

1 DOUGLAS E. MCKINLEY, JR.
Attorney At Law
2 P.O. Box 202
Richland, Washington 99352
3 Phone 628-0809 Fax (509) 628-2307

THE HONORABLE FRED VAN
SICKLE

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6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF WASHINGTON
AT RICHLAND

9 JAMES S. GORDON, JR,

NO. CV-04-5125-FVS

10 Plaintiff,

11 v.

PLAINTIFF'S MOTION TO DISMISS
COUNTERCLAIMS AND THIRD
PARTY DEFENDANTS UNDER FRCP
12 12(b)(6) OR IN THE ALTERNATIVE
FOR SUMMARY JUDGMENT UNDER
13 FRCP 56 OR IN THE ALTERNATIVE
TO DISMISS UNDER FRCP (9)(b)

12 IMPULSE MARKETING GROUP,
INC.,

13 Defendant

14 IMPULSE MARKETING GROUP,
15 INC.,

Jury Trial Demanded

16 Third Party Plaintiff

17 v.

18 BONNIE GORDON, JAMES S.
19 GORDON, III, JONATHAN
GORDON, JAMILA GORDON,
20 ROBERT PRITCHETT, EMILY
21 ABBEY, and LEW REED

22 Third Party Defendants

23
24 COMES NOW the Plaintiff, James S. Gordon, Jr., and moves the court to

1 dismiss counterclaims and claims against Third Party Defendants under FRCP
2 12(b)(6), or in the alternative for summary judgment under FRCP 56, or in the
3
4 alternative to dismiss under FRCP (9)(b).

5
6 DATED this 17th day of August, 2005

7 S/ DOUGLAS E. MCKINLEY, JR.
8 WSBA# 20806
9 Attorney for Plaintiff
10 P.O. Box 202
11 Richland, Washington 99352
12 Phone (509) 628-0809
13 Fax (509) 628-2307
14 Email: doug@mckinleylaw.com

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16 Certificate of Service

17 I hereby certify that on August 17, 2005, I electronically filed the foregoing with the
18 Clerk of the Court using the CM/ECF System which will send notification of such
19 filing to the following: Floyd Ivey, and I hereby certify that I have mailed by United
20 States Postal Service the documents to the following non-CM/ECF participants: Peter
21 J. Glantz, Sean A. Moynihan, David O. Klein.

22 S/ DOUGLAS E. MCKINLEY, JR.
23 WSBA# 20806
24 Attorney for Plaintiff
25 P.O. Box 202
26 Richland, Washington 99352
27 Phone (509) 628-0809
28 Fax (509) 628-2307
Email: doug@mckinleylaw.com