

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,

No. 3:14-cv-6026 BHS

INTERVENOR-DEFENDANTS'  
ANSWER TO COMPLAINT

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.

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.  
22

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

1 **THE PARTIES**

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

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

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

18 10. The allegations in the fifth sentence of paragraph 10 contain legal conclusions to  
19 which no response is required. To the extent an answer is deemed required, Intervenor-  
20 Defendants deny the allegations in the fifth sentence of paragraph 10. Intervenor-Defendants  
21 lack sufficient information upon which to admit or deny the remaining allegations in paragraph  
22 10, which shall have the effect of a denial.

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.  
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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.  
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18           19.     Intervenor-Defendants lack sufficient information upon which to admit or deny  
19 the allegations in the first two sentences of paragraph 19, which shall have the effect of a denial.  
20 Intervenor-Defendants deny the third sentence of paragraph 19, as the Federal Rules of Civil  
21 Procedure govern the amendment of pleadings.  
22

23           20.     Paragraph 20 requires no response. Intervenor-Defendants lack sufficient  
24 information upon which to admit or deny the allegations in the footnote to paragraph 20, which  
25 shall have the effect of a denial.  
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 27. Intervenor-Defendants admit that the Washington Department of Fish and  
9 Wildlife issued a statement regarding I-594. The remaining allegations in paragraph 27 attempt  
10 to characterize the contents of that statement, to which Intervenor-Defendants answer that the  
11 statement speaks for itself and therefore deny the same.

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

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

18 **Washington’s Firearm Licenses**

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

7 46. Intervenor-Defendants lack sufficient information upon which to admit or deny  
8 the allegations in paragraph 46 regarding Plaintiffs' understanding of I-594, which shall have the  
9 effect of a denial. Further, the allegations in paragraph 46 constitute legal conclusions to which  
10 no response is required. To the extent an answer is deemed required, Intervenor-Defendants  
11 deny the allegations in paragraph 46.  
12

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

15 48. The allegations in paragraph 48 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 48.

## 18 CAUSES OF ACTION

### 19 **Count I – Right to Keep and Bear Arms – .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.  
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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.  
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1 **Intervenor-Defendants' Affirmative Defenses**

- 2 1. Plaintiffs fail to state a claim upon which relief can be granted.
- 3 2. Plaintiffs lack standing to bring this action.
- 4 3. Plaintiffs' claims are not ripe for review.
- 5 4. Plaintiffs fail to set forth irreparable harm or any other basis on which to grant
- 6 injunctive relief.
- 7
- 8 5. Intervenor-Defendants reserve the right to assert additional defenses,
- 9 counterclaims, cross claims, or third-party claims as this matter progresses.

10 **Intervenor-Defendants' Request for Relief**

11 Having fully answered Plaintiffs' Complaint and having asserted affirmative defenses,

12 Intervenor-Defendants respectfully request the following relief:

- 13 1. Judgment in favor of Defendants and Intervenor-Defendants dismissing all of
- 14 Plaintiffs' claims and requests for relief.
- 15
- 16 2. Any further relief that this Court deems just and equitable.

17 DATED this 27th day of March, 2015.

18

19 PACIFICA LAW GROUP LLP

20 By */s/ Gregory J. Wong*

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22 Gregory J. Wong, WSBA # 39329

23 Sarah S. Washburn, WSBA # 44418

24 Attorneys for Intervenor-Defendants Cheryl

25 Stumbo, Washington Alliance for Gun

26 Responsibility, and Everytown for Gun Safety

Action Fund for I-594

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**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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*Attorneys for Defendants*

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