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 7 *Marketing Group, Inc., Jeffrey Goldstein,*
 8 *Kenneth Adamson and Phillip Huston*

Hon. Fred Van Sickle

9 Klein, Zelman, Rothermel & Dichter, L.L.P.
 10 By: Sean A. Moynihan
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 12 New York, NY 10022
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 14 *Attorneys for Defendants Impulse*
 15 *Marketing Group, Inc., Jeffrey Goldstein,*
 16 *Kenneth Adamson and Phillip Huston*

17 **IN THE UNITED STATES DISTRICT COURT**
 18 **FOR THE EASTERN DISTRICT OF WASHINGTON**
 19 **AT RICHLAND**

20 James S. Gordon, Jr.,
 21 Plaintiff,
 22 v.
 23 Impulse Marketing Group, Inc.,
 24 Jeffrey Goldstein, Phillip Huston,
 25 and Kenneth Adamson,
 26 Defendants.

Case No.: CV-04-5125-FVS
 DEFENDANT HUSTON'S
 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)

27 Impulse Marketing Group, Inc.,
 28 Third-Party Plaintiff,
 v.
 Bonnie F. Gordon, Jamila Gordon,
 James Gordon, III, and Jonathan
 Gordon,
 Third-Party Defendants.

Defendant Phillip Huston ("Huston"), by and through his counsel, Klein,
 Zelman, Rothermel & Dichter, L.L.P., now moves for dismissal of the First Amended

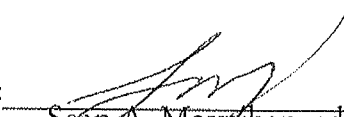
DEFENDANT HUSTON'S MOTION TO DISMISS OR,
 IN THE ALTERNATIVE, FOR A MORE
 DEFINITE STATEMENT - 1
 00082059;1

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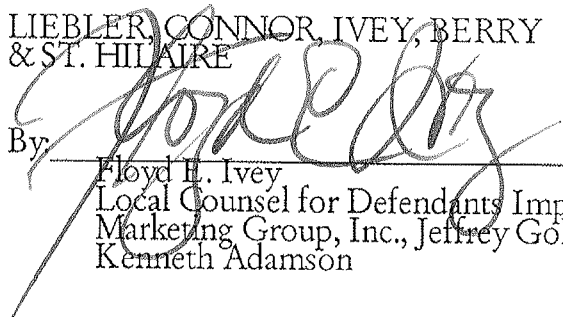
1 Complaint pursuant to Fed. R. Civ. P. 12(b)(1), (2) and (6) or, in the alternative, for a
2 more definite statement pursuant to Fed. R. Civ. P. 12(e). This motion is based upon
3 the Declarations of Sean A. Moynihan, Esq., and Phillip Huston in Support of
4 Defendant Huston's Motion to Dismiss Plaintiff's First Amended Complaint or, in the
5 Alternative, for a More Definite Statement and the Memorandum of Law in Support
6 of Defendant Huston's Motion to Dismiss Plaintiff's First Amended Complaint or, in
7 the Alternative, for a More Definite Statement.

8 DATED this 2nd day of January, 2007.

9
10 KLEIN, ZELMAN, ROTHERMEL
& DICHTER, L.L.P.

11
12 By: 
13 Sean A. Moynihan, admitted *pro hac vice*
14 Attorneys for Defendants Impulse Marketing
Group, Inc., Jeffrey Goldstein and Kenneth
Adamson

15
16 LIEBLER, CONNOR, IVEY, BERRY
& ST. HILAIRE

17
18 By: 
19 Floyd H. Ivey
20 Local Counsel for Defendants Impulse
Marketing Group, Inc., Jeffrey Goldstein and
Kenneth Adamson