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Floyd E. Ivey  
Liebler, Ivey & Connor, P.S.  
1141 N. Edison, Suite C  
P.O. Box 6125  
Kennewick, WA 99336  
Telephone (509) 735-3581  
Fax (509) 735-3585  
Appearing for Defendant

DOUGLAS E. MCKINLEY, JR.  
Attorney At Law  
P.O. Box 202  
Richland, Washington 99352  
Phone 628-0809 Fax (509) 628-2307  
Appearing for Plaintiff

**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 RESPONSE  
TO PLAINTIFF'S RESPONSE  
TO MOTIONS TO ADMIT  
COUNSEL GLANTZ,  
MOYNIHAN AND KLEIN  
PRO HAC VICE

Defendant Impulse Marketing Group, Inc. now responds to Plaintiff's Response to Motions for Mr. Klein, Mr. Glantz, and Mr. Moynihan to participate Pro Hac Vice. Plaintiff has filed, on February 16, 2005, a response to Defendant's Notice of Appearance of attorney David Klein and Defendant's Motion to Admit attorneys Glantz, Moynihan and Klein Pro Hac Vice. Plaintiff couches the Response as an alert that the indicated appearance and admission of Counsel Glantz, Moynihan and Klein "appears" to violate RPC 3.7. However, Plaintiff has

LIEBLER, IVEY, CONNOR, BERRY & ST. HILAIRE  
Attorneys at Law  
P.O. Box 6125  
Kennewick, Washington 99336-0125  
(509) 735-3581

Defendant's Response to Plaintiff's Response re:  
Motion to Admit Pro Hac Vice - 1.  
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Plaintiffs.Motion to Disqualify.050216.wpd

1 not moved to disqualify attorneys Glantz, Moynihan and Klein.

2 Plaintiff's Response addresses the Declaration of David Klein, submitted by  
3 Defendant in support of Defendant's Motion to Dismiss. Plaintiff's Response  
4 analyzes Mr. Klein's Declaration relative to the Motion to Dismiss.

5 Counsel for Plaintiff, Mr. McKinley, and counsel for Defendant Mr. Ivey,  
6 have discussed Mr. Klein's declaration relative to Mr. McKinley's concern. Mr.  
7 Klein's Declaration is merely argument by counsel and bears no testimony. Mr.  
8 Huston, a representative of the Defendant, has submitted a Declaration in support  
9 of the Motin to Dismiss. Mr. Klein's Declaration reflects the content of Mr.  
10 Huston's Declaration and offers argument to the court.

11 Plaintiff's "Response" re: the Motions to admit Pro Hac Vice, constitute  
12 argument opposing the Motion to Dismiss. Plaintiff's opportunity to submit such  
13 argument occurred when Plaintiff filed its Response to the Motion to Dismiss.  
14 Plaintiff's Response re: the Motion to admit Pro Hav Vice is improper submission  
15 of argument and should be disregarded by the Court relative to Defendant's  
16 Motion to Dismiss.

17 DATED this 23<sup>rd</sup> day of February, 2005.

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

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

22  
23 KLEIN, ZELMAN, ROTHERMEL & DICHTER, LLP

24   
25 PETER J. GLANTZ  
26 Attorneys for Defendant

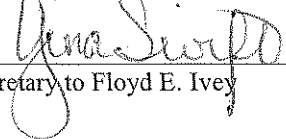
27 LIEBLER, IVEY, CONNOR, BERRY & ST. HILAIRE  
28 Attorneys at Law  
P.O. Box 6125  
Kennewick, Washington 99336-0125  
(509) 735-3581

Defendant's Response to Plaintiff's Response re:  
Motion to Admit Pro Hac Vice - 2.

1 I hereby certify that a copy of the foregoing was  
2 sent via Pronto Legal Messenger Service this

3 2<sup>nd</sup> day of ~~January~~, 2005, to:  
*February*

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

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8 \_\_\_\_\_  
9 Secretary to Floyd E. Ivey

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Defendant's Response to Plaintiff's Response re:  
Motion to Admit Pro Hac Vice - 3.

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Plaintiffs.Motion to Disqualify.050216.wpd

LIEBLER, IVEY, CONNOR, BERRY & ST. HILAIRE  
Attorneys at Law  
P.O. Box 6125  
Kennewick, Washington 99336-0125  
(509) 735-3581