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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

NO. CV-04-5125-FVS

DECLARATION OF FLOYD
E. IVEY IN SUPPORT OF
DEFENDANT'S REQUEST
FOR TELEPHONIC ORAL
ARGUMENT OF
PLAINTIFF'S MOTION TO
DISMISS

I am counsel for Defendant. I have spoken with Plaintiff's counsel, Mr. McKinley, on several occasions regarding scheduling of Plaintiff's Motion to Dismiss, set for October 12, 2005, for telephonic oral argument rather than oral argument by personal appearance of counsel. Counsel for Plaintiff prefers personal appearance of attorneys for oral argument. Defendant has requested, in a motion, that telephonic oral argument be scheduled.

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

DATED this 13th day of September, 2005.

LIEBLER, IVEY, CONNOR, BERRY & ST. HILAIRE

By /s/ FLOYD E. IVEY

FLOYD E. IVEY, WSBA #6888

Local Counsel for Defendant

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I hereby certify that on September 13, 2005, I electronically filed **Declaration of Floyd E. Ivey in Support of Defendant's Request for Telephonic Oral Argument of Plaintiff's Motion to Dismiss** with the Clerk of the Court using the CM/ECF System which will send notification of such filing to Douglas E. McKinley, Jr., Peter J. Glantz and Sean A. Moynihan.

S/ FLOYD E. IVEY
FLOYD E. IVEY