



03-2-06879-4 18949068 AN 05-13-03

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PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

Jane Doe,

Plaintiff,

NO. 03 2 06879 4

vs.

Pierce County, et al.,

Defendants.

ANSWER

Defendants Pierce County, Pierce County Prosecuting Attorney's Office and Gerald

A. Horne for their answer to the complaint of Jane Doe state as follows:

1. Deny for want of information the identity and place of residence of plaintiff Jane Doe, and deny the remaining allegations of paragraph 1 on page 1.

2. Deny the annual budget of the Pierce County Prosecutor's Office is \$118 million, and admit the remaining allegations of paragraph 2 on page 1.

3. Admit the allegations of paragraph 1 on page 2.

4. Admit that on 10/25/02 Pierce County Deputy Prosecutor Denise Greer received a request dated 10/23/02 for investigative materials, admit the author asserted in the request that it was made pursuant to the Public Records Act, allege that Deputy Prosecutor Greer timely and accurately responded that the materials were exempt under the Act, deny for want of information the identity of plaintiff Jane Doe, and deny the remaining allegations of

ORIGINAL

1 paragraphs 2 and 5 on page 2.

2 5. Admit that in 2002, in anticipation of litigation, the Pierce County Prosecutor's
3 Office retained The Washington Firm, Ltd. to conduct an investigation concerning a
4 personnel complaint by a County employee against a County employee, allege the all material
5 related to that investigation is protected by the work product doctrine, allege that the investi-
6 gation determined the complaint was unfounded and materials relating thereto are accordingly
7 also exempt under the right to privacy, deny for want of information the identity of plaintiff
8 Jane Doe, and deny the remaining allegations of paragraph 3 on page 2.
9

10 6. Deny for want of information the allegations of paragraph 4 on page 2.

11 7. Admit that Deputy Prosecutor Greer sent the requesting party a letter dated
12 10/28/02, deny that she "admitt[ed] that it had public records," and admit the remaining
13 allegations of paragraph 6.

14 8. Admit that the requesting party sent a second letter to Deputy Prosecutor Greer,
15 dated 11/22/02, which referenced the prior denial and expressed disagreement with it, deny
16 for want of information the identity of plaintiff Jane Doe, admit the second letter alleged the
17 existence of "substantially identical circumstances in Thurston County" and included as
18 enclosures two newspaper articles, allege a response was neither necessary nor made to the
19 second letter, and deny the remaining allegations of paragraphs 7 and 8.
20

21 9. Deny the allegations of paragraphs 9, 10, 12, 15, and the allegations of the "relief
22 requested" of the complaint.

23 10. The allegations of paragraphs 11, 13 and 14 are argument rather than a statement of
24 claim, contrary to CR 8(a)(1), and are denied.

25 11. Deny every allegation of the complaint not expressly admitted herein to be true.

1 **FURTHER, AND BY WAY OF AFFIRMATIVE AND OTHER DEFENSES,**
2 **DEFENDANTS ALLEGE AS FOLLOWS:**

3 VIOLETION OF CR 17: This action is not being prosecuted in the name of the real
4 party in interest.

5 LACK OF CAPACITY TO SUE AS FICTITIOUS PARTY: The complaint fails to
6 allege any basis for plaintiff to proceed herein other than by her true name.

7 EXEMPT MATERIAL: The requested material is exempt because public disclosure
8 would violate employee right to privacy under RCW 42.17.310(1)(b) and (d).

9 EXEMPT MATERIAL: The requested material is exempt as attorney work product
10 under RCW 42.17.310(1)(j).

11 **WHEREFORE** having fully answered plaintiff Jane Doe's said complaint, defendants
12 pray the Court for the following relief.

- 13 [1] That plaintiff Jane Doe's complaint be dismissed with prejudice;
- 14 [2] That defendants be awarded their costs and reasonable attorney fees incurred;
- 15 [3] That defendants be allowed to reserve the right to amend this answer to assert
- 16 such cross-claims, counterclaims and/or third party claims as during the course of discovery
- 17 herein becomes proper;
- 18 [4] For such other and further relief as may appear just and equitable.

19 DATED this 12th day of May, 2003.

20
21
22 **CERTIFICATE**

23 I hereby certify on 5-14-03
24 I delivered a true and accurate
25 copy of the attached document
to ABC LEGAL MESSENGERS, INC. for
delivery to:

Christoph B...
attorney(s) of record

...
Prosecutor's Office

GERALD A. HORNE.
Prosecuting Attorney

By [Signature]

DOUGLAS W. VANSCOY
Deputy Prosecuting Attorney
Attorneys for defendants
(253) 798-6504/WSBA # 13995