

Honorable Michael Fox

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**STATE OF WASHINGTON  
KING COUNTY SUPERIOR COURT**

HEATHER ANDERSEN and LESLIE CHRISTIAN;  
PETER ILGENFRITZ and DAVID SHULL; JOHANNA  
BENDER and SHERRI KOKX; JANET HELSON and  
BETTY LUNDQUIST; DAVID SERKIN-POOLE and  
MICHAEL SERKIN-POOLE; VEGAVAHINI  
SUBRAMANIAM and VAIJAYANTHIMALA  
NAGARAJAN; ELIZABETH REIS and BARBARA  
STEELE; and MICHELLE ESGUERRA and BOO  
TORRES DE ESGUERRA,

Plaintiffs,

v.

RON SIMS, King County Executive; DEAN LOGAN,  
King County Director of Records, Elections, and  
Licensing Services Division; and CHERYLE A.  
BROOM, King County Auditor,

Defendants,

and

RON SIMS, King County Executive; DEAN LOGAN,  
King County Director of Records, Elections, and  
Licensing Services Division,

Third-Party Plaintiffs,

v.

STATE OF WASHINGTON,

Third-Party Defendant.

NO. 04-2-04964-4  
SEA

STATE OF  
WASHINGTON'S  
ANSWER TO  
THIRD PARTY  
PLAINTIFFS'  
COMPLAINT

1 Third party defendant State of Washington (State) answers third party plaintiffs'  
2 complaint as follows:

3 **I. JURISDICTION AND VENUE**

4 1-2. The State admits the allegations contained in paragraphs 1 and 2.

5 **II. BACKGROUND FACTS**

6 3-7. The State admits the allegations contained in paragraphs 3 through 7.

7 **III. CLAIMS AND CAUSES OF ACTION**

8 8-9. The State denies the allegations contained in paragraphs 8 and 9.

9 **IV. DAMAGES**

10 10-11. The State denies the allegations contained in paragraphs 10 and 11.

11 **V. REQUEST FOR RELIEF**

12 The State denies that third party plaintiffs are entitled to any of the relief they seek, but  
13 will appear in this matter pursuant to RCW 7.24.110.

14 **ANSWER TO PLAINTIFFS' AMENDED COMPLAINT**

15 The State answers plaintiffs' amended complaint as follows:

16 **INTRODUCTION**

17 1. In answer to paragraph 1, the State admits only that the laws of the State of  
18 Washington specifically prohibit same sex marriages and that King County is required to  
19 comply with the laws of the State of Washington. The State also admits that this lawsuit  
20 alleges that the laws of the State of Washington that bar same sex marriages are  
21 unconstitutional. The allegations in paragraph 1 regarding the individual plaintiffs are  
22 answered below. The State denies the remaining allegations contained in paragraph 1.

23 **PARTIES**

24 2-9. The State denies the allegations contained in paragraphs 2 through 9 for lack of  
25 knowledge.

26 10-12. The State admits the allegations contained in paragraphs 10 and 12.

1 **FACTS**

2 13-14. The State denies the allegations contained in paragraphs 13 and 14 for lack of  
3 knowledge.

4 15-16. The State admits the allegations contained in paragraphs 15 and 16.

5 17. In answer to paragraph 17, the State admits only that the United States of America  
6 and the State of Washington have numerous laws and regulations that address in various ways  
7 the legal status, obligations, and rights of married and unmarried people. The State denies the  
8 remaining allegations contained in paragraph 17 because they constitute legal conclusions.

9 18. The State denies the allegations contained in paragraph 18.

10 19. In answer to paragraph 19, the State admits that the laws of the State of  
11 Washington bar same sex marriage. The State denies the remaining allegations contained in  
12 paragraph 19 for lack of knowledge.

13 **VIOLATIONS OF THE WASHINGTON CONSTITUTION**

14 20. In answer to paragraph 20, the State admits that the laws of the State of  
15 Washington bar same sex marriages. The State denies the remaining allegations contained in  
16 paragraph 20 because they constitute legal conclusions.

17 21. The State admits the allegations contained in paragraph 21.

18 **CAUSES OF ACTION**

19 22. In answer to the first sentence of paragraph 22, no answer is given as none is  
20 required. The State denies the allegations contained in the second sentence of paragraph 22.

21 23. The State denies the allegations contained in paragraph 23.

22 24. The State denies the allegations contained in paragraph 24.

23 **REQUEST FOR RELIEF**

24 The State denies that plaintiffs are entitled to the relief they seek.  
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1 **AFFIRMATIVE DEFENSES**

2 IN FURTHER ANSWER AND BY WAY OF AFFIRMATIVE DEFENSES TO  
3 PLAINTIFFS' AMENDED COMPLAINT, the State alleges as follows:

4 1. Plaintiffs have failed to state a claim for which relief can be granted.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, having answered Plaintiffs' Amended Complaint, the State prays for:


7 1. Judgment dismissing plaintiffs' Complaint For Declaratory Relief with prejudice.

8 2. Judgment granting the State its attorneys fees, costs, and disbursements to the full  
9 extent allowed by law.

10 3. For such other and further relief as the Court may deem just and proper.

11 DATED this 21<sup>st</sup> day of April, 2004.

12 CHRISTINE O. GREGOIRE  
13 Attorney General

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15 WILLIAM B. COLLINS, WSBA No. 785  
16 Assistant Attorney General  
17 Attorney for State of Washington  
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