

HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

CAROLYN ANDERSON,

CIVIL ACTION NO. 11-902-MJP

Plaintiff,

DEFENDANT CALL-EM-ALL, LLC'S  
ANSWER TO AMENDED COMPLAINT

v.

DOMINO'S PIZZA, INC., DOMINO'S  
PIZZA, LLC, FOUR OUR FAMILIES,  
INC. and CALL-EM-ALL, LLC,

Defendants.

Defendant CALL-EM-ALL, LLC (hereinafter, "CEA"), by and through the undersigned attorneys of record, hereby answer Plaintiff CAROLYN ANDERSON's Amended Class Action Complaint For Damages, Injunctive And Declaratory Relief (hereinafter, "Amended Complaint") as follows:

I. PARTIES, JURISDICTION, VENUE

1.1 CEA lacks knowledge and information to admit or deny the allegations contained in Paragraph 1.1 of the Amended Complaint and thus denies same, putting

1 Plaintiff to her burden of proof for each and every allegation contained therein.

2 1.2 CEA admits the allegations contained in the first sentence of Paragraph 1.2  
3 of the Amended Complaint. With respect to the second sentence of Paragraph 1.2 of the  
4 Amended Complaint, CEA respectfully refers the Court to the referenced website for an  
5 accurate recitation of the contents thereof.  
6

7 1.3 CEA lacks knowledge and information to admit or deny the allegations  
8 contained in Paragraph 1.3 of the Amended Complaint and thus denies same, putting  
9 Plaintiff to her burden of proof for each and every allegation contained therein.

10 1.4 CEA lacks knowledge and information to admit or deny the allegations  
11 contained in Paragraph 1.4 of the Amended Complaint and thus denies same, putting  
12 Plaintiff to her burden of proof for each and every allegation contained therein.  
13

14 1.5 The allegations contained in Paragraph 1.5 of the Amended Complaint call  
15 for a legal conclusion to which no response is required. To the extent a response is  
16 required, CEA denies the allegations contained in Paragraph 1.5 of the Amended  
17 Complaint.  
18

## 19 II. FACTS

20 2.1 CEA denies the allegations contained in Paragraph 2.1 of the Amended  
21 Complaint.

22 2.2 CEA lacks knowledge and information to admit or deny the allegations  
23 contained in Paragraph 2.2 of the Amended Complaint and thus denies same, putting  
24 Plaintiff to her burden of proof for each and every allegation contained therein.

1           2.3     CEA lacks knowledge and information to admit or deny the allegations  
2 contained in Paragraph 2.3 of the Amended Complaint and thus denies same, putting  
3 Plaintiff to her burden of proof for each and every allegation contained therein.

4           2.4     CEA denies the allegations contained in Paragraph 2.4 of the Amended  
5 Complaint.

6           2.5     With respect to the other Defendants, CEA lacks knowledge and information  
7 to admit or deny the allegations contained in Paragraph 2.5 of the Amended Complaint and  
8 thus denies same, putting Plaintiff to her burden of proof for each and every allegation  
9 contained therein. With respect to itself, CEA denies the allegations to the extent it alleges it  
10 conducts its business in any manner other than in compliance with the law.

11  
12  
13                           **III.    CAUSES OF ACTION**

14           3.1     With respect to the second sentence of Paragraph 3.1 of the Amended  
15 Complaint, CEA realleges its responses to the foregoing paragraphs as if fully stated herein.  
16 The second sentence of Paragraph 3.1 of the Amended Complaint requires no answer.

17                           **Count A. Violation of 47 U.S.C. 227(b)(1)(B) (National Class)**

18           3.2     CEA denies the allegations contained in Paragraph 3.2 of the Amended  
19 Complaint.

20           3.3     CEA denies the allegations contained in Paragraph 3.3 of the Amended  
21 Complaint.

22           //

23           //

1                   **Count C. Violation of RCW 80.36.400 (Washington State Class)**

2           3.4     CEA denies the allegations contained in Paragraph 3.4 of the Amended  
3 Complaint.

