

Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NORTHWEST SCHOOL OF SAFETY, a Washington sole proprietorship, PUGET SOUND SECURITY, INC., a Washington corporation, PACIFICA NORTHWEST ASSOCIATION OF INVESTIGATORS, INC., a Washington corporation, FIREARMS ACADEMY OF SEATTLE, INC., a Washington corporation, DARRYL LEE, XEE DEL REAL, JOE WALDRON, GENE HOFFMAN, ANDREW GOTTLIEB, ALAN GOTTLIEB, GOTTLIEB FAMILY REVOCABLE LIVING TRUST, a Washington trust, and SECOND AMENDMENT FOUNDATION, a non-profit organization,

Plaintiffs,

v.

BOB FERGUSON, Attorney General of Washington (in his official capacity), WASHINGTON ATTORNEY GENERAL'S OFFICE, and JOHN R. BATISTE, Chief of the Washington State Patrol (in his official capacity), and DOES I-V,

Defendants.

No. 3:14-cv-6026 BHS

INTERVENOR-DEFENDANTS'
ANSWER TO COMPLAINT

1 Intervenor-Defendants Cheryl Stumbo, Washington Alliance for Gun Responsibility, and
2 Everytown For Gun Safety Action Fund for I-594 (collectively, "Intervenor-Defendants")
3 answer the Complaint of Northwest School of Safety, Puget Sound Security, Inc., Pacific
4 Northwest Association of Investigators, Inc., Firearms Academy of Seattle, Inc., Darryl Lee, Xee
5 Del Real, Joe Waldron, Gene Hoffman, Andrew Gottlieb, Alan Gottlieb, Gottlieb Family
6 Revocable Living Trust, and Second Amendment Foundation (collectively, "Plaintiffs") as
7 follows:
8

9 **INTRODUCTION**

10 1. The allegations in paragraph 1 attempt to characterize the contents of the
11 Complaint, to which Intervenor-Defendants answer that the document speaks for itself and
12 therefore deny the same.
13

14 2. The allegations in paragraph 2 constitute legal conclusions to which no response
15 is required. To the extent an answer is deemed required, Intervenor-Defendants deny the
16 allegations in paragraph 2.

17 3. The allegations in the first two sentences of paragraph 3 constitute legal
18 conclusions to which no response is required. To the extent an answer is deemed required,
19 Intervenor-Defendants deny the allegations in the first two sentences of paragraph 3. Intervenor-
20 Defendants lack sufficient information upon which to admit or deny the allegations in the third
21 sentence of paragraph 3, which shall have the effect of a denial.
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23 4. The allegation in paragraph 4 constitutes a legal conclusion to which no response
24 is required. To the extent an answer is deemed required, Intervenor-Defendants deny the
25 allegation in paragraph 4.
26

THE PARTIES

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2 5. Intervenor-Defendants lack sufficient information upon which to admit or deny
3 the allegations in paragraph 5, which shall have the effect of a denial.

4 6. The allegations in the second sentence of paragraph 6 constitute legal conclusions
5 to which no response is required. To the extent an answer is deemed required, Intervenor-
6 Defendants deny the allegations in the second sentence of paragraph 6. Intervenor-Defendants
7 lack sufficient information upon which to admit or deny the remaining allegations in paragraph
8 6, which shall have the effect of a denial.

9
10 7. The allegations in the third and fourth sentences of paragraph 7 constitute legal
11 conclusions to which no response is required. To the extent an answer is deemed required,
12 Intervenor-Defendants deny the allegations in the third and fourth sentences of paragraph 7.
13 Intervenor-Defendants lack sufficient information upon which to admit or deny the remaining
14 allegations in paragraph 7, which shall have the effect of a denial.

15
16 8. Intervenor-Defendants lack sufficient information upon which to admit or deny
17 the allegations in paragraph 8, which shall have the effect of a denial.

18 9. Intervenor-Defendants lack sufficient information upon which to admit or deny
19 the allegations in paragraph 9, which shall have the effect of a denial.

