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Respond to: Spokane

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**also admitted in Idaho & Oregon

March 10, 2022

Josie Delvin, Clerk
Benton County Superior Court
7122 W. Okanogan Place
Building A
Kennewick, WA 99336

**Re: West vs. Richland School District, et al.
Benton County Cause No. 22-2-00248-03**

Dear Ms. Delvin:

Attached please find an original and one copy of the Answer on behalf of the Defendants. Would you please file the original with the Court and conform and return the remaining copy to our office in the enclosed, self-addressed stamped envelope. Thank you for your time and assistance.

Very truly yours,

EVANS, CRAVEN & LACKIE, P.S.

By:



Kimberley L. Mauss
Legal Assistant to Michael E. McFarland, Jr.

Enclosures

cc: Arthur West (w/enc.) – via email

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

ARTHUR WEST,

Plaintiff,

Case No. 22-2-00248-03

vs.

**DEFENDANTS' ANSWER TO
PLAINTIFF'S COMPLAINT**

RICHLAND SCHOOL BOARD,
RICHLAND SCHOOL DISTRICT,
AUDRA BYRD, SEMI BIRD, KARI
WILLIAMS,

Defendants.

COME NOW Defendants RICHLAND SCHOOL BOARD, RICHLAND SCHOOL DISTRICT, AUDRA BYRD, SEMI BIRD and KARI WILLIAMS ("Defendants"), by and through their attorneys of record of the law firm Evans, Craven & Lackie, P.S., and enter this Answer to Plaintiff's Complaint as follows:

I. INTRODUCTION

1.1. Paragraph 1.1 of Plaintiff's Complaint contains introductory statements that do not require a response. To the extent that a response is deemed necessary, Defendants deny all allegations of liability.

1 1.2. Paragraph 1.2 of Plaintiff's Complaint contains introductory statements that do not
2 require a response. To the extent that a response is deemed necessary, Defendants deny
3 all allegations of liability.
4

5 **II. PARTIES AND JURISDICTION**

6 2.1. Paragraph 2.1 of Plaintiff's Complaint contains legal conclusions to which no response
7 is deemed necessary. To the extent that a response is deemed necessary, Defendants deny
8 all allegations of liability.
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10 2.2. Defendants admit that Richland School Board is a "governing body" as defined in RCW
11 42.30.020. Defendants deny the remaining allegations contained in Paragraph 2.2 of
12 Plaintiff's Complaint.
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14 2.3. Defendants admit that Richland School Board members Semi Bird, Audra Byrd and
15 Kari Williams are members of a governing board. Defendants deny the remaining
16 allegations contained in Paragraph 2.3 of Plaintiff's Complaint.
17

18 2.4. Admit.

19 **III. ALLEGATIONS**

20 3.1. Deny.

21 3.2. Deny.

22 3.3. Deny.
23

24 **IV. CAUSES OF ACTION: 4.1. OPMA CLAIM**

25 4.1. Deny.
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1 **V. REQUEST FOR RELIEF**

2 Defendants deny that Plaintiff is entitled to any relief in this matter. Defendants further
3 deny any and all allegations of liability, as well as the existence of any violations of any law.

4 **VI. AFFIRMATIVE DEFENSES**

5 Pursuant to the requirements of CR 12, without the benefit of having conducted formal
6 discovery in this case, by way of affirmative defenses, and without admitting any allegation
7 previously denied, Defendants assert the following:
8

- 9
- 10 1. Plaintiff has failed to state a claim upon which relief can be granted.
 - 11 2. Plaintiff's Complaint fails to identify a case or controversy that can be adjudged.
 - 12 3. Each and all of the purported causes of action set forth in the Complaint are uncertain,
13 ambiguous and unintelligible.
 - 14 4. Plaintiff requests an impermissible mandatory injunction.
 - 15 5. The individually named defendants enjoy governmental immunity.
 - 16 6. Defendants acted in statutory compliance.
 - 17 7. Defendants' actions were taken in good faith, in reliance upon statutory authority and
18 with a reasonable belief that such actions were legal, appropriate and necessary.
 - 19 8. Defendants assert that their conduct and that of their officials, employees and/or agents
20 were at all times reasonable and lawful under the circumstances.
 - 21 9. Defendants assert that the Richland School Board may not be sued as a separate legal
22 entity from which is also a party in the above-referenced matter.
 - 23 10. Defendants reserve the right to supplement, strike or amend the foregoing list of
24 affirmative defenses in keeping with the course of discovery.
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1 **VII. JURY DEMAND**

2 In accordance with CR 38 and Wash. Const. art. I § 21, Defendants hereby demand that
3 this matter appear before a jury.

4 **VIII. DEFENDANTS' PRAYER FOR RELIEF**

5 WHEREFORE, having fully answered Plaintiff's Complaint, Defendant requests that
6
7 Judgement be entered against Plaintiff as follows:

- 8 1. Judgment dismissing Plaintiffs' Complaint with prejudice;
- 9 2. Reasonable attorney fees and costs; and
- 10 3. For such other further relief as the Court deems equitable.

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17 DATED this 10th day of March, 2022.

18 EVANS, CRAVEN & LACKIE, P.S.

19
20 By: Rachel Platin #58280 for
21 MICHAEL E. McFARLAND, JR., #23000
22 Attorneys for Defendants
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CERTIFICATE OF SERVICE

Pursuant to RCW 9A.72.085, the undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that on the 10th day of March, 2022, the foregoing was delivered to the following persons in the following manner:

Pro Se Plaintiff

Arthur West
120 State Avenue NE, #1497
Olympia, WA 98501

- Via Regular Mail []
Via Certified Mail []
Via Overnight Mail []
Via Facsimile []
Hand Delivered []
Via Email [x]

Elizabeth Hallock
Email: ehallock.law@gmail.com

- Via Regular Mail []
Via Certified Mail []
Via Overnight Mail []
Via Facsimile []
Hand Delivered []
Via Email [X]

Handwritten signature of Kimberley L. Mauss over a horizontal line.

Kimberley L. Mauss