

MERKLE SIEGEL & FRIEDRICHSEN, P.C.  
Robert J. Siegel  
1325 Fourth Ave., Suite 940  
Seattle, WA 98101  
206-624-9392

THE HON. FRED VANSICKLE

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

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT  
OF WASHINGTON AT RICHLAND

James S. Gordon, Jr., Plaintiff,

vs.

Impulse Marketing Group, Inc.,  
Defendant

Impulse Marketing Group, Inc., Third-  
Party Plaintiff,

v.

Bonnie F. Gordon, Jamila Gordon,  
James Gordon III, and Jonathan  
Gordon, Third-Party Defendants

Case No.: CV-04-5125-FVS

CR 37 CERTIFICATION OF  
COUNSEL IN SUPPORT OF  
PLAINTIFF'S MOTION TO COMPEL

[HEARING NOTED WITHOUT  
ORAL ARGUMENT ON  
AUGUST 21, 2006]

[For Resolution By Discovery Master  
The Hon. Harold D. Clarke]

TO: Clerk of the Court

AND TO: Floyd E. Ivey, Sean Moynihan, Peter Glantz, Attorneys for Defendants.

CR 37 CERTIFICATION OF COUNSEL IN  
SUPPORT OF PLAINTIFF'S FIRST MOTION  
TO COMPEL - 1

MERKLE SIEGEL & FRIEDRICHSEN, P.C.  
1325 Fourth Ave., Suite 940  
Seattle, WA 98101  
206-624-9392

1 I, Robert J. Siegel, state and declare as follows:

2 1. I am the attorney for the plaintiff herein, and make this declaration in  
3 support of Plaintiff's Motion To Compel.

4 2. Plaintiff's First Interrogatories and Requests for Production of  
5 Documents were served on Defendants on March 2, 2006. (See **Exhibit "A"** to  
6 Plaintiff's Motion).

7 3. Despite repeated demands, Defendants failed to respond or provide  
8 any discovery responses until April 24, 2006. Defendant's initial responses were  
9 grossly deficient, not a single discovery request answered substantively, posing  
10 unfounded, boilerplate objections to each and every question! (See Defendants'  
11 initial responses at **Exhibit "B"** to Plaintiff's Motion).

12 4. Consequently, on May 9, 2006 undersigned counsel initiated and held  
13 an FRCP 37 discovery conference with counsel for Defendants. During that  
14 conference both parties agreed to provide additional time to reconsider their  
15 previous discovery responses, and to provide supplemental responses. Plaintiff  
16 provided Defendants with his supplemental responses in the form of a more  
17 detailed analysis of the offending emails. When finally received, Defendants'  
18 supplemental responses were once again grossly deficient and non-responsive.  
19 (See Defendants' Supplemental Responses at **Exhibit "C"** to Plaintiff's Motion).  
20 Attached to Defendants' Supplemental Responses To Plaintiff's First Request For  
21 Production Of Documents is the sum total of all documents produced by  
22 Defendants. What should arguably be the production of boxes of documents, is  
23 instead merely 14 pages, largely consisting of a *current* print out of its own terms  
24 and conditions from its website.  
25

1 I declare under penalty of perjury under the laws of the State of Washington  
2 that the above declaration is true and correct to the best of my knowledge and  
3 belief.

4 MERKLE SIEGEL & FRIEDRICHSEN, P.C.



6 \_\_\_\_\_  
7 Robert J. Siegel, WSBA #17312  
8 Attorney for Plaintiff

9  
10  
11  
12  
13  
14  
15 **Certificate of Service**

16 We, hereby, certify that on 30 June, 2006, we filed this pleading with this Court.  
17 The Clerk of the Court will provide electronic notification system using the  
18 CM/ECF, which will send an electronic copy of this Notice to: Peter J. Glantz,  
19 Sean A. Moynihan, and Floyd E. Ivey. I have served all non-CM/ECF participants  
20 and third-party defendants by other means.