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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

PHILIP WATSON, an individual; RAY)	
CARTER, an individual; FARWEST SPORTS,)	No. 15-2-20613-3 SEA
INC., dba OUTDOOR EMPORIUM, a)	
Washington corporation; PRECISE SHOOTER)	ANSWER
LLC, a Washington limited liability company;)	
THE SECOND AMENDMENT)	
FOUNDATION, INC., a Washington)	
nonprofit corporation; NATIONAL RIFLE)	
ASSOCIATION OF AMERICA, INC., a)	
New York non-profit association; AND)	
NATIONAL SHOOTING SPORTS)	
FOUNDATION, a Connecticut nonprofit)	
association,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
CITY OF SEATTLE, a municipality; ED)	
MURRAY, Mayor of the City of Seattle, in his)	
official capacity; SEATTLE DEPARTMENT)	
OF FINANCE AND ADMINISTRATIVE)	
SERVICES, a department of the City of)	
Seattle; and GLEN LEE, Director of Finance)	
And Administrative Services, in his official)	
capacity,)	
)	
)	
Defendants.)	
)	
)	

1 The City of Seattle (“the City”), Ed Murray, Seattle Department of Finance and
2 Administrative Services, and Glen Lee (collectively, “Seattle”), by and through their attorneys of
3 record, Peter S. Holmes, Seattle City Attorney; William F. Abrams, Laurie Edelstein, Sarah K.
4 Jackel, and David H. Kwasniewski, Steptoe & Johnson LLP; and Franklin T. Cordell, Gordon
5 Tilden Thomas & Cordell LLP hereby answer the Complaint for Declaratory and Injunctive
6 Relief filed by Plaintiffs Philip Watson, Ray Carter, Farwest Sports, Inc., Precise Shooter, LLC,
7 the Second Amendment Foundation, Inc., National Rifle Association of America, Inc., and
8 National Shooting Foundation (collectively, “Plaintiffs”) on August 24, 2015, and assert their
9 Affirmative Defenses as follows:

10 **ANSWER**

11 **I. NATURE OF THE CASE**

12 Seattle denies the allegations and statements set forth in Section I, “Nature of the Case”
13 and states that the Seattle City Council unanimously passed Ordinance 124833, Council Bill
14 118437 (the “Ordinance”). The tax imposed by the Ordinance will take effect on January 1,
15 2016. The Ordinance states that its purpose is to raise general revenue for the City of Seattle to
16 provide public benefits related to the effects of gun violence for residents of Seattle by funding
17 programs that promote public safety, prevent gun violence, and address in part the cost of gun
18 violence in the City of Seattle. The Ordinance is a proper and lawful exercise of the City of
19 Seattle’s taxing authority, as granted by the Washington State Constitution and authorized by the
20 Washington State Legislature. The Ordinance is not preempted by Revised Code of Washington
21 (“RCW”) 9.41.290. The Ordinance does not limit any person’s right to purchase, sell, acquire,
22 transfer, discharge, or transport firearms or ammunition in the City of Seattle. The Ordinance
23 does not infringe upon, impair, or violate the statutory or constitutional rights of the City’s

1 residents. The Ordinance is lawful, legally enforceable, and constitutional. Plaintiffs' claims for
2 injunctive and declaratory relief against Seattle are without basis and contrary to the substantial
3 evidence that Seattle collected, the findings made by the Seattle City Council, Washington law,
4 and the Washington State Constitution. Plaintiffs' claims and demands for relief should be
5 denied. Any remaining allegations in Plaintiffs' purported statement of the case are legal
6 conclusions that require no response. To the extent a response is required, Seattle denies every
7 remaining allegation.

8 II. PARTIES

9 1. Seattle is without knowledge or information sufficient to form a belief as to the
10 truth of the allegations in paragraph 1 and therefore denies them.

11 2. Seattle is without knowledge or information sufficient to form a belief as to the
12 truth of the allegations in paragraph 2 and therefore denies them.

13 3. Seattle is without knowledge or information sufficient to form a belief as to the
14 truth of the allegations in paragraph 3 and therefore denies them.

15 4. Seattle is without knowledge or information sufficient to form a belief as to the
16 truth of the allegations in paragraph 4 and therefore denies them.

17 5. Seattle is without knowledge or information sufficient to form a belief as to the
18 truth of the allegations in paragraph 5 and therefore denies them.

