

Hon. Fred Van Sickle

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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF WASHINGTON**

JAMES S. GORDON, JR.,  
Plaintiff,

vs.

IMPULSE MARKETING GROUP,  
INC.,  
Defendant

No. CV-04-5125-FVS

DECLARATION OF FLOYD E. IVEY  
RE: EXPEDITING HEARING OF  
DEFENDANTS' MOTION FOR  
EXTENSION OF TIME TO FILE  
REPLY RE: DEFENDANTS' MOTION  
TO DISMISS

IMPULSE MARKETING GROUP,  
INC.,

Third-Party Plaintiff,

vs.

BONNIE GORDON, et al.,

Third-Party Defendants.

WITHOUT ORAL ARGUMENT

ATTORNEY FLOYD E. IVEY'S DECLARATION RE: EXPEDITING  
HEARING OF DEFENDANT'S MOTION FOR EXTENSION OF TIME FOR

DEFENDANTS TO FILE REPLY RE: DEFENDANTS' MOTION TO DISMISS


I am local Counsel for Impulse Marketing Group, Inc. et al (hereafter Defendants) in the above entitled matter. On September 25, 2007 I filed Defendants' Motion for withdrawal of counsel Stacy K. Wolery from representation in this matter. Ms. Wolery is no longer with the firm of Klein Zelman Rothermel LLP.

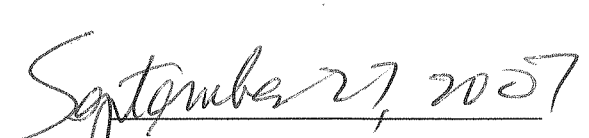
Ms. Wolery was significantly involved in preparing Defendants' Motion to Dismiss. Plaintiff has Responded. Defendants' Reply is due Friday, September 28, 2007. With scheduling conflicts and with the need for file review, it will be a burden for Defendant counsel to provide Defendants' Reply by September 28, 2007. The Defendants request an extension of time within which to provide the Defendants' Reply to Plaintiff's Response to October 12, 2007. The hearing of this Motion to Dismiss is set for October 22, 2007.

I have attempted to reach Plaintiff's Counsel, Mr. Siegel, to request counsel's agreement to the requested extension of time to Reply but have not been able to reach him. Mr. Siegel has always been accommodating but is presently not able to be contacted.

Defendants' Motion for Extension is set in accordance with LR 7.1 for October 26, 2007. Defendants' Move to have the Motion expedited to Friday, September 28, 2007.

I certify and declare, under penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct.

  
\_\_\_\_\_  
Floyd E. Ivey

  
\_\_\_\_\_  
Date

Signed at Kennewick, Washington

DATED this 27<sup>th</sup> day of September, 2007.

**LIEBLER, IVEY, CONNOR, BERRY & ST.**

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**HILAIRE**

**s/ FLOYD E. IVEY**

**Floyd E. Ivey, WSBA #6888**

**Attorneys for the Defendant Impulse**

I hereby certify that on September 27, 2007, I electronically filed **Declaration of Floyd E. Ivey regarding Defendants' Motion To Expedite Hearing of Defendants' Motion for an Extension of Time to File Reply** with the Clerk of the Court using the CM/ECF System which will send notification of such filing to Robert Siegel and Sean A. Moynihan. I hereby certify that I have served the foregoing to the following non-CM/ECF participants by other means: Bonnie Gordon, Jonathan Gordon, James S. Gordon, III, Robert Pritchett, Emily Abbey and Jamila Gordon.

**S/ FLOYD E. IVEY**

**FLOYD E. IVEY**