
 P.O. Box 6125
 Kennewick, Washington 99336-0125

Craig M. Liebler
 Floyd E. Ivey +
 William J. Connor

Alicia M. Berry - Associate
 Ronald F. St. Hilaire - Associate

Telephone (509) 735-3581
 Facsimile (509) 735-3585

+ Registered Patent Attorney:
 Patents, Trademarks,
 Copyrights, Licensing,
 Litigation and Other
 Intellectual Property Matters

* www.LieblerIvey.com

Page: 1
 May 24, 2002
 Account No: 1445-001M
 Statement No: 3

Jim Gordon
 1419 Jadwin Avenue
 Richland WA 99352

RE: Copyright/Trademark/Patent

Interim Statement

Fees

	Rate	Hours
05/03/02 FEI Review email from Mr. Gordon re: need for confidentiality agreement. Prepare Confidential Disclosure Agreement and email with comments to Mr. Gordon. Email to Mr. Gordon re: trademark issues.	215.00	0.60
For Current Services Rendered		129.00
Total Current Work		129.00

PLEASE REMIT BALANCE DUE:

\$129.00