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**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

DECLARATION OF FLOYD
E. IVEY IN SUPPORT OF
DEFENDANT'S MOTION TO
STRIKE PLAINTIFF'S
MOTION TO DISMISS OR
FOR CLARIFICATION OF
WHICH PLEADING IS
SUBJECT TO PLAINTIFF'S
MOTION TO DISMISS

I am one of the attorneys appearing for the Defendant Impulse Marketing Group, Inc. which 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 56 or in the Alternative to Dismiss Under FRCP 9(b)(hereafter Plaintiff's Motion to

1 Dismiss) remains, pertaining to the original Defendant's Answer, Counterclaims
2 and Third Party Complaint, and is now rescheduled for October 12, 2005.

3 Counsel for Plaintiff and I have discussed Plaintiff's striking the Motion to
4 Dismiss set for October 12, 2005 without agreement being reached.

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

7 DATED this 8th day of September, 2005.

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

9 By /s/ FLOYD E. IVEY

10 FLOYD E. IVEY, WSBA #6888

11 Local Counsel for Defendant

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

21 S/ FLOYD E. IVEY

22 FLOYD E. IVEY