

1 Liebler, Ivey, Conner, Berry & St. Hilaire
 2 By: Floyd E. Ivey
 1141 N. Edison, Suite C
 3 P.O. Box 6125
 Kennewick, Washington 99336
 4 Local Counsel for Defendant
 Impulse Marketing Group, Inc.
 5

6 Klein, Zelman, Rothermel, & Dichter, L.L.P.
 By: Sean Moynihan, Esq.
 7 485 Madison Avenue
 New York, New York 10022
 8 Telephone Number (212) 935-6020
 9 Facsimile Number (212) 753-8101
 Attorneys for Defendant
 10 Impulse Marketing Group, Inc.

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

14 JAMES S. GORDON, JR.,)

No. CV 04-5125-FVS

15 Plaintiff(s),)

DECLARATION OF FLOYD E. IVEY
IN SUPPORT OF DEFENDANT'S
MOTION FOR DISMISSAL OF
THIRD-PARTY DEFENDANT LEW
REED

16 v.)

17 IMPULSE MARKETING GROUP, INC.,)

18 Defendant(s).)

JURY TRIAL REQUESTED

20 IMPULSE MARKETING GROUP, INC.,)

21 Third-Party Plaintiff,)

22 v.)

23 BONNIE GORDON, JAMES S. GORDON,)
 24 III, JONATHAN GORDON, JAMILA)
 GORDON, ROBERT PRITCHETT, EMILY)
 25 ABBEY and LEW REED,)

26 Third-Party Defendants.)

1 I am counsel for Defendant and Third-Party Plaintiff Impulse Marketing
2 Group Inc. Mr. Lew Reed has been named as a Third-Party Defendant in
3 Defendant Impulse's Third-Party Complaint. There has been no appearance on
4 behalf of Mr. Lew Reed and Mr. Reed has not been served. However, Plaintiff,
5 whose counsel has not entered appearances on behalf of any Third-Party
6 Defendant, has brought a Motion to Dismiss or alternatively a Motion for
7 Summary Judgment for Dismissal of all Third-Party Defendants. Counsel for
8 Plaintiff is not inclined to stipulate to the dismissal of Mr. Reed except on terms.

9 Date: September 1, 2005.

10
11
12
13 s/ FLOYD E. IVEY
14 WSBA #6888
15 Liebler, Ivey, Connor, Berry & St. Hilaire
16 By: Floyd E. Ivey
17 1141 N. Edison, Suite C
18 P.O. Box 6125
19 Kennewick, WA 99336
20 Local Counsel for Defendant
21 Impulse Marketing Group, Inc.

22 s/ SEAN A. MOYNIHAN
23 Sean A. Moynihan, Esq. (admitted pro hac vice)
24 Klein, Zelman, Rothermel & Dichter, LLP
25 485 Madison Avenue, 15th Floor
26 New York, NY 10022
(212) 935-6020
(212) 753-8101 Fax
Attorneys for Defendant
Impulse Marketing Group, Inc.

1
2 I hereby certify that on September 1, 2005, I electronically filed the
3 **Declaration of Floyd E. Ivey in Support of Defendant's Motion for Dismissal**
4 **of Third-Party Defendant Lew Reed** with the Clerk of the Court using the
5 CM/ECF System which will send notification of such filing to the following:
6 Douglas E. McKinley, Jr., and I hereby certify that I have sent via internet email
7 the document to the following non-CM/ECF participants: David O. Klein, Peter J.
8 Glantz, Sean A. Moynihan.

9 S/ FLOYD E. IVEY
10 FLOYD E. IVEY
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26