

The Honorable John C. Coughenour

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

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASHINGTON STATE REPUBLICAN
PARTY, et al.,

Plaintiffs,

No. CV05-0927-JCC

WASHINGTON DEMOCRATIC CENTRAL
COMMITTEE, et al.,

Plaintiff Intervenors

WASHINGTON STATE GRANGE'S
ANSWER TO INTERVENOR
LIBERTARIANS' FIRST AMENDED
COMPLAINT

LIBERTARIAN PARTY OF WASHINGTON
STATE, et al.,

Plaintiff Intervenors

v.

STATE OF WASHINGTON, et al.,
Defendant Intervenors

WASHINGTON STATE GRANGE,
Defendant Intervenor.

WASHINGTON STATE GRANGE'S ANS. TO INTERVENOR
LIB. FIRST AM. COMPLAINT - 1
Case No. CV05-0927 -JCC

FOSTER PEPPER PLLC
111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299 • 206-
447-4400

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

I. ANSWER

1-42. In answer to paragraphs 1-42 of the First Amended Complaint of the intervenor Libertarians, the Washington State Grange (“Grange”) admits, denies, and alleges the same as its co-defendants did in answer to those paragraphs.

43. In answer to paragraph 43, the Grange admits that Initiative 872 does not have a clause entitled “severability”, but as explained in the prior briefing in this case, denies the remainder of this paragraph’s allegation concerning its legal effect.

44-49. In answer to paragraphs 44-49, the Grange admits, denies, and alleges the same as its co-defendants did in answer to those paragraphs.

II. DEFENSES

The Grange asserts the same defense as its co-defendants – namely, that the complaint still fails to state a claim upon which relief can be granted.

III. PRAYER FOR RELIEF

The Grange asserts the same prayer for relief as its co-defendants, and therefore respectfully requests that this Court enter the judgment requested by its co-defendants, including but not limited to awarding defendants their reasonable fees and costs to the extent permitted by law.

1 RESPECTFULLY SUBMITTED this 11th day of August, 2010.

2 FOSTER PEPPER PLLC

3
4 *s/ Thomas F. Ahearne*

5 Thomas F. Ahearne, WSBA No. 14844

6 Katie Carder, WSBA No. 38210

7 Foster Pepper PLLC

8 1111 Third Avenue, suite 3400

9 Seattle, WA 98101

10 telephone: 206-447-8934

11 telefax: 206-749-1902

12 email: ahearne@foster.com

13
14 Attorneys for the defendant-intervenor

15 Washington State Grange

16
17
18
19
20
21
22
23
24
25
26
WASHINGTON STATE GRANGE'S ANS. TO INTERVENOR
LIB. FIRST AM. COMPLAINT - 3
Case No. CV05-0927 -JCC

FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299 • 206-
447-4400

CERTIFICATE OF SERVICE

Kelly Mueller states: I hereby certify that on August 11, 2010, I electronically filed the following documents with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties listed below:

1. WASHINGTON STATE GRANGE'S ANSWER TO INTERVENOR LIBERTARIANS' FIRST AMENDED COMPLAINT.

John J. White, Jr./Kevin B. Hansen
Livengood, Fitzgerald & Alskog, 121 Third Avenue
Kirkland, WA 98033-0908
white@lfa-law.com; hansen@lfa-law.com
Attorneys for Plaintiffs Washington State Republican Party, et al..

David T. McDonald
K&L Gates, 925 Fourth Avenue, Suite 2900
Seattle, WA 98104-1158
david.mcdonald@klgates.com;
Attorneys for Intervenor Plaintiffs Washington Democratic Central Committee,
et al..

Orrin Leigh Grover, Esq.
Orrin L. Grover, P.C.
416 Young Street
Woodburn, OR 97071
orringrover.com, gkiller3@earthlink.net
Attorneys for Intervenor Plaintiffs Libertarian Party of Washington State, et al..

James K. Pharris/Jeffrey T. Even/Allyson Zipp
1125 Washington Street SE
Olympia, WA 98501-0100
Jamesp@atg.wa.gov; jeffe@atg.wa.gov; allysonz@atg.wa.gov
Attorneys for Defendants State of Washington, Secretary of State Sam Reed and
Attorney General Rob McKenna

I certify and declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed at Seattle, Washington this 11th day of August, 2010.

s/ Kelly Mueller
Kelly Mueller
Foster Pepper PLLC
1111 Third Avenue, Suite 3400
Seattle, WA 98101
Telephone: (206) 447-4400
E-mail: MuelK@foster.com