

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Floyd E. Ivey  
Liebler, Ivey & Connor, P.S.  
1141 N. Edison, Suite C  
P.O. Box 6125  
Kennewick, WA 99336  
Telephone (509) 735-3581  
Fax (509) 735-3585

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

JAMES S. GORDON, JR., an individual  
residing in Benton County, Washington,

Plaintiffs

vs.

IMPULSE MARKETING GROUP, INC.,  
a Nevada Corporation,

Defendants

IMPULSE MARKETING GROUP, INC.,

Third-Party Plaintiff,

vs.

BONNIE GORDON, JAMES S. GORDON,  
III, JONATHAN GORDON, JAMILA  
GORDON, ROBERT PRITCHETT and  
EMILY ABBEY,

Third-Party Defendants.

NO. CV-04-5125-FVS

DEFENDANT'S MOTION  
TO STRIKE PLAINTIFF'S  
MOTION TO DISMISS  
AND IN THE ALTERNATIVE  
FOR CLARIFICATION OF  
THE PLEADING WHICH  
IS SUBJECT TO PLAINTIFF'S  
MOTION

Defendant Impulse Marketing Group, Inc. filed on September 6, 2005 its  
First Amended Answer, Amended Counterclaims and Amended Third-Party  
Complaint.

Plaintiff's Motion To Dismiss Counterclaims and Third Party Defendants  
under FRCP 12(b)(6) or in the Alternative for Summary Judgment under FRCP

Defendant's Motion to Strike Plaintiff's Motion to Dismiss and in  
the Alternative for Clarification of the Pleading which is Subject to  
Plaintiff's Motion - 1.  
Z:\IPClient\ImpulseMarketingGroup v. Gordon\Pleadings\Plaintiff Motion for  
Summary Judgment\Defendant's Motion Strike or For Clarification\Defendant.Motion.Clarity.  
Argument.PlaintiffsMotionDismiss.050908.wpd

LIEBLER, IVEY, CONNOR, BERRY & ST. HILAIRE  
Attorneys at Law  
P.O. Box 6125  
Kennewick, Washington 99336-0125  
(509) 735-3581

1 56 or in the Alternative to Dismiss Under FRCP 9(b)(hereafter Plaintiff's Motion  
2 to Dismiss) remains, pertaining to the original Defendant's Answer, Counterclaims  
3 and Third Party Complaint, and is now rescheduled for October 12, 2005.

4 Defendant moves to Strike Plaintiff's Motion to Dismiss and in the  
5 alternative for clarification of the pleading which is the subject of Plaintiff's  
6 Motion to Dismiss. This Motion is based on the Defendant's Memorandum in  
7 Support of Defendant's Motion to Strike Plaintiff's Motion to Dismiss and in the  
8 Alternative for Clarification of Which Pleading is the Subject of Plaintiff's  
9 Motion.

10 DATED this 8th day of September, 2005.

11 LIEBLER, IVEY, CONNOR, BERRY & ST. HILAIRE

12 By /s/ FLOYD E. IVEY  
13 FLOYD E. IVEY, WSBA #6888  
14 Local Counsel for Defendant

15  
16 I hereby certify that on September 8, 2005, I electronically filed  
17 **Defendant's Motion to Strike Plaintiff's Motion to Dismiss and in the**  
18 **Alternative for Clarification of the Pleading Which is Subject to Plaintiff's**  
19 **Motion** with the Clerk of the Court using the CM/ECF System which will send  
20 notification of such filing to Douglas E. McKinley, Jr. and transmitted via internet  
21 to Peter Glantz.

22 S/ FLOYD E. IVEY  
23 FLOYD E. IVEY