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

13 JAMES S. GORDON, JR,
14 an individual residing in
15 Benton County, Washington.

16 Plaintiff,

17 vs.

18 IMPULSE MARKETING GROUP, INC.,
19 a Nevada Corporation

20 Defendant.
21

)
)
)
)
) NO. CV-04-5125-FVS
)
) Declaration of James S. Gordon, Jr.
) in Support of Plaintiff's Response to
) Defendant's Motion to Dismiss
) Plaintiff's Complaint
)

) Jury Trial Demanded
)
)
)

22 James S. Gordon, Jr., being duly sworn, deposes and says:

- 23 1) I am the plaintiff in the above captioned lawsuit.
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26 Declaration of James S. Gordon, Jr. in
Support of Plaintiff's Response to
Defendant's Motion to Dismiss
Plaintiff's Complaint

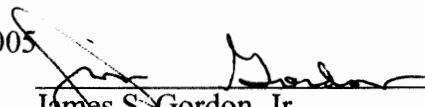
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- 2) Until the filing of this sworn statement, I have never communicated any information related to the specific emails that form the basis for my complaint to the defendants.
- 3) The first email from Impulse Marketing Group, Inc. (Impulse) was received on August 8, 2003. This email was sent to the email address sd@gordonworks.com. I never “opted in” to any email lists using this email, ever.
- 4) Subsequently, while researching online offers, I did enter the following email addresses ending in “gordonworks.com” to certain websites promising various free merchandise: james, faye, jamila, jay, jonathan, and emily; all @gordonworks.com. None of the free merchandise was ever received, and I subsequently asked that these organizations remove these email addresses from their lists in the winter of 2003/2004.
- 5) Despite my opting out, I have continued to receive emails from Impulse at these addresses.
- 6) I previously filed suit against Commonwealth Marketing Group, Inc. on December 15, 2003, in Benton County Superior Court (hereafter the “CMG suit”).
- 7) That suit was removed to the Federal District Court for the Eastern District of Washington.

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12) The emails that form the basis for my lawsuit against Impulse include 89 emails sent by Impulse after the date the CMG suit was dismissed. I did not assert claims against CMG arising from these emails, as they did not exist at the time of the CMG suit or its dismissal.

13) On or about December 20, 2003, CMG received my complaint. Since that date, I have received at least 975 emails from Impulse.

DATED this 3rd day of February, 2005

James S. Gordon, Jr.

SUBSCRIBED AND SWORN to before me this 3rd day of February, 2005


NOTARY PUBLIC
Residing in the State of Washington

Case 2:04-cv-05125-FVS Document 9 Page 4 of 4 Filed 02/03/2005
My Commission Expires:

9/19/07