20 10. The allegations in the fifth sentence of paragraph 10 contain legal conclusions to
21 which no response is required. To the extent an answer is deemed required, Intervenor-
22 Defendants deny the allegations in the fifth sentence of paragraph 10. Intervenor-Defendants
23 lack sufficient information upon which to admit or deny the remaining allegations in paragraph
24 10, which shall have the effect of a denial.
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1 11. The allegations in the fifth and eighth sentences of paragraph 11 contain legal
2 conclusions to which no response is required. To the extent an answer is deemed required,
3 Intervenor-Defendants deny the allegations in the fifth and eighth sentences of paragraph 11.
4 Intervenor-Defendants lack sufficient information upon which to admit or deny the remaining
5 allegations in paragraph 11, which shall have the effect of a denial.
6

7 12. The allegations in the fourth sentence of paragraph 12 contain legal conclusions to
8 which no response is required. To the extent an answer is deemed required, Intervenor-
9 Defendants deny the allegations in the fourth sentence of paragraph 12. Intervenor-Defendants
10 lack sufficient information upon which to admit or deny the remaining allegations in paragraph
11 12, which shall have the effect of a denial.
12

13 13. The allegations in the fourth sentence of paragraph 13 contain legal conclusions to
14 which no response is required. To the extent an answer is deemed required, Intervenor-
15 Defendants deny the allegations in the fourth sentence of paragraph 13. Intervenor-Defendants
16 lack sufficient information upon which to admit or deny the remaining allegations in paragraph
17 13, which shall have the effect of a denial.
18

19 14. The allegations in the fourth sentence of paragraph 14 contain legal conclusions to
20 which no response is required. To the extent an answer is deemed required, Intervenor-
21 Defendants deny the allegations in the fourth sentence of paragraph 14. Intervenor-Defendants
22 lack sufficient information upon which to admit or deny the remaining allegations in paragraph
23 14, which shall have the effect of a denial.
24

25 15. Intervenor-Defendants lack sufficient information upon which to admit or deny
26 the allegations in paragraph 15, which shall have the effect of a denial.

1 16. Intervenor-Defendants admit that Bob Ferguson is the Attorney General of the
2 State of Washington. The remainder of paragraph 16 contains allegations as to which
3 Intervenor-Defendants lack sufficient information upon which to admit or deny, or allegations
4 that constitute legal conclusions to which no response is required, which shall have the effect of
5 a denial.

6
7 17. Intervenor-Defendants admit that the Washington Attorney General's Office is an
8 agency of the State of Washington, headed by the Attorney General. The remaining allegations
9 in paragraph 17 constitute legal conclusions to which no response is required. To the extent an
10 answer is deemed required, Intervenor-Defendants deny the remaining allegations in paragraph
11 17.

12
13 18. Intervenor-Defendants admit that John R. Batiste is Chief of the Washington State
14 Patrol. The remainder of paragraph 18 contains allegations as to which Intervenor-Defendants
15 lack sufficient information upon which to admit or deny, or allegations that constitute legal
16 conclusions to which no response is required, which shall have the effect of a denial.

17 19. Intervenor-Defendants lack sufficient information upon which to admit or deny
18 the allegations in the first two sentences of paragraph 19, which shall have the effect of a denial.
19 Intervenor-Defendants deny the third sentence of paragraph 19, as the Federal Rules of Civil
20 Procedure govern the amendment of pleadings.

21
22 20. Paragraph 20 requires no response. Intervenor-Defendants lack sufficient
23 information upon which to admit or deny the allegations in the footnote to paragraph 20, which
24 shall have the effect of a denial.

JURISDICTION AND VENUE

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2 21. The allegation in paragraph 21 constitutes a legal conclusion, to which no
3 response is required. To the extent an answer is deemed required, Intervenor-Defendants deny
4 the allegation in paragraph 21.

5
6 22. The allegation in paragraph 22 constitutes a legal conclusion, to which no
7 response is required. To the extent an answer is deemed required, Intervenor-Defendants deny
8 the allegations in paragraph 22.

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10 23. The allegation in paragraph 23 constitutes a legal conclusion, to which no
11 response is required. To the extent an answer is deemed required, Intervenor-Defendants deny
12 the allegation in paragraph 23.

