

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NOV 23 2005

JAMES R. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON

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

James S. Gordon, Jr., Plaintiff,

vs.

Impulse Marketing Group, Inc.,

Defendant

Impulse Marketing Group, Inc.,

Third-Party Plaintiff,

v.

James S. Gordon III,

Third-Party Defendant

Case No.: CV-04-5125-FVS

RESPONSE TO THIRD PARTY
PLAINTIFF'S MOTIONS TO
AMEND ITS AMENDED
COMPLAINT AND MOTION TO
EXPEDITE

TO: Clerk of the Court

AND TO: Floyd E. Ivey, Attorney for Third-Party Plaintiff

1 Impulse is providing a moving target for third party defendant as it
2 seeks to amend its complaint each time it faces a 12(b)6 motion. It is
3 likely that this new motion to dismiss will elicit another iteration of
4 amendments to the recycled yet still specious lawsuit against third
5 party defendants.

6
7 The manner in which third party plaintiff is hurrying motions and
8 notices for hearing into the Court without actual notice to third party
9 defendants gives these communications the appearance or effect of ex
10 parte communications.

11
12 Third party defendant recognizes the concept of "unfairness" as a being
13 on a continuum between one party and the other party. At present, the
14 pendulum of unfairness hovers over third party defendant(s) as neither
15 I nor other third party defendants have been provided copies of the
16 motions and notices filed with this Court by third party plaintiff.
17 Typically, my first awareness of such a motion or notice is when the
18 Court has ruled on the motion.

19
20 Mr. Ivey is refusing to provide me with required notices and
21 documentation. It is only through my dad's attorney that he (Plaintiff)
22 became aware of the motions of default, which Mr. Ivey erroneously
23 certified had been provided to me.

24

25

1 Responding to Impulse's motion to amend its complaint requires a lot
2 more time for a pro se defendant to prepare than for an attorney.

3 Impulse Marketing Group, Inc. has hired two law firms – each with a
4 minimum of 5-6 attorneys, yet they are asking the Court for an
5 extension of time to file its response to the third party defendant's
6 motion to dismiss. This case was filed 12 months ago and is not
7 scheduled for trial for another 10-11 months. Surely, with the
8 manpower at their disposal, they should be able to meet their deadlines.
9 Pro se third party defendants have yet to request an extension or
10 expediting of a motion.

11
12 The fact that each pro se defendant must go out of his or her way to
13 respond to numerous attempts by Impulse to cure a fatally flawed series
14 of specious claims against me and other third party defendants entails a
15 great deal of time and expense on the part of each of us.

16
17 False certifications by Impulse counsel notwithstanding, I ask that this
18 Court compel defendant to pay me \$1,500 (fifteen hundred dollars) for
19 having to endure the stress and effort needed to reply to these amended
20 complaints or, in the alternative, deny Impulse this opportunity to
21 amend its complaint as the same claims are re-presented with a slightly
22 different flavor, and/or such other rulings, which this Court deems
23 appropriate to discourage the injudicious use of Court resources.

24

25

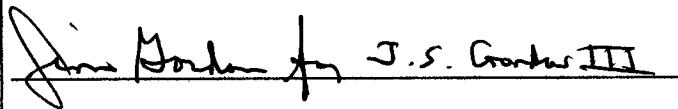
1 James S. Gordon

2 9804 Buckingham Drive

3 Pasco, WA 99301

4 509-210-1069

5
6 Dated this 21st day of November, 2005

7  J.S. Gordon III

8 Certificate of Service

9 I, hereby, certify that on November 21st, 2005, I filed with this Court a
10 Notice of Appearance. The Clerk of the Court will provide electronic
11 notification using the CM/ECF, which will send an electronic copy of
12 this Notice to Douglas E. McKinley, Jr., Peter J. Glantz, Sean A.
13 Moynihan, and Floyd E. Ivey. I have served all non-CM/ECF
14 participants, Bonnie Gordon, Jamila Gordon, Jonathan Gordon, Emily
15 Abbey, and Robert Pritchett by other means.
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