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

ALEX RAHIN, an individual,

No. 11-2-35973-5 SEA

Plaintiff,

**DEFENDANT WINDERMERE’S
ANSWER TO PLAINTIFF’S
COMPLAINT**

v.

STERLING SAVINGS BANK, a bank
organized under the laws of Washington;
WINDERMERE REAL ESTATE /
BELLEVUE COMMONS, INC., a
Washington corporation; SIKORRA &
LANGLOIS CONSTRUCTION, INC., a
Washington corporation

Defendants.

Defendant Windermere Real Estate/Bellevue Commons, Inc. answers Plaintiff’s
complaint as follows:

I. ANSWER

1. Paragraph 1.1 is denied for lack of information.
2. Paragraph 1.2 is denied for lack of information.
3. Paragraph 1.3 is admitted.
4. Paragraph 1.4 is denied for lack of information.
5. Paragraph 2.1 is admitted.
6. Paragraph 2.2 is denied.

- 1 7. Paragraph 2.3 is admitted.
- 2 8. Paragraph 3.1 does not require a responsive pleading.
- 3 9. Paragraph 3.2 is admitted.
- 4 10. Paragraph 3.3 is admitted.
- 5 11. Paragraph 3.4 is admitted.
- 6 12. Paragraph 3.5 is admitted.
- 7 13. Paragraph 3.6 is admitted.
- 8 14. Paragraph 3.7 is denied.
- 9 15. Paragraph 3.8 is denied for lack of information.
- 10 16. Paragraph 3.9 is denied.
- 11 17. Paragraph 3.10 is admitted.
- 12 18. Paragraph 3.11 is denied for lack of information.
- 13 19. Paragraph 3.12 denied.
- 14 20. Paragraph 3.13 is denied for lack of information.
- 15 21. Paragraphs 4.1 through 4.4 are denied.
- 16 22. Paragraph 5.1 does not require a responsive pleading from this answering
17 defendant.
- 18 23. Paragraphs 5.2 through 5.5 are denied.
- 19 24. Paragraph 6.1 does not require a responsive pleading from this answering
20 defendant.
- 21 25. Paragraphs 6.2 through 6.5 are denied.
- 22 26. Paragraph 7.1 does not require a responsive pleading from this answering
23 defendant.
- 24 27. Paragraphs 7.2 through 7.7 are denied.

1 28. Paragraph 8.1 does not require a responsive pleading from this answering
2 defendant.

3 29. Paragraphs 8.2 through 8.4 are denied.

4 **II. AFFIRMATIVE DEFENSES**

5 In addition to the foregoing Answer, this answering Defendant also alleges the following
6 Affirmative Defenses:

7 1. The injuries and damages, if any, claimed by Plaintiff were proximately caused or
8 contributed to by the fault of the Plaintiff.

9 2. Plaintiff's injuries and damages, if any, were proximately caused by persons or
10 entities over whom answering defendant had no control in the form of the codefendant to this
11 action and/or the unknown entities who may have broken into the property.

12 3. Plaintiff has failed to perfect service of process.

13 4. This court lacks personal jurisdiction over this answering Defendant.

14 5. Venue is improper.

15 6. Plaintiff's complaint fails to state facts sufficient to state a claim upon which relief
16 can be granted.

17 7. Plaintiff's claim is barred by the doctrines of waiver, laches, accord and
18 satisfaction or estoppel.

19 **III. PRAYER FOR RELIEF**

20 Having fully answered the Plaintiff's complaint, and having alleged certain affirmative
21 defenses, Defendant respectfully requests that the Plaintiff's complaint be dismissed with
22 prejudice and the Defendant awarded to it its costs, reasonable attorneys' fees, and such other
23 and further relief as the court deems just and equitable.
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Dated this 18th day of November, 2011

MIX LAW FIRM, PLLC

s/ George A. Mix
George A. Mix, WBSA No. 32864
Attorney for Defendant Windermere Real Estate/
Bellevue Commons, Inc.

1 **CERTIFICATE OF SERVICE**

2 I, Leyda Greenwood, certify that on November 18, 2011 I caused to be served a true and
3 correct copy of the foregoing ANSWER via the method indicated below and addressed to the
4 following:

5 Sean V. Small
6 Lasher Holzapfel Sperry & Ebberson
7 601 Union Street, Ste 2600
8 Seattle, WA 98101
9 *Attorney for Plaintiff*

Shelley N. Ripley
Witherspoon Kelley Davenport & Toole PS
422 W Riverside Ave., Ste 1100
Spokane, WA 99201-0300
Attorney for Sterling Savings Bank

- 8 Legal Messenger
9 U.S. Mail
10 Hand Delivered
11 Facsimile
12 E-mail to small@lasher.com
13 Express Delivery

- Legal Messenger
 U.S. Mail
 Hand Delivered
 Facsimile
 E-mail to snr@witherspoonkelley.com
 Express Delivery

14 s/Leyda Greenwood
15 Mix Law Firm, PLLC
16 1420 Fifth Avenue, 22nd Floor
17 Seattle, WA 98101
18 Tel: 206-521-5989
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