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THE HONORABLE FRED VAN  
 SICKLE

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 6  
 7 IN THE UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF WASHINGTON  
 8 AT RICHLAND

9 JAMES S. GORDON, JR,

NO. CV-04-5125-FVS

10 Plaintiff,

11 v.

PLAINTIFF'S MOTION TO DISMISS  
 COUNTERCLAIMS AND THIRD  
 PARTY DEFENDANTS UNDER FRCP  
 12 12(b)(6) OR IN THE ALTERNATIVE  
 FOR SUMMARY JUDGMENT UNDER  
 13 FRCP 56 OR IN THE ALTERNATIVE  
 TO DISMISS UNDER FRCP (9)(b)

12 IMPULSE MARKETING GROUP,  
 INC.,

13 Defendant

14 IMPULSE MARKETING GROUP,  
 15 INC.,

Jury Trial Demanded

16 Third Party Plaintiff

17 v.

18 BONNIE GORDON, JAMES S.  
 19 GORDON, III, JONATHAN  
 GORDON, JAMILA GORDON,  
 20 ROBERT PRITCHETT, EMILY  
 ABBEY, and LEW REED

21 Third Party Defendants

22  
 23  
 24 COMES NOW the Plaintiff, James S. Gordon, Jr., and moves the court to

25  
 26 PLAINTIFFS MOTION TO DISMISS

Page 1 of 2

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27 - No. CV-04-5125-FVS

28

1 dismiss counterclaims and claims against Third Party Defendants under FRCP  
2 12(b)(6), or in the alternative for summary judgment under FRCP 56, or in the  
3  
4 alternative to dismiss under FRCP (9)(b).

5  
6 DATED this 17th day of August, 2005

7 S/ DOUGLAS E. MCKINLEY, JR.  
8 WSBA# 20806  
9 Attorney for Plaintiff  
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15  
16 Certificate of Service

17 I hereby certify that on August 17, 2005, I electronically filed the foregoing with the  
18 Clerk of the Court using the CM/ECF System which will send notification of such  
19 filing to the following: Floyd Ivey, and I hereby certify that I have mailed by United  
20 States Postal Service the documents to the following non-CM/ECF participants: Peter  
21 J. Glantz, Sean A. Moynihan, David O. Klein.

22 S/ DOUGLAS E. MCKINLEY, JR.  
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