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THE HONORABLE FRED VAN
 SICKLE

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

9 JAMES S. GORDON, JR,

NO. CV-04-5125-FVS

10 Plaintiff,

11 v.

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

12 IMPULSE MARKETING GROUP,
 13 INC.,

Defendant

14 IMPULSE MARKETING GROUP,
 15 INC.,

Third Party Plaintiff

Jury Trial Demanded

17 v.

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

Third Party Defendants

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 24 COMES NOW the Plaintiff, James S. Gordon, Jr., and brings this Notice of

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 26 NOTICE OF MOTION TO DISMISS

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27 - No. CV-04-5125-FVS

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Plaintiff's motion to dismiss counterclaims and claims against Third Party Defendants under FRCP 12(b)(6), or in the alternative for summary judgment under FRCP 56, or in the alternative to dismiss under FRCP (9)(b) to be heard with oral argument September 28, 2005 at 2:00 pm in the Federal District Court in Richland, Washington.

DATED this 17th day of August, 2005

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Certificate of Service

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

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