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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.

29 IMPULSE MARKETING GROUP,
 30 INC.,

31 Defendant

No. CV-04-5125-FVS

DECLARATION OF FLOYD E. IVEY
 RE: MOTION TO EXTEND TIME
 FOR FILING OF
 DEFENDANT'S RESPONSE TO
 THIRD PARTY DEFENDANT'S
 MOTION TO DISMISS

32 IMPULSE MARKETING GROUP,
 33 INC.,

34 Third-Party Plaintiff,

35 vs.

36 BONNIE GORDON, et al.,

37 Third-Party Defendants.

WITHOUT ORAL ARGUMENT

1 The Defendant and Third Party Plaintiff has moved to Extend the time to
2 file Defendant's Response to Third Party Defendant's Motion to Dismiss for
3 hearing without Oral Argument on Friday, December 2, 2005. This motion was
4 intended to have been filed during the week of November 14, 2005 for hearing on
5 November 21, 2005 for filing of the indicated Defendant's Response by November
6 23, 2005. The clerk has advised this office, as of November 28, 2005, that the
7 motion was not filed but that the proposed Order was filed twice. Defendant has
8 filed the Response to Third Party Defendant's Motion to Dismiss as to all Third
9 Party Defendant's Motions to Dismiss.

10 Counsel and staff have found that the electronic filing of documents has
11 posed problems not encountered when the printed document is prepared and
12 delivered to a clerk. There have been several such instances where motions,
13 orders, notices and declarations have been incorrectly filed with corrections caught
14 shortly following the filing. Counsel for the Defendant and Third Party Plaintiff
15 does not believe that this requested Extension and the error encountered is
16 prejudicial to the Third Party Defendant whose Motion to Dismiss is first to be
17 heard or to the remaining Third Party Defendants whose motions are set for
18 consideration in mid December.

19 The foregoing is stated on penalty of perjury as true and correct to the best of my
20 knowledge.

21 Signed at Kennewick.

22 DATED this 29th day of November, 2005.

23
24 **LIEBLER, IVEY, & CONNOR, P.S.**

25
26 **s/ Floyd E. Ivey**
27 **Floyd E. Ivey, WSBA #6888**
28 **Attorneys for the Defendant Impulse**

1 I hereby certify that on November 29, 2005, I electronically filed
2 Declaration of Floyd E. Ivey regarding Defendant and Third Party Plaintiff's
3 **Motion for Extension of Time to File Defendant's Response to Third Party**
4 **Defendant's Motion to Dismiss** with the Clerk of the Court using the CM/ECF
5 System which will send notification of such filing to Douglas 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 means: Bonnie
Gordon, Jonathan Gordon, James S. Gordon, III, Robert Pritchett, Emily Abbey
and Jamila Gordon.

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7 S/ FLOYD E. IVEY
FLOYD E. IVEY