STATEMENT OF FACTS

I-594

Enactment of I-594

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14
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16 24. Intervenor-Defendants admit that I-594 went into effect on December 4, 2014. To
17 the extent the allegation in paragraph 24 attempts to characterize the provisions of I-594,
18 Intervenor-Defendants answer that those provisions speak for themselves and therefore deny the
19 same.

20
21 25. To the extent the allegations in paragraph 25 attempt to characterize the
22 provisions of I-594, Intervenor-Defendants answer that those provisions speak for themselves
23 and therefore deny the same. Intervenor-Defendants admit that the language of I-594 contains,
24 in part, the language quoted in subsections (a) and (b) of paragraph 25, with the exception that
25
26

1 the quote in paragraph 25(b) includes a comma between the words “payment” and “including”
2 that is not included in I-594’s original language.

3 *Interpretation and Enforcement of I-594*

4 26. Intervenor-Defendants admit that the Washington State Patrol issued a statement
5 regarding I-594. The remaining allegations in paragraph 26 attempt to characterize the contents
6 of that statement, to which Intervenor-Defendants answer that the statement speaks for itself and
7 therefore deny the same.

8
9 27. Intervenor-Defendants admit that the Washington Department of Fish and
10 Wildlife issued a statement regarding I-594. The remaining allegations in paragraph 27 attempt
11 to characterize the contents of that statement, to which Intervenor-Defendants answer that the
12 statement speaks for itself and therefore deny the same.

13 28. Intervenor-Defendants admit that the Washington Department of Licensing issued
14 a statement regarding I-594. The remaining allegations in paragraph 28 attempt to characterize
15 the contents of that statement, to which Intervenor-Defendants answer that the statement speaks
16 for itself and therefore deny the same.

17
18 29. Intervenor-Defendants lack sufficient information upon which to admit or deny
19 the allegations in paragraph 29, which shall have the effect of a denial.

20 **Washington’s Firearm Licenses**

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22 30. The allegation in paragraph 30 constitutes a legal conclusion to which no response
23 is required. To the extent an answer is deemed required, Intervenor-Defendants deny the
24 allegation in paragraph 30.

1 31. Intervenor-Defendants lack sufficient information upon which to admit or deny
2 the allegation in paragraph 31 regarding firearm licenses relevant to Plaintiffs, which shall have
3 the effect of a denial. The remainder of paragraph 31 constitutes a legal conclusion to which no
4 response is required. To the extent an answer is deemed required, Intervenor-Defendants deny
5 the allegation in paragraph 31.
6

7 *CPL*

8 32. The allegations in paragraph 32 constitute legal conclusions to which no response
9 is required. To the extent an answer is deemed required, Intervenor-Defendants deny the
10 allegations in paragraph 32. Further, to the extent the allegations in paragraph 32 attempt to
11 characterize the provisions of the RCW, Intervenor-Defendants answer that those provisions
12 speak for themselves and therefore deny the same.
13

14 *Washington Armed Private Security Guard and Private Investigator Licenses*

15 33. The allegations in paragraph 33 constitute legal conclusions to which no response
16 is required. To the extent an answer is deemed required, Intervenor-Defendants deny the
17 allegations in paragraph 33. To the extent the allegations in paragraph 33 attempt to characterize
18 the provisions of the RCW, Intervenor-Defendants answer that those provisions speak for
19 themselves and therefore deny the same.
20

21 34. The allegations in paragraph 34 constitute legal conclusions to which no response
22 is required. To the extent an answer is deemed required, Intervenor-Defendants deny the
23 allegations in paragraph 34. Further, to the extent the allegations in paragraph 34 attempt to
24 characterize the provisions of the RCW, Intervenor-Defendants answer that those provisions
25 speak for themselves and therefore deny the same.
26

1 45. Intervenor-Defendants lack sufficient information upon which to admit or deny
2 the allegations in paragraph 45 regarding Plaintiffs' understanding of I-594, which shall have the
3 effect of a denial. Further, the allegations in paragraph 45 constitute legal conclusions to which
4 no response is required. To the extent an answer is deemed required, Intervenor-Defendants
5 deny the allegations in paragraph 45.

