

HONORABLE RICARDO S. MARTINEZ

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NATIONAL RIFLE ASSOCIATION OF )  
AMERICA, INC., SECOND AMENDMENT )  
FOUNDATION, INC., ADRIAN J. COOMBES, )  
ROELOF KROES, PHILIP GRADY, )  
  
Plaintiffs, )  
  
v. )  
  
STATE OF WASHINGTON, LIZ LUCE, )  
DIRECTOR, DEPARTMENT OF LICENSING )  
and PAUL D. AYERS, CHIEF OF POLICE, )  
ISSAQUAH POLICE DEPARTMENT, )  
  
Defendants. )

NO. C08-1613RSM  
  
ANSWER AND AFFIRMATIVE DEFENSES  
OF PAUL D. AYERS, CHIEF OF POLICE

COMES NOW, defendant Paul D. Ayers, Chief of Police, by and through his attorneys of record, Ogden Murphy Wallace, PLLC, and answers plaintiffs' complaint as follows:

1. In answer to paragraphs 1, 2, and 3 of the complaint, answering defendant has insufficient information upon which to base an answer and therefore denies the same.
2. In answer to paragraph 4, answering defendant admits that Adrian J. Coombes is a resident of Issaquah, Washington. As to each and every other allegation contained therein, answering defendant has insufficient information upon which to base an answer and therefore denies the same.

1           3.     In answer to paragraph 5 of the complaint, answering defendant affirmatively  
2 alleges that plaintiff Kroes is not a resident of Issaquah Washington. As to each and every other  
3 allegation contained therein, answering defendant has insufficient information upon which to  
4 base an answer, and therefore denies the same.

5           4.     In answer to paragraph 6 of the complaint, answering defendant has insufficient  
6 information upon which to base an answer and therefore denies the same.

7           5.     In answer to paragraph 7 and 8 of the complaint, answering defendant admits the  
8 same.

9           6.     In answer to paragraph 9 of the complaint, answering defendant admits that he is  
10 the Chief of Police of the City of Issaquah, Washington which is his principle place of business.  
11 The remainder of said paragraph does not contain allegations and therefore no answer is required.  
12 To the extent an answer is required, answering defendant denies the same.

13          7.     In answer to paragraph 10 and 11, answering defendant denies the same.

14          8.     In answer to paragraph 12, 13, and 14, answering defendant alleges that the  
15 statutes in question will speak for themselves and denies any inconsistent or incomplete recital  
16 contained therein.

17          9.     In answer to paragraph 15 of the complaint, answering defendant admits that  
18 plaintiff Coombes was issued an AFL and a CPL in 1999 and that his current CPL was issued by  
19 the Issaquah Police Department and expires on April 1, 2009. Answering defendant specifically  
20 denies that he will not renew the license and in fact, affirmatively alleges that he will issue a CPL  
21 to Mr. Coombes provided that at the time of application and issuance of the CPL, Mr. Coombes  
22 has a valid AFL. As to each and every other allegation contained therein, answering defendant  
23 denies the same.

24          10.    In answer to paragraph 16, answering defendant has insufficient information upon  
25 which to base an answer and therefore denies the same.

26          11.    In answer to paragraph 17, 18, 19, 20 and 21, answering defendant has insufficient

1 information upon which to base an answer and therefore denies the same.

2 12. In answer to paragraph 22 and 23, answering defendant has insufficient  
3 information upon which to base an answer and therefore denies the same.

4 13. In answer to paragraph 24 of the complaint, answering defendant denies the same.

5 14. In answer to paragraph 25 of the compliant, answering defendant realleges his  
6 answer to paragraph 1 through 24.

7 15. In answer to paragraphs 26 and 27, answering defendant denies the legal  
8 conclusions stated therein.

9 16. In answer to paragraph 28, answering defendant denies that he is unable to issue a  
10 CPL to plaintiff Coombes, the only lawful resident of the City of Issaquah. As to each and every  
11 other allegation contained therein, answering defendant denies the same.

12 17. In answer to paragraphs 29, 30 and 31 of the complaint, answering defendant  
13 realleges its answers to Count I of the complaint.

14 18. In answer to paragraph 32 of the complaint, answering defendant alleges the  
15 statutes speak for themselves and denies all other allegations therein.

16 19. In answer to paragraph 33 of the complaint, answering defendant realleges his  
17 answers to paragraphs 1 through 32.

18 20. In answer to paragraphs 34, 35 and 36, answering defendant states that there are  
19 no factual allegations to admit or deny and therefore no answer is required. To the extent an  
20 answer is deemed necessary, answering defendant denies the same

21 21. In answer to paragraph 37, answering defendant denies the same.

22 22. In answer to paragraph 38 of the complaint, answering defendant denies the same.

23 BY WAY OF AFFIRMATIVE DEFENSES, answering defendant alleges as follows:

24 1. Plaintiffs have failed to state a cause of action upon which relief may be granted.

25 2. Plaintiffs Kroes and Grady are not lawful residents of the City of Issaquah and  
26 therefore the defendant has no legal authority to issue CPLs to said plaintiffs. Plaintiffs knew or

1 should have known that the defendant has not and cannot violate any alleged constitutional or  
2 statutory rights of Kroes and Grady and therefore, such allegations against defendant are  
3 frivolous.

4 3. With respect to plaintiff Coombes, answering defendant is ready, willing and able  
5 to issue him a CPL provided that at the time plaintiff Coombes is issued the permit he has a valid  
6 AFL. Coombes has applied for such permit on January 6, 2009. Therefore, answering defendant  
7 has not and will not violate any of plaintiff Coombes' constitutional or statutory rights. Plaintiff  
8 Coombes, through is attorney, has been fully advised of this and therefore, continuation of this  
9 lawsuit against answering defendant is frivolous.

10 4. Plaintiffs have failed to mitigate their damages.

11 WHEREFORE, having fully answered plaintiffs' complaint, answering defendant prays  
12 for relief as follows:

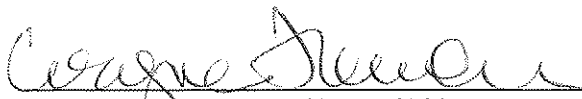
13 1. That the above matter be dismissed with prejudice and that plaintiffs take nothing  
14 thereby.

15 2. That the complaint is frivolous with respect to all plaintiffs against answering  
16 defendant. Answering defendant would ask the court to award him his reasonable attorneys' fees  
17 pursuant to FRCP 11 as a sanction.

18 3. For such other and further relief as the court may deem just in the circumstances.

19 DATED this 8<sup>th</sup> day of January, 2009.

20 OGDEN MURPHY WALLACE, P.L.L.C.

21  
22 By   
23 Wayne D. Tanaka, WSBA #6303  
24 Attorney for Paul D. Ayers, Chief of Police  
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