19 6. Seattle is without knowledge or information sufficient to form a belief as to the
20 truth of the allegations in paragraph 6 and therefore denies them.

21 7. Seattle is without knowledge or information sufficient to form a belief as to the
22 truth of the allegations in paragraph 7 and therefore denies them.

23 8. Seattle admits the allegations of paragraph 8.

1 the Ordinance and Mayor Murray's approval speak for themselves. Seattle denies every
2 remaining allegation in paragraph 15.

3 16. Seattle admits the allegations in paragraph 16 and asserts that the Ordinance and
4 Chapter 5.50 of the Seattle Municipal Code speak for themselves.

5 17. Seattle admits the allegations in paragraph 17 and asserts that the Ordinance and
6 section 5.55.220 of the Seattle Municipal Code speak for themselves.

7 18. Seattle states that the allegations in paragraph 18 and footnote 2 with respect to
8 RCW 9.41.290 are legal conclusions that require no response. To the extent a response is
9 required, Seattle denies them. Seattle admits that council members John Okamoto, Bruce
10 Harrell, and Sally Bagshaw made the statements attributed to them in paragraph 18. Seattle
11 further states that the Ordinance is a proper and lawful exercise of the City's taxing authority, as
12 granted by the Washington State Constitution and as authorized by the Washington State
13 Legislature and is legally enforceable and constitutional. The purpose of the Ordinance is to
14 raise general revenue for the City and to use that revenue to provide broad-based public benefits
15 for residents of Seattle related to gun violence by funding programs that promote public safety,
16 prevent gun violence, and address in part the cost of gun violence in the City. Seattle denies
17 every remaining allegation in paragraph 18.

18 19. Seattle denies the allegations in paragraph 19 and specifically denies that Seattle
19 has refused to recognize any State preemption principle. Seattle further denies that the
20 Ordinance will cause "irreparable harm" to citizens or hinder in any way their ability to exercise
21 their constitutional rights. Seattle further states that any remaining allegations in paragraph 19
22 are legal conclusions that require no response. To the extent a response is required, Seattle
23 denies every remaining allegation.

1 20. Seattle is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations in paragraph 20, and in particular, those allegations concerning the
3 speculative and hypothetical future behavior of the Plaintiffs in response to the Ordinance, which
4 has yet to go into effect, and therefore denies them.

5 21. Seattle denies the allegations in paragraph 21 and specifically denies the
6 Ordinance will cause “irreparable harm” to the individual Plaintiffs who engage in the business
7 of selling firearms. Seattle further states that any remaining allegations in paragraph 21 are legal
8 conclusions that require no response. To the extent a response is required, Seattle denies every
9 remaining allegation.

10 22. Seattle is without knowledge or information sufficient to form a belief as to the
11 truth of the allegations in paragraph 22, and in particular those allegations concerning the
12 speculative and hypothetical future behavior of the Plaintiffs in response to the Ordinance, which
13 has yet to go into effect, and therefore denies them.

14 23. Seattle denies the allegations in paragraph 23, and specifically denies that the
15 Ordinance will cause “irreparable harm.” Seattle further states that any remaining allegations in
16 paragraph 23 are legal conclusions that require no response. To the extent a response is required,
17 Seattle denies every remaining allegation.

18 24. Seattle is without knowledge or information sufficient to form a belief as to the
19 truth of the allegations in paragraph 24, particularly concerning the speculative and hypothetical
20 future behavior of the Plaintiffs in response to the Ordinance, which has yet to go into effect, and
21 therefore denies them.

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STEPTOE & JOHNSON LLP

By: William F. Abrams

William F. Abrams, Pro Hac Vice Admission Pending
Laurie Edelstein, Pro Hac Vice Admission Pending
Sarah K. Jackel, Pro Hac Vice Admission Pending
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Attorneys for Defendants

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DECLARATION OF SERVICE

The undersigned declares under penalty of perjury under the laws of the State of Washington that on the below date, I caused a true and correct copy of this document to be delivered via Hand Delivery to:

Attorneys for Plaintiffs

Steven W. Fogg
David B. Edwards
Corr Cronin Michelson Baumgardner Fogg & Moore
1001 Fourth Avenue, Suite 3900
Seattle, WA 98154-1051

DATED this 9th day of September, 2015, at Seattle, Washington.



Jacqueline Lucien, Legal Secretary
Gordon Tilden Thomas & Cordell LLP