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 By: Floyd E. Ivey
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Local Counsel for Defendants Impulse
 4 *Marketing Group, Inc., Jeffrey Goldstein*
and Kenneth Adamson

Hon. Fred Van Sickle

5 Klein, Zelman, Rothermel & Dichter, L.L.P.
 6 By: Sean A. Moynihan
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 7 New York, NY 10022
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 8 *Attorneys for Defendant Impulse*
Marketing Group, Inc., Jeffrey Goldstein
 9 *and Kenneth Adamson*

10
 11 **IN THE UNITED STATES DISTRICT COURT**
 12 **FOR THE EASTERN DISTRICT OF WASHINGTON**
AT RICHLAND

13 James S. Gordon, Jr.,
 14 Plaintiff,
 15 v.
 16 Impulse Marketing Group, Inc.,
 Jeffrey Goldstein, Phillip Huston,
 17 and Kenneth Adamson,
 18 Defendants.

Case No.: CV-04-5125-FVS

DEFENDANTS' MOTION TO
 DISMISS THE FIRST AMENDED
 COMPLAINT PURSUANT TO
 FED. R. CIV. P. 12(b)(1), (2) AND (6)
 OR, IN THE ALTERNATIVE, FOR
 A MORE DEFINITE STATEMENT
 PURSUANT TO FED. R. CIV. P. 12(e)

19 Impulse Marketing Group, Inc.,
 20 Third-Party Plaintiff,
 21 v.
 22 Bonnie F. Gordon, Jamila Gordon,
 23 James Gordon, III, and Jonathan
 Gordon,
 24 Third-Party Defendants.

25 Defendants Impulse Marketing Group, Inc. ("Impulse"), Jeffrey Goldstein
 26 ("Goldstein") and Kenneth Adamson ("Adamson") (collectively, "Defendants"), by
 27


28 DEFENDANTS' MOTION TO DISMISS OR,
 IN THE ALTERNATIVE, FOR A MORE
 DEFINITE STATEMENT - 1
 00079805;1

KLEIN, ZELMAN, ROTHERMEL & DICHTER, L.L.P.
 485 MADISON AVENUE, 15TH FLOOR
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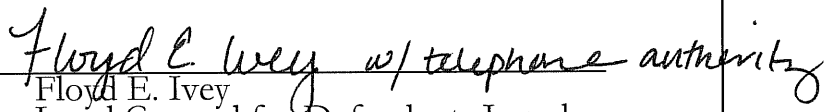
1 and through their counsel, Klein, Zelman, Rothermel & Dichter, L.L.P., now move
2 for dismissal of the First Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(1), (2)
3 and (6) or, in the alternative, for a more definite statement pursuant to Fed. R. Civ. P.
4 12(e). This motion is based upon the Declarations of Sean A. Moynihan, Esq.,
5 Kenneth Adamson and Jeffrey Goldstein in Support of Defendants' Motion to
6 Dismiss Plaintiff's First Amended Complaint or, in the Alternative, for a More
7 Definite Statement and the Memorandum of Law in Support of Defendants' Motion
8 to Dismiss Plaintiff's First Amended Complaint or, in the Alternative, for a More
9 Definite Statement.

10 DATED this 31st day of August, 2006.

11
12 KLEIN, ZELMAN, ROTHERMEL
& DICHTER, L.L.P.

13
14 By: 
15 Sean A. Moynihan admitted *pro hac vice*
16 Attorneys for Defendants Impulse Marketing
17 Group, Inc., Jeffrey Goldstein and Kenneth
Adamson

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

19
20 By: 
21 Floyd E. Ivey
22 Local Counsel for Defendants Impulse
23 Marketing Group, Inc., Jeffrey Goldstein and
24 Kenneth Adamson