

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF WASHINGTON

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5 JAMES S. GORDON, JR.,
6 Plaintiff,

7 v.

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9 IMPULSE MARKETING GROUP, INC.,
10 Defendant.

No. CV-04-5125-FVS

ORDER GRANTING
PERMISSION TO APPEAR
PRO HAC VICE

11
12 **BEFORE THE COURT** is Peter Glantz, David Klein, and Sean
13 Moynihan's motions to appear pro hac vice. (Ct. Rec. 12, 13, and 14).

14 Plaintiff objects to these motions on the basis that the
15 participation of these attorneys would appear to violate Rule 3.7 of
16 the Rules of Professional Conduct. Plaintiff's concern relates to
17 the declaration of Mr. Klein, which was submitted in support of
18 Defendant's motion to dismiss. The motion to dismiss is scheduled to
19 be heard by the Court with telephonic argument on March 31, 2005.
20 Plaintiff argues the declaration of Mr. Klein constitutes testimony
21 because, if accepted by the Court, the conclusions would dispose of
22 this case. Plaintiff objects to the pro hac vice admission of Mr.
23 Glantz and Mr. Moynihan on the basis that they are both partners or
24 associates with Mr. Klein. Therefore, Plaintiff argues their
25 appearance would also violate Rule 3.7 of the Rules of Professional
26 Conduct.

Essentially, Plaintiff's objection constitutes argument opposing

1 Defendant's motion to dismiss rather than argument opposing Mr.
2 Glantz, David Klein, and Sean Moynihan's requests for pro hac vice
3 admission. Plaintiff's objection to the testimony of Mr. Klein in
4 support of Defendant's motion to dismiss may be addressed by the
5 Court within the bounds of the motion to dismiss. Accordingly, the
6 Court grants the requests for pro hac vice admission.

7 **IT IS HEREBY ORDERED** that the Motions to Appear **PRO HAC VICE**,
8 **Ct. Rec. 12, Ct. Rec. 13, and Ct. Rec. 14**, are **GRANTED** pursuant to
9 Local Rule 83.2(c)(1) of the United States District Court, Eastern
10 District of Washington. Counsel of record, Floyd E. Ivey, shall sign
11 all pleadings, motions and other papers prior to filing and shall
12 meaningfully participate in this case.

13 **IT IS SO ORDERED.** The District Court Executive is hereby
14 directed to enter this order and furnish copies to counsel.

15 **DATED** this 1st day of March, 2005.

16 s/ Fred Van Sickle
17 Fred Van Sickle
18 Chief United States District Judge
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