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The Honorable Judge Ricardo S. Martinez

**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 c/o Attorney General, LIZ LUCE, DIRECTOR Department of Licensing State of Washington, PAUL D. AYERS, CHIEF OF POLICE, Issaquah Police Department,

Defendants.

NO. C08-1613

ANSWER OF RESPONDENT ELIZABETH A. LUCE, DIRECTOR, DEPARTMENT OF LICENSING

In answer to the Plaintiffs' Complaint, Defendant Elizabeth A. Luce, Director, Department of Licensing (hereafter Defendant), by and through her attorneys, Robert M. McKenna, Attorney General, and Jerald R. Anderson, Senior Counsel, and Toni M. Hood, Assistant Attorney General, admits, denies, and alleges as follows:

I.

Paragraph 1 alleges a legal conclusion which the Defendant is not required to answer.

II.

The Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in paragraphs 2 through 6 and therefore denies them.

1 **III.**

2 In answer to paragraph 7, the Defendant admits that Washington is a state whose seat of
3 government is located in Olympia, Washington.

4 **IV.**

5 In answer to paragraph 8, the Defendant admits that she is the Director of Department of
6 Licensing, a state agency which is headquartered in Olympia, Washington. The remaining
7 allegations of paragraph 8 allege legal conclusions which the Defendant is not required to answer.

8 **V.**

9 In answer to the allegations of paragraph 9, the Defendant is without knowledge
10 sufficient to form a belief as to the truth of the allegations and accordingly, denies them.

11 **VI.**

12 Paragraphs 10 through 14 contain allegations of law and contain no factual pleading
13 that requires answer.

14 **VII.**

15 In answer to the allegations of paragraph 15, the Defendant admits that Plaintiff
16 Coombs was issued an alien firearms license in 1999 and that it expires on February 19, 2009.
17 The Defendant is without knowledge sufficient to form a belief as to the truth of the remaining
18 allegations of paragraph 15 and accordingly, denies them.

19 **VIII.**

20 The Defendant is without knowledge or information sufficient to form a belief as to the
21 truth of the matters asserted in paragraph 16 and therefore denies them.

22 **IX.**

23 In answer to paragraph 17, the Defendant admits that Plaintiff Kroes was issued an
24 alien firearms license in 2005 and that it expires on October 14, 2010. The Defendant is
25 without knowledge sufficient to form a belief as to the truth of the remaining allegations of
26 paragraph 17 and therefore denies them.

X.

The Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in paragraph 18 and therefore denies them.

XI.

The Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in paragraph 19 and therefore denies them.

XII.

The Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in paragraphs 20 and 21 and therefore denies them.

XIII.

The Defendant admits the allegations of paragraphs 22 and 23.

XIV.

Paragraph 24 alleges a legal conclusion which the Defendant is not required to answer. To the extent that it is considered to contain factual allegations, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in paragraphs 20 and 21 and therefore denies them.

XV.

The Defendant answers paragraph 25 in the same way as she answered paragraphs 1 through 24.

XVI.

Paragraph 26 contains allegations of law and contains no factual pleading that requires answer.

XVII.

Paragraph 27 contains allegations of law and contains no factual pleading that requires answer and alleges a legal conclusion which the Defendant is not required to answer.

1 **XVIII.**

2 Paragraph 28 contains allegations of law and contains no factual pleading that requires
3 answer and alleges a legal conclusion which the Defendant is not required to answer.

4 **XIX.**

5 The Defendant answers paragraph 29 in the same way as she answered paragraphs 1
6 through 28.

7 **XX.**

8 Paragraph 30 contains allegations of law and contains no factual pleading that requires
9 answer and alleges a legal conclusion which the Defendant is not required to answer.

10 **XXI.**

11 In response to paragraph 31, the Defendant denies that she has refused to issue an alien
12 firearms license to Plaintiffs Coombs and Kroes; at the present time they are each in possession of
13 an alien firearms license. In the case of Plaintiff Kroes, the license does not expire for
14 approximately twenty-two months. With respect to the allegation that she has refused to issue an
15 alien firearms license to Plaintiff Grady, the Defendant is without knowledge or information
16 sufficient to form a belief as to the truth of the matter asserted and therefore denies them. The
17 remainder of paragraph 31 contains allegations of law and contains no factual pleading that
18 requires answer and alleges a legal conclusion which the Defendant is not required to answer.

19 **XXII.**

20 Paragraph 32 contains allegations of law and contains no factual pleading that requires
21 answer and alleges a legal conclusion which the Defendant is not required to answer.

