

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF WASHINGTON

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4  
5 JAMES S. GORDON, JR.,  
6 Plaintiff,

No. CV-04-5125-FVS

7 v.

ORDER GRANTING IN PART AND  
DENYING IN PART MOTION FOR  
SANCTIONS

8  
9 IMPULSE MARKETING GROUP, INC.,  
10 Defendant.

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12 **THIS MATTER** came before the Court for a hearing on the  
13 Defendant's Motion for Sanctions Pursuant to Fed. R. Civ. P. 11, Ct.  
14 Rec. 425. The Plaintiff is represented by Robert J. Siegal. The  
15 Defendant is represented by Floyd E. Ivey, Peter J. Glantz, and Sean  
16 A. Moynihan. In view of the failure of Plaintiff's counsel to comply  
17 with Federal Rule of Civil Procedure 15(a), the Court finds the  
18 imposition of sanctions appropriate. Counsel for both parties are  
19 expected to comport themselves in a professional and civil manner in  
20 conducting this litigation. The Court being fully advised,

21 **IT IS HEREBY ORDERED:**

22 1. The Defendant's Motion for Sanctions Pursuant to Fed. R. Civ.  
23 P. 11, Ct. Rec. 425, is **GRANTED IN PART** and **DENIED IN PART**.

24 2. Sanctions are imposed on Plaintiff's counsel for failure to  
25 comply with the Federal Rules of Civil Procedure. Plaintiff's counsel  
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ORDER GRANTING IN PART AND DENYING IN PART MOTION FOR SANCTIONS-  
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1 shall pay sanctions in the amount of one thousand five hundred dollars  
2 (\$1,500) to Defendant's counsel.

3 3. The Plaintiff's unauthorized Second Amended Complaint, **Ct.**  
4 **Rec. 410**, is **STRICKEN**.

5 4. As provided in the Court's Order Granting in Part and Denying  
6 in Part Motion to Amend, Ct. Rec. 481, the Plaintiff may now file an  
7 amended pleading amending Section 4.3 of the First Amended Complaint  
8 to allege damages under the Prize Statute.

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

11 **DATED** this 15th day of June, 2007.

12  
13 s/ Fred Van Sickle  
Fred Van Sickle  
14 United States District Judge