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The Honorable Robert J. Bryan

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

Brian P. Carr,

Plaintiff,

v.

Sam Reed, in his official capacity as Secretary of the State of Washington, Wanda Briggs in her official capacity as Chair of the State of Washington Commission of Judicial Conduct, and Rob McKenna, in his official capacity as Attorney General of the State of Washington and, separately, as private individuals the Honorable Robert L. Harris, John F. Nichols, Barbara D. Johnson, Kenneth Eisland, Rich Melnick, John Hagensen, Kelli E. Osler, Joel Penoyar, (J.)C.C. Bridgewater, J. Robin Hunt, Gerry L. Alexander, Barbara Madsen, Mary E. Fairhurst, Susan Owens and James M. Johnson as well as other currently unnamed parties as determined by the Court,

Defendants.

NO. C07-5260RJB

ANSWER AND AFFIRMATIVE
DEFENSES OF DEFENDANT
WANDA BRIGGS

1 The defendant Wanda Briggs, in her capacity as current Chair of the Washington State
2 Commission of Judicial Conduct, hereby answers the First Amended Complaint in this case
3 by admitting, denying and alleging as follows:

4 **ANSWER**

5 1. Answering paragraphs 1 through 89 of the Amended Complaint, the allegations
6 in them do not appear directed at, or related to, this defendant. To the extent an answer is
7 required, defendant denies those paragraphs.

8 2. Answering paragraph 90 of the Amended Complaint, defendant admits she is
9 the current Chair of Washington's Commission of Judicial Conduct, that her place of business
10 regarding the Commission is 210 11th Avenue S.W., Suite 400, Olympia, Washington, that the
11 Commission is a creature of Article IV, Section 31, of the state constitution and RCW 2.64
12 (which provisions speak for themselves), that her term is from August 3, 2005 and expires
13 June 16, 2009, and that she has the authority to call meetings of the Commission and preside
14 at such meetings. All other allegations in this paragraph are denied.

15 3. Answering paragraph 91 of the Amended Complaint, defendant admits that
16 Article IV, Section 31 of the state constitution speaks for itself and denies each and every
17 other allegation in this paragraph.

18 4. Answering paragraphs 92 and 93 of the Amended Complaint, the state
19 constitution, state statute and Commission rules require the Commission and its staff to
20 maintain strict confidentiality about all matters submitted to the Commission, even the
21 existence of complaints lodged with it, unless the Commission's investigation results in the
22 filing of a Statement of Charges or a stipulated finding of misconduct. Even in the event the
23 Commission investigation were to result in a finding of misconduct and a sanction were
24 imposed on the subject judge, the Commission's process has no legal impact on litigation
25 underlying a complaint against the judge. Defendant denies each and every other allegation in
26 these paragraphs.

1 5. Answering paragraph 94 of the Amended Complaint, defendant reincorporates
2 and realleges its responses to paragraphs 89 through 94.

3 6. Defendant denies the allegations in paragraphs 95 and 96 in their entirety.

4 7. Answering plaintiffs' Prayer for Relief (pp. 22 through 26) of the Amended
5 Complaint, defendant denies plaintiff is entitled to any relief.

6 8. Answering the Amended Complaint further, defendant denies each and every
7 other allegation not previously addressed herein.

8 Further answering the Amended Complaint and by way of Affirmative Defense,
9 defendant alleges:

10 **AFFIRMATIVE DEFENSES**

11 9. Plaintiff has failed to state a claim for which any relief may be granted,
12 particularly against this answering defendant.

13 10. This Court lacks subject matter jurisdiction over most, if not all, of the claims
14 asserted by plaintiff.

15 11. Plaintiff's claims against this defendant are barred because of absolute quasi-
16 judicial and/or quasi-prosecutorial immunity.

17 12. Plaintiff's claims are barred, in whole or in part, by the Eleventh Amendment
18 to the United States Constitution.

19 13. Most, if not all, of the specific remedial measures that plaintiff requests this
20 Court to award are beyond the jurisdiction and/or authority of federal courts.

21 14. Plaintiff lacks standing to bring the claims asserted against the defendant.

22 15. Plaintiff has no right under federal law to have complaints against state officers
23 investigated or determined by Washington's Commission on Judicial Conduct.

24 WHEREFORE, having fully answered the Amended Complaint, defendant prays the
25 Court to:

26 1. Dismiss the Amended Complaint with prejudice;

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of September, 2007, I electronically filed the foregoing Answer and Affirmative Defenses of Defendant Wanda Briggs with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participants:

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