6 46. Intervenor-Defendants lack sufficient information upon which to admit or deny
7 the allegations in paragraph 46 regarding Plaintiffs' understanding of I-594, which shall have the
8 effect of a denial. Further, the allegations in paragraph 46 constitute legal conclusions to which
9 no response is required. To the extent an answer is deemed required, Intervenor-Defendants
10 deny the allegations in paragraph 46.

11 47. Intervenor-Defendants lack sufficient information upon which to admit or deny
12 the allegations in paragraph 47, which shall have the effect of a denial.

13 48. The allegations in paragraph 48 constitute legal conclusions to which no response
14 is required. To the extent an answer is deemed required, Intervenor-Defendants deny the
15 allegations in paragraph 48.

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18 **CAUSES OF ACTION**

19 **Count I – Right to Keep and Bear Arms – U.S. Constitution, Amendments II and XIV;**
20 **WA Constitution, Art. I, Section 24, and 42 U.S.C. § 1943**

21 49. Intervenor-Defendants incorporate their answers as set forth above.

22 50. Intervenor-Defendants admit that the first sentence of paragraph 50 accurately
23 quotes the Second Amendment of the United States Constitution. To the extent the allegations in
24 sentences two through five of paragraph 50 attempt to characterize the *District of Columbia v.*
25 *Heller* and *Peruta v. County of San Diego* cases, Intervenor-Defendants answer that those cases
26

1 speak for themselves and therefore deny the same. Further, any characterization of those cases
2 constitutes a legal conclusion to which no response is required. The allegation in the final
3 sentence of paragraph 50 constitutes a legal conclusion to which no response is required. To the
4 extent an answer is deemed required, Intervenor-Defendants deny the allegation in the final
5 sentence of paragraph 50.

6
7 51. The allegation in paragraph 51 constitutes a legal conclusion to which no
8 response is required. To the extent an answer is deemed required, Intervenor-Defendants deny
9 the allegation in paragraph 51.

10 52. The allegation in paragraph 52 constitutes a legal conclusion to which no response
11 is required. To the extent an answer is deemed required, Intervenor-Defendants deny the
12 allegation in paragraph 52. Intervenor-Defendants deny that the quote from Article I, Section 24
13 of the Washington State Constitution is accurate.

14
15 53. The allegations in paragraph 53 constitute legal conclusions to which no response
16 is required. To the extent an answer is deemed required, Intervenor-Defendants deny the
17 allegations in paragraph 53.

18 54. The allegations in paragraph 54 constitute legal conclusions to which no response
19 is required. To the extent an answer is deemed required, Intervenor-Defendants deny the
20 allegations in paragraph 54.

21
22 55. The allegations in paragraph 55 constitute legal conclusions to which no
23 response is required. To the extent an answer is deemed required, Intervenor-Defendants deny
24 the allegations in paragraph 55.

Intervenor-Defendants' Affirmative Defenses

- 1. Plaintiffs fail to state a claim upon which relief can be granted.
- 2. Plaintiffs lack standing to bring this action.
- 3. Plaintiffs' claims are not ripe for review.
- 4. Plaintiffs fail to set forth irreparable harm or any other basis on which to grant

injunctive relief.

5. Intervenor-Defendants reserve the right to assert additional defenses, counterclaims, cross claims, or third-party claims as this matter progresses.

Intervenor-Defendants' Request for Relief

Having fully answered Plaintiffs' Complaint and having asserted affirmative defenses, Intervenor-Defendants respectfully request the following relief:

- 1. Judgment in favor of Defendants and Intervenor-Defendants dismissing all of Plaintiffs' claims and requests for relief.
- 2. Any further relief that this Court deems just and equitable.

DATED this 27th day of March, 2015.

PACIFICA LAW GROUP LLP

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Attorneys for Intervenor-Defendants Cheryl Stumbo, Washington Alliance for Gun Responsibility, and Everytown for Gun Safety Action Fund for I-594

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of March, 2015, I electronically filed the foregoing document with the United States District Court ECF system, which will send notification of such filing to the following:

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Signed at Seattle, Washington this 27th day of March, 2015.


Katie Dillon