

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

[PROPOSED] INTERVENOR-  
DEFENDANTS' ANSWER TO  
COMPLAINT

[PROPOSED] INTERVENOR-DEFENDANTS' ANSWER TO  
COMPLAINT - 1

Case No. 3:14-cv-6026 BHS

20085 00004 eb113x07k8.003

PACIFICA LAW GROUP LLP  
1191 SECOND AVENUE  
SUITE 2000  
SEATTLE, WASHINGTON 98101-3404  
TELEPHONE: (206) 245 1700  
FACSIMILE: (206) 245 17500

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

**THE PARTIES**

1  
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.  
25  
26

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

16  
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           20.     Paragraph 20 requires no response. Intervenor-Defendants lack sufficient  
22 information upon which to admit or deny the allegations in the footnote to paragraph 20, which  
23 shall have the effect of a denial.  
24  
25  
26

**JURISDICTION AND VENUE**

1  
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.

9  
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*

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

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**

21  
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 35. The allegations in paragraph 35 constitute legal conclusions to which no response  
2 is required. To the extent an answer is deemed required, Intervenor-Defendants deny the  
3 allegations in paragraph 35. Further, to the extent the allegations in paragraph 35 attempt to  
4 characterize the provisions of the RCW, Intervenor-Defendants answer that those provisions  
5 speak for themselves and therefore deny the same.  
6

7 *Federal Law Enforcement Officers' Safety Act*

8 36. The allegations in paragraph 36 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 36. Further, to the extent the allegations in paragraph 36 attempt to  
11 characterize the provisions of 18 U.S.C. § 926C and the RCW, Intervenor-Defendants answer  
12 that those provisions speak for themselves and therefore deny the same.  
13

14 **I-594's Infringement on Constitutional Rights**

15 *Second Amendment*

16 37. The allegations in paragraph 37 constitute legal conclusions to which no response  
17 is required. To the extent an answer is deemed required, Intervenor-Defendants deny the  
18 allegations in paragraph 37.

19 38. The allegations in the first and third sentences of paragraph 38 constitute legal  
20 conclusions to which no response is required. To the extent an answer is deemed required,  
21 Intervenor-Defendants deny the allegations in the first and third sentences of paragraph 38.  
22 Intervenor-Defendants lack sufficient information upon which to admit or deny the allegations in  
23 the second sentence of paragraph 38, which shall have the effect of a denial.  
24  
25  
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  
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 47. Intervenor-Defendants lack sufficient information upon which to admit or deny  
13 the allegations in paragraph 47, which shall have the effect of a denial.

14  
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 – 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.

25 **Count II – Void for Vagueness –**  
26 **U.S. Constitution, Amendment XIV and WA Constitution, Art. I, Section 3**



1           2.     Plaintiffs lack standing to bring this action.

2           3.     Plaintiffs' claims are not ripe for review.

3           4.     Plaintiffs fail to set forth irreparable harm or any other basis on which to grant  
4 injunctive relief.

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

7  
8                                   **Intervenor-Defendants' Request for Relief**

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

11           1.     Judgment in favor of Defendants and Intervenor-Defendants dismissing all of  
12 Plaintiffs' claims and requests for relief.

13           2.     Any further relief that this Court deems just and equitable.

14           DATED this 23rd day of February, 2015.

15  
16                                   PACIFICA LAW GROUP LLP

17                                   By   /s/ Gregory J. Wong  

18                                   Paul J. Lawrence, WSBA #13557

19                                   Gregory J. Wong, WSBA # 39329

20                                   Sarah S. Washburn, WSBA # 44418

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

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of February, 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:

David B. Edwards  
Steven W. Fogg  
Corr Cronin Michelson Baumgardner & Preece  
1001 4th Avenue  
Suite 3900  
Seattle, WA 98154-1051  
Phone: 206.625.8600  
Email: [dedwards@corrchronin.com](mailto:dedwards@corrchronin.com)  
Email: [sfogg@corrchronin.com](mailto:sfogg@corrchronin.com)

Mikolaj T. Tempski  
Tempski Law Firm PS  
40 Lake Bellevue  
Suite 100  
Bellevue, WA 98005  
Phone: 425.998.6203  
Email: [Miko@TempskiLaw.com](mailto:Miko@TempskiLaw.com)

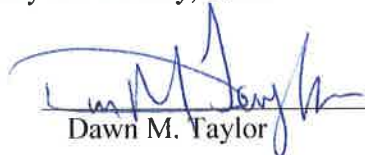
*Attorneys for Plaintiffs*

*Attorneys for Plaintiffs*

Jeffrey T. Evan  
Noah Purcell  
R. July Simpson  
Rebecca Ripoli Glasgow  
Solicitor General  
Washington State Attorney General's Office  
1125 Washington Street SE  
PO Box 40100  
Olympia, WA 98504-0100  
Phone: 360-753-6200  
Email: [noahp@atg.wa.gov](mailto:noahp@atg.wa.gov)  
Email: [jeffe@atg.wa.gov](mailto:jeffe@atg.wa.gov)  
Email: [RJJulyS@atg.wa.gov](mailto:RJJulyS@atg.wa.gov)  
Email: [RebeccaG@atg.wa.gov](mailto:RebeccaG@atg.wa.gov)

*Attorneys for Defendants*

Signed at Seattle, Washington this 23rd day of February, 2015.

  
Dawn M. Taylor