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THE HONORABLE FRED VAN  
SICKLE

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

JAMES S. GORDON, JR,

Plaintiff,

v.

IMPULSE MARKETING GROUP,  
INC.,

Defendant

IMPULSE MARKETING GROUP,  
INC.,

Third Party Plaintiff

v.

BONNIE GORDON, JAMES S.  
GORDON, III, JONATHAN  
GORDON, JAMILA GORDON,  
ROBERT PRITCHETT, EMILY  
ABBEY, and LEW REED

Third Party Defendants

NO. CV-04-5125-FVS

PLAINTIFF'S MOTION TO DISMISS  
COUNTERCLAIMS AND THIRD  
PARTY DEFENDANTS UNDER FRCP  
12(b)(6) OR IN THE ALTERNATIVE  
FOR SUMMARY JUDGMENT UNDER  
FRCP 56 OR IN THE ALTERNATIVE  
TO DISMISS UNDER FRCP (9)(b)

Jury Trial Demanded

COMES NOW the Plaintiff, James S. Gordon, Jr., and moves the court to

1 dismiss counterclaims and claims against Third Party Defendants under FRCP  
2 12(b)(6), or in the alternative for summary judgment under FRCP 56, or in the  
3  
4 alternative to dismiss under FRCP (9)(b).

5  
6 DATED this 17th day of August, 2005

7 S/ DOUGLAS E. MCKINLEY, JR.  
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9 Attorney for Plaintiff  
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Certificate of Service

I hereby certify that on August 17, 2005, 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 Ivey, and I hereby certify that I have mailed by United States Postal Service the documents to the following non-CM/ECF participants: Peter J. Glantz, Sean A. Moynihan, David O. Klein.

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