

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

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

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

19 JAMES S. GORDON, JR., )

No. CV 04-5125-FVS

20 Plaintiff(s), )

**DEFENDANT’S MEMEORANDUM IN**  
**SUPPORT OF MOTION FOR**  
**DISMISSAL OF THIRD-PARTY**  
**DEFENDANT LEW REED**  
**(WITHOUT ORAL AGRUMENT)**

21 v. )

22 IMPULSE MARKETING GROUP, INC., )

23 Defendant(s). )

**JURY TRIAL REQUESTED**

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24 IMPULSE MARKETING GROUP, INC., )

25 Third-Party Plaintiff, )

26 v. )

27 BONNIE GORDON, JAMES S. GORDON, )  
 28 III, JONATHAN GORDON, JAMILA )  
 29 GORDON, ROBERT PRITCHETT, EMILY )  
 30 ABBEY and LEW REED, )

31 Third-Party Defendants. )

1 Defendant and Third-Party Plaintiff, Impulse Marketing Group Inc., has  
2 filed a Third-Party Complaint naming as a Third-Party Defendant Mr. Lew Reed.  
3 Mr. Reed has not been served and there has been no Notice of Appearance  
4 entered on his behalf. Plaintiff, not having appeared for any Third-Party  
5 Defendant, has filed a Motion to Dismiss or alternatively for Summary Judgment  
6 for Dismissal of all Third-Party Defendants. Plaintiff's Motion for Summary  
7 Judgment allows for Dismissal by Stipulation of all who have Appeared pursuant  
8 to Federal Rule of Civil Procedure 41(a)(1). However, Plaintiff is reluctant to  
9 stipulate to dismissal except on terms. Hence Defendant moves for Dismissal  
10 pursuant to Federal Rule of Civil Procedure 41(a)(2). This Motion is for  
11 Dismissal without Prejudice.  
12  
13  
14  
15

16 Date: September 1, 2005

17 s/ FLOYD E. IVEY  
18 WSBA #6888  
19 Liebler, Ivey, Connor, Berry & St. Hilaire  
20 By: Floyd E. Ivey  
21 1141 N. Edison, Suite C  
22 P.O. Box 6125  
23 Kennewick, WA 99336  
24 Local Counsel for Defendant  
25 Impulse Marketing Group, Inc.  
26

1 s/ SEAN A. MOYNIHAN  
2 Sean A. Moynihan, Esq. (admitted pro hac vice)  
3 Klein, Zelman, Rothermel & Dichter, LLP  
4 485 Madison Avenue, 15<sup>th</sup> Floor  
5 New York, NY 10022  
6 (212) 935-6020  
7 (212) 753-8101 Fax  
8 Attorneys for Defendant  
9 Impulse Marketing Group, Inc.

10 I hereby certify that on September 1, 2005, I electronically filed the  
11 **Memorandum In Support of Defendant's Motion for Dismissal of Third-**  
12 **Party Defendant Lew Reed** with the Clerk of the Court using the CM/ECF  
13 System which will send notification of such filing to the following: Douglas E.  
14 McKinley, Jr., and I hereby certify that I have sent via internet email the  
15 document to the following non-CM/ECF participants: David O. Klein, Peter J.  
16 Glantz, Sean A. Moynihan.

17 S/ FLOYD E. IVEY  
18 FLOYD E. IVEY