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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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DEX MEDIA WEST, INC.; SUPERMEDIA)	
LLC; and YELLOW PAGES INTEGRATED)	No. 2:10-CV-01857
MEDIA ASSOCIATION d/b/a YELLOW)	
PAGES ASSOCIATION,)	ANSWER
)	
Plaintiffs,)	
)	
vs.)	
)	
CITY OF SEATTLE and RAY HOFFMAN, in)	
his official capacity as Director of Seattle)	
Public Utilities,)	
)	
Defendants.)	
)	

Defendants The City of Seattle and Ray Hoffman answer the Complaint as follows. Unless specifically admitted, defendants deny all allegations in the Complaint.

ANSWER

1. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1, and therefore deny them.

2. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2, and therefore deny them.

1 3. Defendants lack knowledge or information sufficient to form a belief as to the
2 truth of the allegations in paragraph 3, and therefore deny them.

3 4. Defendants lack knowledge or information sufficient to form a belief as to the
4 truth of the allegations in paragraph 4, and therefore deny them.

5 5. Defendants admit the allegations in paragraph 5.

6 6. Defendants admit the allegations in paragraph 6.

7 7. The allegations in paragraph 7 are not factual averments to which a response is
8 required, but rather a characterization of plaintiffs' lawsuit. To the extent a response is required,
9 defendants admit that the Complaint purports to state claims arising under the statute and the
10 constitutional provisions cited in paragraph 7.

11 8. Defendants admit that the Court has jurisdiction over this action.

12 9. Defendants admit the allegations in paragraph 9.

13 10. Defendants admit that at least some of the plaintiffs publish "yellow pages"
14 directories. Defendants lack knowledge or information sufficient to form a belief as to the truth
15 of the remaining allegations in paragraph 10, and therefore deny them.

16 11. Defendants allege that the provisions of state law cited in paragraph 11 speak for
17 themselves, and deny any characterization thereof by plaintiffs. Defendants lack knowledge or
18 information sufficient to form a belief as to the truth of the remaining allegations in paragraph
19 11, and therefore deny them.

20 12. Defendants deny that yellow pages directories are distributed at "no cost" to
21 consumers; consumers pay the cost of recycling yellow pages directories as part of their solid
22 waste bills. Defendants lack knowledge or information sufficient to form a belief as to the truth
23 of the remaining allegations in paragraph 12, and therefore deny them.

1 13. Defendants admit that yellow pages directories generally group classified listings
2 by category. Defendants lack knowledge or information sufficient to form a belief as to the truth
3 of the remaining allegations in paragraph 13, and therefore deny them.

4 14. Defendants allege that the provisions of state law cited in paragraph 14 speak for
5 themselves, and deny any characterization thereof by plaintiffs. Defendants admit that yellow
6 pages directories are usually revised and republished annually, and that many outdated or
7 unwanted volumes are recycled or discarded. Defendants lack knowledge or information
8 sufficient to form a belief as to the truth of the remaining allegations in paragraph 14, and
9 therefore deny them.

10 15. Defendants deny the allegations in paragraph 15.

11 16. Defendants lack knowledge or information sufficient to form a belief as to the
12 truth of the allegations in paragraph 16, and therefore deny them.

13 17. Defendants lack knowledge or information sufficient to form a belief as to the
14 truth of the allegations in paragraph 17, and therefore deny them.

15 18. Defendants allege that the provisions of state law described cited in paragraph 18
16 speak for themselves, and deny any characterization thereof by plaintiffs. Defendants lack
17 knowledge or information sufficient to form a belief as to the truth of the remaining allegations
18 in paragraph 18, and therefore deny them.

19 19. Defendants admit that Ordinance 123427 was passed by the Seattle Council on
20 October 11, 2010, and signed by the Mayor on October 14, 2010. Defendants allege that the
21 Ordinance speaks for itself, and deny any characterization thereof by plaintiffs.

22 20. Defendants allege that the Ordinance speaks for itself, and deny any
23 characterization thereof by plaintiffs.

1 21. With respect to the allegations in paragraph 21 that purport to describe the effect
2 of Ordinance 123427 on Dex and other plaintiffs, defendants allege that the Ordinance speaks for
3 itself, and deny any characterization thereof by plaintiffs. Defendants lack knowledge or
4 information sufficient to form a belief as to the truth of the remaining allegations in paragraph
5 21, and therefore deny them.

6 22. Defendants deny the allegations in paragraph 22.

7 23. Defendants incorporate by reference, as if fully restated, the admissions, denials and
8 responses in paragraphs 1 through 22 above.

9 24. Defendants deny the allegations in paragraph 24.

10 25. Defendants incorporate by reference, as if fully restated, the admissions, denials and
11 responses in paragraphs 1 through 22 above.

12 26. Defendants deny the allegations in paragraph 26.

13 27. Defendants incorporate by reference, as if fully restated, the admissions, denials and
14 responses in paragraphs 1 through 26 above.

15 28. Defendants deny the allegations in paragraph 28.

16 29. Defendants incorporate by reference, as if fully restated, the admissions, denials and
17 responses in paragraphs 1 through 22 above.

18 30. Defendants deny the allegations in paragraph 30.

19 31. Defendants incorporate by reference, as if fully restated, the admissions, denials and
20 responses in paragraphs 1 through 22 above.

21 32. Defendants deny the allegations in paragraph 32.

22 33. Defendants incorporate by reference, as if fully restated, the admissions, denials and
23 responses in paragraphs 1 through 22 above.

1 34. Defendants deny the allegations in paragraph 34.

2 **AFFIRMATIVE DEFENSES**

3 By way of affirmative defenses, defendants allege as follows:

- 4 1. Plaintiffs have failed to state a claim upon which relief can be granted.
5 2. Defendants reserve the right to add additional affirmative defenses as this case

6 proceeds.

7 **PRAYER FOR RELIEF**

8 Wherefore, defendants pray for the following relief:

- 9 A. That all claims asserted against them be dismissed with prejudice;
10 B. That the Court deny plaintiffs' request for declaratory and injunctive relief;
11 C. That plaintiffs be required to pay defendants' attorney's fees and costs incurred

12 herein; and

- 13 D. For such other relief as is just and equitable.
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1 DATED this 15th day of December, 2010.

2 PETER S. HOLMES
3 Seattle City Attorney

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20 and Ray Hoffman
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CERTIFICATE OF E-FILING AND CERTIFICATE OF SERVICE

I certify that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and served plaintiffs' counsel in the manner indicated below.

DAVID J. BURMAN KATHLEEN M. O'SULLIVAN Perkins Coie 1201 Third Avenue, Suite 4800 Seattle, WA 98101-3099	<input checked="" type="checkbox"/> U.S. MAIL <input type="checkbox"/> LEGAL MESSENGER <input type="checkbox"/> FACSIMILE <input checked="" type="checkbox"/> E-MAIL
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Dated this 15th day of December, 2010, at Seattle, King County, Washington.


HAZEL HARALSON