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Hon. Fred Van Sickle

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

12 James S. Gordon, Jr.,
13 Plaintiff,
14 v.
15 Impulse Marketing Group, Inc.,
Jeffrey Goldstein, Phillip Huston,
16 and Kenneth Adamson,
17 Defendants.

Case No.: CV-04-5125-FVS

[PROPOSED] ORDER DISMISSING
FIRST AMENDED COMPLAINT
UNDER FED. R. CIV. P. 12(b)(1), (2)
& (6) OR, IN THE ALTERNATIVE
FOR A MORE DEFINITE
STATEMENT UNDER FED. R. CIV.
P. 12(e)

18 Impulse Marketing Group, Inc.,
19 Third-Party Plaintiff,
20 v.
21 Bonnie F. Gordon, Jamila Gordon,
James Gordon, III, and Jonathan
22 Gordon,
23 Third-Party Defendants.

24 THIS MATTER comes before the Court on the Motion to Dismiss the First
25 Amended Complaint Under Fed. R. Civ. 12(b)(1), (2) and (6) or, in the Alternative, for
26

1 a More Definite Statement Under Fed. R. Civ. P. 12(e) filed by Defendants Impulse
2 Marketing Group, Inc. (“Impulse”), Jeffrey Goldstein (“Goldstein”) and Kenneth
3 Adamson (“Adamson”) (collectively, “Defendants”), the Court hereby finds as
4 follows:

5 1. The Plaintiff failed to comply with this Court’s order denying his request
6 to add new plaintiffs to the action.

7 2. The Plaintiff lacks standing to assert any causes of action on behalf of
8 unregistered d/b/a Gordonworks.com.

9 3. The Plaintiff, an individual, lacks standing to assert the matters
10 complained of in his First Cause of Action.

11 4.. The Plaintiff is neither an “interactive computer service” as defined in
12 RCW § 19.190, *et seq.*, nor an “internet access service” as defined in 15 U.S.C. § 7701,
13 *et seq.*, and therefore lacks standing as an interactive computer service or internet access
14 service to assert the matters complained of in his First and Second Causes of Action.

15 5. After due deliberation, this Court has determined that it lacks jurisdiction
16 over the persons of Jeffrey Goldstein and Kenneth Adamson.

17 6. After due deliberation, this Court has determined that the First Amended
18 Complaint fails to state a claim on which relief may be granted

19 WHEREFORE, it is hereby ORDERED that:

20 a. The motion to dismiss is GRANTED.

21 b. The clerk will enter a judgment dismissing this action with prejudice and
22 awarding Defendants their costs.

23 DATED this ____ day of _____, 2006.

24
25 _____
26 Hon. Fred Van Sickle
United States District Court Judge