

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

GINA KIM, on behalf of a class consisting of herself and all other persons similarly situated,)	Cause No. 2:11-CV-00214 RSM
)	
)	ANSWER TO COUNTERCLAIMS
Plaintiffs,)	
)	
vs.)	
)	
COACH, INC., a Maryland corporation, and COACH SERVICES, INC., a Maryland corporation,)	
)	
Defendants.)	

Counterclaim defendants Jay Carlson and Chris Carney hereby answer the defamation counterclaim asserted by defendant Coach and its counsel DLA Piper in the Answer, Docket No. 6 at 11.

Answering the "INTRODUCTION" section of the counterclaim, this is a summary containing factual and legal conclusions that does not require an answer. To the extent that there are any specific factual statements requiring an answer, counterclaim defendants deny those statements. Counterclaim defendants specifically deny that they committed any conduct constituting defamation.

Answering the "PARTIES" section of the counterclaim, counterclaim defendants answer as follows:

1. Admit.

1 2. Admit.

2 3. Admit.

3 4. Admit.

4 5. Deny in so far as it asserts that Carney Gillespie & Isitt PLLC is
5 counsel for Ms. Kim.

6 Answering the “JURISDICTION AND VENUE” section of the counterclaim,
7 counterclaim defendants answer as follows:

8 6. Admit that the parties are diverse, otherwise lack of information to
9 form a belief as to the truth of the allegations.

10 7. Admit.

11 Answering the “GENERAL ALLEGATIONS” section of the counterclaim,
12 counterclaim defendants answer as follows:

13 8. Admit that Coach is a famous luxury brand that trademarks its
14 products.

15 9. Lack of information to form a belief as to the truth of the allegations.

16 10. Lack of information to form a belief as to the truth of the allegations.

17 11. Lack of information to form a belief as to the truth of the allegations.

18 12. Lack of information to form a belief as to the truth of the allegations.

19 13. Admit that Ms. Kim listed a Coach handbag on eBay. On information
20 and belief admit the other allegations.

21 14. Lack of information to form a belief as to the truth of the allegations.

22 15. Admit that at Coach’s direction eBay removed Ms. Kim’s
23 advertisement. Otherwise, lack of information to form a belief as to the truth of the
24 allegations

25 16. Admit that Ms. Kim received the letter and contacted Gibney.
26 Otherwise, lack of information as to the meaning of “almost immediately” thus
27 unable to form a belief as to the truth of the allegations.

28 17. Admit.

1 18. Admit.

2 19. Deny. Mr. Carlson never “purported to read from the letter” and never
3 represented that he was quoting the letter. A copy of the letter was provided to the
4 reporter at issue and the letter speaks for itself as to its contents.

5 20. Deny.

6 21. The letter speaks for itself, otherwise deny.

7 22. Admit that the statement was made.

8 23. Deny.

9 24. Deny.

10 25. Lack of information to form a belief as to the truth of the allegations.

11 26. Lack of information to form a belief as to the truth of the allegations.

12 Answering the “FIRST CAUSE OF ACTION” section of the counterclaim,
13 counterclaim defendants answer as follows:

14 27. No answer needed.

15 28. Deny.

16 29. This is a legal conclusion that requires no answer.

17 30. Deny.

18 31. Lack of information to form a belief as to the truth of the allegations.

19 32. Lack of information to form a belief as to the truth of the allegations.

20 33. Lack of information to form a belief as to the truth of the allegations.

21 34. Deny.

22 Answering the “SECOND CAUSE OF ACTION” section of the counterclaim,
23 counterclaim defendants answer as follows:

24 35. No answer needed.

25 36. Deny.

26 37. This is a legal conclusion that requires no answer.

27 38. Deny.

28 39. Lack of information to form a belief as to the truth of the allegations.

1 40. Lack of information to form a belief as to the truth of the allegations.

2 41. Lack of information to form a belief as to the truth of the allegations.

3 42. Deny.

4 Answering the "REQUEST FOR RELIEF" section of the counterclaim,
5 counterclaim defendants deny that plaintiff's are entitled to any of the relief sought.

6 By way of further answer to the counterclaim, counterclaim defendants
7 assert that the defamation counterclaim filed against plaintiff's counsel is subject to
8 Washington's anti-SLAPP statute, RCW 4.24.525. Under the statute, the
9 counterclaim defendants are entitled to bring a "special motion to strike" the
10 defamation counterclaim, and to seek sanctions against Coach and its counsel at
11 DLA Piper.

12 DATED this 9th day of March, 2011.

13 /s/

14 _____
15 Jay S. Carlson, WSBA No. 30411
16 Carlson Legal
17 Christopher Carney, WSBA No. 30325
18 Carney Gillespie & Isitt PLLC
19 Jason Moore
20 Van Eyk & Moore, PLLC
21 100 W. Harrison St., Suite N440
22 Seattle, WA 98119