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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON**

JAMES S. GORDON, JR., an individual  
residing in Benton County, Washington,

Plaintiffs

vs.

IMPULSE MARKETING GROUP, INC.,  
a Nevada Corporation,

Defendants

NO. CV-04-5125-FVS

DEFENDANT'S MOTION  
TO DISMISS PURSUANT  
TO FRCP 12(b)(6)

Defendant Impulse Marketing Group, Inc. now moves for dismissal pursuant to FRCP 12(b)(6). This motion is based upon the Declaration of David O. Klein, Esq. in Support of Defendant's Motion to Dismiss Plaintiff's Complaint, the Declaration of Phil Huston in Support of Defendant's Motion to Dismiss Plaintiff's Complaint, and the Memorandum of Law of Impuse Marketing Group, Inc. in Support of Motion to Dismiss Plaintiff's Complaint.

DATED this 26<sup>th</sup> day of January, 2005.

LIEBLER, IVEY, CONNOR, BERRY & ST. HILAIRE

By   
FLOYD E. IVEY, WSBA #6888  
Local Counsel for Defendant

LIEBLER, IVEY, CONNOR, BERRY & ST. HILAIRE  
Attorneys at Law  
P.O. Box 6125  
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Defendant's Motion to Dismiss Pursuant to FRCP  
12(b)(6) - 1.

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KLEIN, ZELMAN, ROTHERMEL & DICHTER, LLP

By Peter J. Glantz by Floyd E. Ivey  
PETER J. GLANTZ  
Attorneys for Defendant *with telephone authority*

I hereby certify that a copy of the foregoing was sent via ~~Pronto Legal Messenger Service~~ *regular mail* this 26<sup>th</sup> day of January, 2005, to:

Douglas E. McKinley, Jr.  
P.O. Box 202  
Richland, WA 99352

*Gina Swift*  
Secretary to Floyd E. Ivey

Defendant's Motion to Dismiss Pursuant to FRCP 12(b)(6) - 2.

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