

1 Floyd E. Ivey
2 Liebler, Ivey, Connor, Berry & St. Hilaire
3 P. O. Box 6125
4 Kennewick, WA 99336-0125
5 509-735-3581

6 **UNITED STATES DISTRICT COURT FOR THE**
7 **EASTERN DISTRICT OF WASHINGTON**

8 JAMES S. GORDON, JR.,

No. CV-04-5125-FVS

9 Plaintiff,

10 vs.

11 IMPULSE MARKETING GROUP,
12 INC.,

THIRD PARTY PLAINTIFF'S
MEMORANDUM IN SUPPORT OF
DEFENDANT AND THIRD PARTY
PLAINTIFF'S MOTION TO AMEND
THIRD PARTY COMPLAINT

13 Defendant

14 _____
15 IMPULSE MARKETING GROUP,
16 INC.,

17 Third-Party Plaintiff,

18 vs.

19 BONNIE GORDON, et al.,

20 Third-Party Defendants.

21 The Defendant and Third Party Plaintiff now Moves to Amend its Third
22 Party Plaintiff's Complaints re: all Third Party Defendants. Defendant and Third
23 Party Plaintiff filed its FIRST AMENDED ANSWER, AMENDED
24 COUNTERCLAIMS AND THIRD PARTY AMENDED COMPLAINT on or
25 about September 6, 2005. Defendant has Filed its Proposed Defendant's Second
26 Amended Answer, Amended Counterclaims and Third Party Amended Complaint
27 contemporaneously with the filing of this Motion. This matter is set for trial in
28 2006. There has been no Answer filed by any Third Party Defendant. Motions to
Dismiss are scheduled by the Third Party Defendants commencing December 5,

1 2005.

2 Federal Rules of Civil Procedure Rule 15(a) provides for Amendment of an
3 Answer by leave of the Court with leave to amend freely given where justice so
4 provides.

5 In the present matter the Motion is filed prior to the hearing of any of the
6 Third Party Defendant's Motions to Dismiss. There is no discovery scheduled.
7 There is no prejudice to the Plaintiff. The Defendant requests the Court to grant
8 Defendant's Motion to Amend.

9 DATED this 18th day of November, 2005

10 LIEBLER, IVEY, CONNOR, BERRY & ST. HILAIRE

11 By s/ FLOYD E. IVEY
12 FLOYD E. IVEY, WSBA #6888
13 Counsel for Defendant
14 1141 N. Edison, Suite C
Kennewick, WA 99336

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

20 S/ FLOYD E. IVEY
21 FLOYD E. IVEY