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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STATE OF WASHINGTON ,

Plaintiff,

No.: CV04-2171RSM

v.

DEFENDANT MD&I CORPORATION
AND MIN HUI ZHAO'S ANSWER TO
PLAINTIFF'S COMPLAINT

AVTECH DIRECT, also doing business as
AVTECH COMPUTERS and
EDUCATIONAL PURCHASING
SERVICES; ARLENE SEDIQZAD, also
known as ARLENE HUNZIKER, manager of
AVTECH DIRECT, individually and on
behalf of her marital community, and GARY
HUNZIKER, a manager of AVTECH
DIRECT, individually and on behalf of his
marital community; MD&I
CORPORATION; and MIN HUI ZHAO, also
known as MICHAEL ZHAO, individually,
and on behalf of his marital community,

Defendants.

Defendants MD&I Corporation and Min Hui Zhao, aka Michael Zhao (hereinafter collectively as "Defendants"), hereby answers Plaintiff State of Washington's Complaint For Relief Under the CAN-SPAN Act, the Washington Commercial Electronic Mail Act, and the Washington Consumer Protection Act (hereinafter "Complaint") as follows.

1 1. Answering Paragraphs 1, 2, and 3 of the Complaint, Defendants deny any
2 violation of the statutes and authorities under which Plaintiff brought this lawsuit; and further
3 deny any wrong-doing or culpability under the same statutes and authorities.

4 2. Answering Paragraphs 4 and 5 of the Complaint, Defendants admit that this
5 Court has jurisdiction over this litigation and venue is proper.

6 3. Answering Paragraph 6 of the Complaint, Defendants acknowledge the
7 existence of the federal and state statutes stated therein; but deny any further allegations
8 pertaining to Plaintiff's authority to sue under the statutes and Defendants' liability.

9 4. Answering Paragraphs 7, 8, and 9 of the Complaint, Defendants deny the same
10 for lack of sufficient factual information to either deny or admit.

11 5. Answering Paragraphs 10 and 11 of the Complaint, Defendants admit that
12 MD&I Corporation's principal place of business is in the State of California and that Min
13 Hui Zhao, aka Michael Zhao, is an officer of MD&I Corporation who resides in California;
14 but deny the balance of the allegations contained therein.

15 6. Answering Paragraph 12 of the Complaint, Defendants deny the same for lack
16 of sufficient factual information to either deny or admit.

17 7. Answering Paragraph 13 of the Complaint, Defendants deny any liability or
18 culpability expressed or implied by Plaintiff in the allegations contained therein.

19 8. Answering Paragraphs 14, 15, 16, and 17 of the Complaint, Defendants deny
20 the same for lack of sufficient factual information to either deny or admit.

21 9. Answering Paragraphs 18 and 19 of the Complaint, Defendants deny the same
22 for lack of sufficient factual information to either deny or admit.

23 10. Answering Paragraphs 20 and 21 of the Complaint, Defendants deny the same
24 for lack of sufficient factual information to either deny or admit.

25 11. Answering Paragraphs 22 and 23 of the Complaint, Defendants deny the same
26 for lack of sufficient factual information to either deny or admit.

 12. Answering Paragraphs 24 and 25 of the Complaint, Defendants deny the same
for lack of sufficient information to either deny or admit.

 13. Answering Paragraphs 26 and 27 of the Complaint, Defendants deny the same
for lack of sufficient information to either deny or admit.

1 14. Answering Paragraphs 28, 29 and 30 of the Complaint, Defendants deny the
2 same for lack of sufficient information to either deny or admit.

3 15. Answering Paragraphs 31, 32, and 33 of the Complaint, Defendants deny the
4 same in objecting to Plaintiff's interpretation and understanding of the statutes.

5 **AFFIRMATIVE DEFENSES**

6 By way of further answering Plaintiff's Complaint, Defendants allege Affirmative
7 Defenses as follows:

8 16. Plaintiff fails to state a claim on which relief may be granted.

9 17. Plaintiff lacks standing to raise one or more claims.

10 18. Plaintiff fails to join necessary parties.

11 19. Plaintiff is barred by the applicable statute of limitation, laches and estoppel.

12 20. Plaintiff lacks clean hands.

13 21. Plaintiff has no provable damage or has been made whole for any damage it
14 may have sustained.

15 22. Plaintiff has sued a party which is not involved in the factual allegations which
16 form a basis for this litigation.

17 23. Plaintiff fails to meet certain requirements under the statutes and authority on
18 which this lawsuit relied.

19 NOW WHEREFORE, Defendants MD&I Corporation and Min Hui Zhao, aka
20 Michael Zhao, pray for relief as follows:

21 A. This Court enters an order dismissing Plaintiff's lawsuit;

22 B. This Court renders judgment in Defendants' favor;

23 C. This Court awards Defendants reasonable attorney's fees and costs in
24 defending this lawsuit; and

25 D. This Court grants Defendants such other relief as the Court deems just and
26 equitable.

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1 DATED: February 1, 2005
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4 BULLIVANT HOUSER BAILEY PC

5
6 /s/ Gordon J. Liu

Gordon J. Liu

E-mail: gordon.liu@bullivant.com

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8 Attorneys for MD&I Corporation and Min Hui
Zhao

BULLIVANT HOUSER BAILEY PC

1601 Fifth Avenue, Suite 2300

Seattle, Washington 98101-1618

Telephone: 206.292.8930

Facsimile: 206.386.5130
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CERTIFICATE OF SERVICE[LF1]

I hereby certify that on February 1, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the person listed below:

Name: Paula Selis, WSBA #12823
Address: Office of the Attorney General
900 4th Ave., Ste. 2000
Seattle, WA 98164
Attorney for: State of Washington, Plaintiff

Name: Bradley P. Scarp, WSBA #21453
Address: 1218 Third Avenue, Ste. 2700
Seattle, WA 98101
Attorney for: Avtech Direct, Arlene
Sediqzad and Gary Hunziker, Defendants

BULLIVANT HOUSER BAILEY PC

By: /s/Amy K. West
Amy K. West
amy.west@bullivant.com

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