4           3.5     CEA denies the allegations contained in Paragraph 3.5 of the Amended  
5 Complaint.  
6

7                   **Count D. Violation of RCW 19.86 (Washington State Class)**

8           3.6     The allegations contained in Paragraph 3.6 of the Amended Complaint call  
9 for a legal conclusion to which no response is required. To the extent a response is  
10 required, CEA denies the allegations contained in Paragraph 3.6 of the Amended  
11 Complaint.

12           3.7     CEA denies the allegations contained in the first sentence of Paragraph 3.7  
13 of the Amended Complaint. The allegations contained in the second sentence of Paragraph  
14 3.7 of the Amended Complaint call for a legal conclusion to which no response is required.  
15 To the extent a response is required to the second sentence of Paragraph 3.7 of the  
16 Amended Complaint, CEA denies same.  
17

18                   **Count E. Declaratory Relief Under The Washington Declaratory Judgment Act**  
19                   **(RCW 7.24.010) (Washington State Class)**

20           3.8     CEA denies it used an automated dialing and announcement device to send a  
21 pre-recorded message to the telephones of persons in Washington.

22           3.9     The allegations contained in Paragraph 3.9 of the Amended Complaint call  
23 for a legal conclusion to which no response is required. To the extent a response is  
24

1 required, CEA denies the allegations contained in Paragraph 3.9 of the Amended  
2 Complaint.

#### 3 IV. CLASS ACTION ALLEGATIONS

4 4.1 CEA realleges its responses to the foregoing paragraphs as if fully stated  
5 herein.

6 4.2 CEA admits this action purports to be brought pursuant to CR 23(b)(2) and  
7 admits Plaintiff seeks to represent National and Washington State classes. To the extent  
8 that Paragraph 4.2 makes any factual allegations, CEA denies such allegations, denies that  
9 this action may be maintained as a class action and denies that any allegations in Paragraph  
10 4.2 are relevant to CEA.

11 4.3 CEA admits that the proposed classes likely have more than 100 members,  
12 but denies that this action may be maintained as a class action. CEA lacks knowledge and  
13 information to admit or deny the remaining allegations contained in Paragraph 4.3 of the  
14 Amended Complaint and thus denies same, putting Plaintiff to her burden of proof for each  
15 and every remaining allegation.

16 4.4 CEA denies the allegations contained in Paragraph 4.4 of the Amended  
17 Complaint.

18 4.5 CEA denies it violated the two cited statutes and lacks knowledge and  
19 information to admit or deny the remaining allegations contained in Paragraph 4.5 of the  
20 Amended Complaint, and thus denies same, putting Plaintiff to her burden of proof for each  
21 and every remaining allegation.

22 //





1 Dated: June 7, 2011.

2 Respectfully submitted,

3 **CORR CRONIN MICHELSON**  
4 **BAUMGARDNER & PREECE LLP**

5 /s/ Kelly P. Corr

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Attorneys for Defendant Call-Em-All, LLC



1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies as follows:

3 I am employed at Corr Cronin Michelson Baumgardner & Preece LLP, attorneys of  
4 record for Defendant Call-Em-All, LLC herein.

5 I hereby certify that on this date, I electronically filed the attached foregoing with  
6 the Clerk of the Court using the CM/ECF system, which will send notification of such  
7 filing to the following persons:

8  
9 Kim Williams  
10 Rob Williamson  
11 Williamson & Williams  
12 17253 Agate St. NE  
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14 *Attorneys for Plaintiff*

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16 Lakewood, WA 98499  
17 *Attorneys for Defendant Four Our Families, Inc.*

18 and I hereby certify that I have delivered via U.S. Mail the document to the following  
19 non CM/ECF participants:

20 N/A

21 I declare under penalty of perjury under the laws of the State of Washington  
22 that the foregoing is true and correct.

23 DATED: June 7, 2011 at Seattle, Washington.

24 /s/ Heidi M. Powell  
Heidi M. Powell