

1 Liebler, Ivey, Conner, Berry & St. Hilaire
By: Floyd E. Ivey
2 1141 N. Edison, Suite C
P.O. Box 6125
3 Kennewick, WA 99336
Local Counsel for Defendants Impulse
4 *Marketing Group, Inc., Jeffrey Goldstein*
and Kenneth Adamson

Hon. Fred Van Sickle

5 Klein, Zelman, Rothermel & Dichter, L.L.P.
6 By: Sean A. Moynihan
485 Madison Avenue, 15th Floor
7 New York, NY 10022
(212) 935-6020
8 *Attorneys for Defendant Impulse*
Marketing Group, Inc., Jeffrey Goldstein
9 *and Kenneth Adamson*

10
11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE EASTERN DISTRICT OF WASHINGTON**
AT RICHLAND

13 James S. Gordon, Jr.,
14 Plaintiff,
15 v.
16 Impulse Marketing Group, Inc.,
Jeffrey Goldstein, Phillip Huston,
17 and Kenneth Adamson,
18 Defendants.

Case No.: CV-04-5125-FVS

DEFENDANTS' MOTION TO
DISMISS THE FIRST AMENDED
COMPLAINT PURSUANT TO
FED. R. CIV. P. 12(b)(1), (2) AND (6)
OR, IN THE ALTERNATIVE, FOR
A MORE DEFINITE STATEMENT
PURSUANT TO FED. R. CIV. P. 12(e)


19 Impulse Marketing Group, Inc.,
20 Third-Party Plaintiff,
21 v.
22 Bonnie F. Gordon, Jamila Gordon,
23 James Gordon, III, and Jonathan
Gordon,
24 Third-Party Defendants.

25 Defendants Impulse Marketing Group, Inc. ("Impulse"), Jeffrey Goldstein
26 ("Goldstein") and Kenneth Adamson ("Adamson") (collectively, "Defendants"), by
27

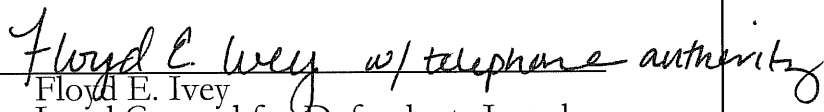
1 and through their counsel, Klein, Zelman, Rothermel & Dichter, L.L.P., now move
2 for dismissal of the First Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(1), (2)
3 and (6) or, in the alternative, for a more definite statement pursuant to Fed. R. Civ. P.
4 12(e). This motion is based upon the Declarations of Sean A. Moynihan, Esq.,
5 Kenneth Adamson and Jeffrey Goldstein in Support of Defendants' Motion to
6 Dismiss Plaintiff's First Amended Complaint or, in the Alternative, for a More
7 Definite Statement and the Memorandum of Law in Support of Defendants' Motion
8 to Dismiss Plaintiff's First Amended Complaint or, in the Alternative, for a More
9 Definite Statement.

10 DATED this 31st day of August, 2006.

11
12 KLEIN, ZELMAN, ROTHERMEL
& DICHTER, L.L.P.

13
14 By: 
15 Sean A. Moynihan admitted *pro hac vice*
16 Attorneys for Defendants Impulse Marketing
Group, Inc., Jeffrey Goldstein and Kenneth
17 Adamson

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

19
20 By: 
21 Floyd E. Ivey
22 Local Counsel for Defendants Impulse
Marketing Group, Inc., Jeffrey Goldstein and
23 Kenneth Adamson