22 **XXIII.**

23 The Defendant answers paragraph 33 in the same way as she answered paragraphs 1
24 through 32.

1 **XXIV.**

2 Paragraph 34 contains allegations of law and contains no factual pleading that requires
3 answer.

4 **XXV.**

5 As to the allegation of paragraph 35 that the Plaintiffs are lawfully admitted aliens, the
6 Defendant is without knowledge or information sufficient to form a belief as to the truth of the
7 matters asserted and therefore denies them. The remainder of paragraph 35 contains allegations
8 of law and contains no factual pleading that requires answer and alleges a legal conclusion
9 which the Defendant is not required to answer.

10 **XXVI.**

11 Paragraph 36 contains allegations of law and contains no factual pleading that requires
12 answer.

13 **XXVII.**

14 In response to paragraph 37, the Defendant denies that she has refused to issue an alien
15 firearms license to Plaintiffs Coombs and Kroes; at the present time they are each in possession of
16 an alien firearms license. In the case of Plaintiff Kroes, the license does not expire for
17 approximately twenty-two months. With respect to the allegation that she has refused to issue an
18 alien firearms license to Plaintiff Grady, the Defendant is without knowledge or information
19 sufficient to form a belief as to the truth of the matter asserted and therefore denies it.
20 Likewise, with respect to the allegation concerning Defendant Ayers, the Defendant is without
21 knowledge or information sufficient to form a belief as to the truth of the matter asserted and
22 therefore denies it. The remainder of paragraph 37 contains allegations of law and contains no
23 factual pleading that requires answer and alleges a legal conclusion which the Defendant is not
24 required to answer.

XXVIII.

Paragraph 38 contains allegations of law and contains no factual pleading that requires answer.


By way of further answer and affirmative defense, the Defendants allege as follows:

- (1) The Complaint fails to state a claim upon which relief can be granted;
- (2) The Court lacks subject matter and/or personal jurisdiction;
- (3) This matter is not subject to declaratory subject because it does not present an actual or justiciable controversy; and
- (4) The Plaintiffs lack standing.

Having answered the Plaintiffs' Complaint and asserted her affirmative defenses, the Defendant request that this action be dismissed with prejudice.

DATED this 26th day of November, 2008.

ROBERT M. MCKENNA
Attorney General


 JERALD R. ANDERSON, WSBA # 8734
 Senior Counsel
 PO Box 40110
 Olympia, Washington 98504-0110
 Tel.: (360) 753-6987
 Fax: (360) 664-0174
 Email: jerryal@atg.wa.gov


 TONI M. HOOD, WSBA # 26473
 Assistant Attorney General
 Tel.: (360) 586-2644
 Email: tonih@atg.wa.gov

PROOF OF SERVICE

I hereby certify that on November 26, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Carl J. Carlson, WSBA #7157
Carlson & Dennett, P.S.
1601 Fifth Avenue, Suite 2150
Seattle, Washington 98101
Tel. (206) 621-1320
Fax (206) 621-1151
Email: carl@carlsonlaw.com

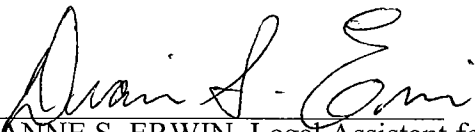
Stephen P. Halbrook, VA Bar #18075
Pro Hac Vice
3925 Chain Bridge Road, Suite 403
Fairfax, Virginia 22030
Tel. (703) 352-7276
Fax (703) 359-0938
Email: Protell@aol.com

Wayne Tanaka, WSBA # 6303
Ogden Murphy Wallace, PLLC
1601 Fifth Ave., Ste 2100
Seattle, Washington 98101-1686
Tel. (206) 447-7000
Fax (206) 447-0215
Email: wtanaka@omwlaw.com

Steven Thorsrud, WSBA # 12861
Keating, Bucklin & McCormack, Inc., P.S.
800 Fifth Ave., Suite 4141
Seattle, Washington 98104-3175
Tel. (206) 623-8861
Fax (206) 223-9423
Email: sthorsrud@kbmlawyers.com

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

DATED this 26th day of November, 2008, at Olympia, Washington.


DIANNE S. ERWIN, Legal Assistant for
Toni M. Hood, Assistant Attorney General
Jerald Anderson, Senior Counsel
PO Box 40110
Olympia, Washington 98504
Phone: 360-753-2702
Email: jerryal@atg.wa.gov
Email: tonih@atg.wa.gov