

Honorable David G. Estudillo

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

NATHEN BARTON,  
Plaintiff

v.

JOE DELFGAUW, XANADU  
MARKETING INC., STARTER HOME  
INVESTING INC,  
Defendant(s).

CASE NO. **3:21-cv-05610-DGE**

DEFENDANTS REPLY TO  
PLAINTIFF’S MOTION  
FOR CONTEMPT AND MOTION  
FOR RELIEF FROM A DEADLINE  
DKT 493

NOTED JULY 21, 2025

COMES NOW, Dawn R. Van Dusen, Counsel for Defendants Joseph Delfgauw, Xanadu Marketing Inc., Starter Home Investing Inc. (collectively, “Defendants”), and respectfully answers Plaintiff’s Motion for Contempt and Motion for Relief from a Deadline. In support thereof, Dawn R. Van Dusen states as follows:

1. Defendant’s Joseph Delfgaw answers to Plaintiff’s Seventh Set of Interrogatories were not changed by Defendants or Defendants Counsel before resigning and resending to Barton.
2. Defendants’ Counsel sent their first copy of Interrogatories accidentally in Word and PDF. Defendants admit that the signature line did not comply with Federal Court Rules.
3. The Court ordered Defendants to resubmit the Answers to the Interrogatories with a signature page that complies with FCR. Defendants’ counsel immediately resubmitted and only changed the signature page.<sup>1</sup>
4. Defendants’ counsel believes Mr. Barton changed the language and inserted NB#.

<sup>1</sup> Decl of Dawn Van Dusen, Exhibit B

1 5. The changes also reflect NB#'s that references the same document that Plaintiff sent in  
2 the Washington State Case to Defendants.<sup>2</sup>

3 5. Mr. Barton filed this motion because the Court would not grant him additional discovery  
4 to harass Defendants. Currently he has served Defendant with multiple discovery requests  
5 (admissions, interrogatories, and production) in the State case. He has used most of them in filing  
6 his motion for summary disposition.

6 6. Mr. Barton is known for his deceptive behavior as follows:

7 a. Misleading phone agents with false names<sup>3</sup>;

8 b. Filling out a form requesting to hire Attorney Donna Gibson using a false name  
9 and not needing her services<sup>4</sup>; and

9 c. Donna Gibson believes that Mr. Barton changed the joint stipulation document  
10 to include line 30 (Defendants destroyed evidence).

11 9. Mr. Barton should be sanctioned for his trickery and deception on this Court and  
12 Defendants cost in answering his frivolous motion.

13  
14 Dated July 18, 2025

/s/ Dawn R. Van Dusen  
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22 <sup>2</sup> Decl of Dawn Van Dusen, Exhibit C

23 <sup>3</sup> Decl of Dawn Van Dusen, Exhibit A (21 at 24-25 – 23 at 1-2)

24 <sup>4</sup> Decl of Dawn Van Dusen, Exhibit A (29 at 10-25; 30 at 1-14)