

Douglas E. McKinley, Jr.
PO Box 202
Richland WA, 99352
(509) 628-0809

THE HON. JOHN C. COUGHENOUR

i.Justice Law, P.C.
Robert J. Siegel
1325 Fourth Ave., Suite 940
Seattle, WA 98101
(206) 304-5400

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON, SEATTLE

**OMNI INNOVATIONS, LLC, a
Washington Limited Liability
company; and JAMES S. GORDON,
JR., a married individual,**

NO. CV6-1350 JCC

**DECLARATION OF JAMES S.
GORDON, JR. IN REPLY RE
PLAINTIFFS' MOTION FOR
PARTIAL SUMMARY JUDGMENT
FOR INJUNCTIVE RELIEF**

Plaintiffs,

v.

**BMG COLUMBIA HOUSE, INC., a
New York corporation; and JOHN
DOES, I-X,**

Defendants,

1. I, James S. Gordon, Jr., am the Plaintiff in the above captioned lawsuit. I am over the age of 18, of sound mind, and am otherwise competent to testify.

DECLARATION OF JAMES S. GORDON, JR. IN
REPLY RE MOTION FOR PARTIAL SUMMARY
JUDGMENT. -1
OMNI v. BMG-COLUMBIA HOUSE

**i.Justice Law, P.C.
1325 Fourth Ave., Suite 940
Seattle, WA 98101
Phone: 206-621-5804
Fax: 206-624-0717**

1 2. Attached hereto as **Exhibit "A"** is a copy of the most recent spam received from
2 Defendant or sent on their behalf. As is plainly evident from an inspection of the email,
3 it was sent on July 9, 2007. It was sent to darin@ewaterdragon.com. "Ewaterdragon.com
4 is one of the domains that I asked defendants to stop spamming in my motion filed with
5 the court on June 14, 2007, (DKT 20). Even a cursory examination of the email shows
6 conclusively that it is an advertisement for defendant's company and products. Plainly,
7 even when I asked the defendants to stop spamming domains hosted on my server, in the
8 presence of a federal judge, they continue to send the spam 25 days later. And on the
9 same day that they filed a response with the court claiming that had stopped.

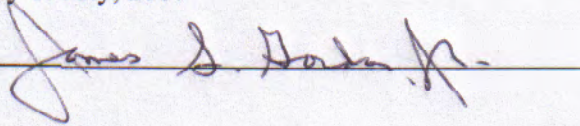
10
11 3. Attached hereto as **Exhibit "B"** is an excerpt from my email log for BMG. It illustrates
12 about 30 emails from Defendant to my server between 7/3/07 and 7/9/07, showing that
13 the email of Exhibit A is far from an isolated incident, and that Defendant has continued
14 to spam me throughout this litigation.

15 4. I will be grateful to this court if the court can get the defendants to stop spamming me.

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

18 EXECUTED this 10th day of July, 2007

19
20 /s/ James S. Gordon, Jr.
James S. Gordon, Jr.



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25 DECLARATION OF JAMES S. GORDON, JR. IN
REPLY RE MOTION FOR PARTIAL SUMMARY
JUDGMENT. -2
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Certificate of Service

I, hereby, certify that on July 11, 2007, I filed this affidavit with this Court via approved electronic filing, and served the following:
Attorneys for Defendants: Roger Townsend

/s/ Robert J. Siegel _____
Robert J. Siegel

DECLARATION OF JAMES S. GORDON, JR. IN
REPLY RE MOTION FOR PARTIAL SUMMARY
JUDGMENT. -3
OMNI v. BMG-COLUMBIA HOUSE

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