

COUNTY CLERK OFFICE
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DEC 27 2019

LISA A. HENDERSON
SAN JUAN COUNTY, WASHINGTON

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SAN JUAN COUNTY

THE LAW OFFICE OF JAMES P. GRIFO,
LLC; a Washington State Limited Liability
Company; and, THE LAW OFFICE OF
NICHOLAS POWER, PLLC, a Washington State
Professional Limited Liability Company,

Plaintiffs/Counterclaim Defendants,

v.

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES, a
labor union; WALTER BLAIR, as purported
administrator of Local 114; and, LOCAL 114, a
labor union operating in the State of Washington,

Defendants/Counterclaim Plaintiffs,

COLIN MAYCOCK, as a member of Local 1849,
President of Local 1849, and as a member of
American Federation of State, County, &
Municipal Employees; JAEL KOMAC, a member
of Local 114, as former President of Local 114,
and a member of American Federation of State,
County, & Municipal Employees; LOCAL 1849, a
labor union operating in the State of Washington;
and LOCAL 114, a labor union operating in the
State of Washington,

Defendants.

NO. 19-2-0517928

**PLAINTIFFS' REPLY TO
COUNTERCLAIM**

I. INTRODUCTION

1 Plaintiffs filed a Complaint in the above-captioned matter on November 20, 2019, alleging two
2 causes of action: (i) an interpleader action for the client file; and, (ii) breach of contract for outstanding
3 attorney's fees. Certain of the Defendants above-named then tendered payment in full for outstanding
4 attorney's fees, and the parties stipulated to Order of Dismissal of the breach of contract claim on
5 December 18, 2019. Defendants, Walter Blair, AFSCME, and Local 114 ("the Counterclaim Plaintiffs")
6 filed an Answer, Affirmative Defenses, and Counter Claim against Plaintiffs on the same day. Plaintiffs
7 hereby Reply to Counterclaim Plaintiffs' Counter Claim, as follows:

8 II. ANSWER TO COUNTERCLAIM

9 Plaintiffs respond to Paragraph 9.1 as follows: Counterclaim Plaintiffs have failed to allege any
10 factual bases supporting Counterclaim Plaintiffs' purported cause of action. To the extent that a further
11 response is required, Plaintiffs hereby incorporate all of the allegations as set forth in Plaintiffs' Complaint
12 filed in the above-captioned matter, and to the extent that Counterclaim Plaintiffs have made any factual
13 allegations to the contrary the same are denied.

14
15 Plaintiffs respond to Paragraph 9.2 as follows: Paragraph 9.2 calls for a legal conclusion for which
16 no response is required. To the extent that a further response is required, the client file at issue in Plaintiffs'
17 interpleader action contains all of the requested information, and Counterclaim Plaintiffs' assertion that
18 an independent cause of action even exists is duplicative, frivolous, and appears to be designed solely to
19 harass Plaintiffs, and to unnecessarily increase the costs of litigation.

20
21 Counterclaim Plaintiffs assert numerous, boilerplate, affirmative defenses, and most of which
22 appear to have no basis in law or fact. Counterclaim Plaintiffs' affirmative defenses call for legal
23 conclusions for which no response is required, but to the extent that responses are required, then Plaintiffs
24 deny the same. In addition, to the extent that Counterclaim Plaintiffs have failed to undertake sufficient

1 investigation into these affirmative defenses, Plaintiffs expressly reserve the right to seek sanctions under
2 CR 11 and other Washington State laws and rules designed to prevent or limit the practice of frivolous
3 pleading and vexatious litigation.

4 III. AFFIRMATIVE DEFENSES

5 Plaintiffs expressly reserve all defenses expressly enumerated in CR 12(b).

6 Accord and satisfaction.

7 Prevention of performance.

8 Unclean hands.

9 Failure to join indispensable parties.

10 Counterclaim Plaintiffs' counterclaim should be dismissed for failure to pay the statutorily required
11 filing fee.

12 IV. REQUEST FOR RELIEF

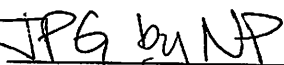
13 WHEREFORE, Plaintiffs respectfully pray for the following relief:

- 14 1. An Order dismissing with prejudice Counterclaim Plaintiffs' counterclaim asserted in Section
15 9 of Counterclaim Plaintiffs' Answer.
- 16 2. An Order awarding Plaintiffs their attorneys' fees and costs pursuant to RCW 4.84.185, CR 11,
17 and /or as may otherwise be allowed by contract, statute, or other recognized ground in equity.
- 18 3. For such other relief as this Court may find to be just and equitable.

19 RESPECTFULLY SUBMITTED THIS 27 day of December 2019.

20 The Law Office of James P. Grifo, LLC

21 The Law Office of Nicholas Power, PLLC

22 

23 James P. Grifo, WSBA 45192

22 

23 Nicholas Power, WSBA 45974