

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF WASHINGTON

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

No. CV-04-5125-FVS

7 Plaintiff,

ORDER

8  
9 v.

10 IMPULSE MARKETING GROUP, INC., a  
11 Nevada Corporation,

12 Defendant.  
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15 **THIS MATTER** came before the Court pursuant to Defendant's motion  
16 to dismiss, Ct. Rec. 2. The Court heard oral arguments on this  
17 motion during a telephonic hearing on March 31, 2005. This Order is  
18 intended to memorialize the Court's oral ruling.

19 **IT IS HEREBY ORDERED** that the Court reserves ruling on  
20 Defendant's Motion to Dismiss, Ct. Rec. 2, until the Court receives  
21 additional briefing addressing the issue of whether Plaintiff's  
22 Complaint is subject to the heightened pleading requirements of  
23 Federal Rule of Civil Procedure 9(b). Plaintiff shall file his  
24 memoranda by **April 21, 2005**; Defendant shall file its reply memoranda  
25 by **May 5, 2005**. Thereafter, the Court will address Defendant's  
26 motion to dismiss in a written order.

ORDER - 1

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

4 **DATED** this 31st day of March, 2005.

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6 s/ Fred Van Sickle  
7 Fred Van Sickle  
8 Chief United States District Judge  
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