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24 **UNITED STATES DISTRICT COURT FOR THE**
 25 **EASTERN DISTRICT OF WASHINGTON**

26 JAMES S. GORDON, JR.,

27 Plaintiff,

28 vs.

IMPULSE MARKETING GROUP,
 INC.,

Defendant

No. CV-04-5125-FVS

MEMORANDUM REGARDING
 MOTION TO CLARIFY
 SCHEDULING ORDER

IMPULSE MARKETING GROUP,
 INC.,

Third-Party Plaintiff,

vs.

BONNIE GORDON, et al.,

Third-Party Defendants.

1 The Third Party Defendants have filed Motions to Dismiss which are noted
2 for hearing December 5, 2005. Motions to Dismiss are dispositive. *Duffy v.*
3 *Landberg* 133 F.3d 1120, 1122 (8th Cir. Minn. 1998); *Brever v. Rockwell Int'l*
4 *Corp.* 40 F.3d 1119, 1125 (10th Cir.1994). Discovery cutoff in this matter is June
5 5, 2006. Dispositive motions are to be filed "on or before June 12, 2006." There
6 will have been no discovery conducted in this matter by December 5, 2005.

7 DATED this 9th day of November, 2005.

8 LIEBLER, IVEY, CONNOR, BERRY & ST. HILAIRE
9

10 By s/ Floyd E. Ivey
11 FLOYD E. IVEY, WSBA#6888
12 Attorneys for Defendant

13 I hereby certify that on November 9, 2005, I electronically filed
14 **Memorandum Re: Motion to Clarify Scheduling Order** with the Clerk of the
15 Court using the CM/ECF System which will send notification of such filing to
16 Douglas E. McKinley, Jr., Peter J. Glantz and Sean A. Moynihan. I hereby certify
17 that I have served the foregoing to the following non-CM/ECF participants by
18 other means: Bonnie Gordon, Jonathan Gordon, James S. Gordon, III, Robert
19 Pritchett, Emily Abbey and Jamila Gordon.

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S/ FLOYD E. IVEY
FLOYD E. IVEY