

Hon. Fred Van Sickle

1
 2 Liebler, Ivey, Connor, Berry & St. Hilaire
 3 By: Floyd E. Ivey
 4 1141 N. Edison, Suite C
 5 P.O. Box 6125
 6 Kennewick, WA 99336
 7 *Local Counsel for Defendants Impulse Marketing Group, Inc.,*
 8 *Jeffrey Goldstein, Phillip Huston and Kenneth Adamson*

9 Klein Zelman Rothermel LLP
 10 By: Sean A. Moynihan & Stacy K. Wolery
 11 485 Madison Avenue, 15th Floor
 12 New York, NY 10022
 13 (212) 935-6020
 14 *Attorneys for Defendants Impulse Marketing Group, Inc.,*
 15 *Jeffrey Goldstein, Phillip Huston and Kenneth Adamson*

16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

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

James S. Gordon, Jr.,
 Plaintiff,
 v.
 Impulse Marketing Group, Inc.,
 Jeffrey Goldstein, Phillip Huston,
 and Kenneth Adamson,
 Defendants.

Case No.: CV-04-5125-FVS

DEFENDANTS' MOTION TO DISMISS THE SECOND AMENDED FIRST AMENDED COMPLAINT

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

Defendants Impulse Marketing Group, Inc. ("Impulse"), Jeffrey Goldstein ("Goldstein"), Phillip Huston ("Huston") and Kenneth Adamson (collectively,

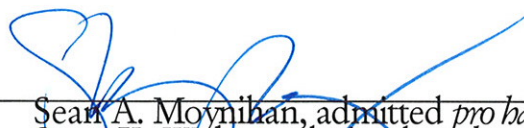
DEFENDANTS' MOTION TO DISMISS THE 2nd AMENDED FIRST AMENDED COMPLAINT AND TO STRIKE THE MORE DEFINITE STATEMENT - 1
00086068:1

KLEIN ZELMAN ROTHERMEL LLP
485 MADISON AVENUE, 15TH FLOOR
NEW YORK, NEW YORK 10022
(212) 935-6020

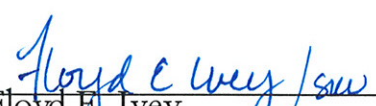
1 “Defendants”) now move for dismissal of the Second Amended First Amended
2 Complaint with prejudice pursuant to Fed. R. Civ. P. 12(b)(1), (2) and (6) and 41(b).
3 This motion is based upon the Declarations of Stacy K. Wolery, Esq. in Support of
4 Defendants’ Motion to Dismiss Plaintiff’s Second Amended First Amended Complaint
5 and the Memorandum of Law in Support of Defendants’ Motion to Dismiss Plaintiff’s
6 Second Amended First Amended Complaint.

7 DATED this 20th day of September, 2007.

8
9 KLEIN ZELMAN ROTHERMEL LLP

10
11 By: 
12 Sean A. Moynihan, admitted *pro hac vice*
13 Stacy K. Wolery, admitted *pro hac vice*
14 Attorneys for Defendants Impulse Marketing
15 Group, Inc., Jeffrey Goldstein, Kenneth
16 Adamson and Phillip Huston

17
18 LIEBLER, CONNOR, IVEY, BERRY
19 & ST. HILAIRE

20
21 By: 
22 Floyd E. Ivey
23 Local Counsel for Defendants Impulse
24 Marketing Group, Inc., Jeffrey Goldstein,
25 Kenneth Adamson and Phillip Huston

Certificate of Service

I, hereby, certify that on September 20, 2007, I electronically filed this pleading with this Court. The Clerk of the Court will provide electronic notification using the CM/ECF system, which will send an electronic copy of the Motion to Dismiss the Second Amended First Amended Complaint to: Robert J. Siegel, Floyd E. Ivey and Sean A. Moynihan. I hereby certify that I have served the forgoing to the following non-CM/ECF participants by other means:

Bonnie Gordon
9804 Buckingham Drive
Pasco, WA 99301

Jonathan Gordon
9804 Buckingham Drive
Pasco, WA 99301

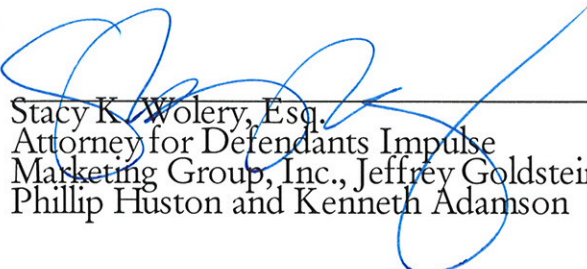
James S. Gordon, III
9804 Buckingham Drive
Pasco, WA 99301

Robert Pritchett
1952 Thayer Drive
Richland, WA 99354

Jamila Gordon
9804 Buckingham Drive
Pasco, WA 99301

Emily Abbey
1407 2nd Avenue West, # 608
Seattle, WA 98119

Hon. Harold D. Clarke, Jr.
Special Discovery Master
Algeo Clarke & Erickson
E 102 Baldwin
Spokane, WA 99207


Stacy K. Wolery, Esq.
Attorney for Defendants Impulse
Marketing Group, Inc., Jeffrey Goldstein,
Phillip Huston and Kenneth Adamson