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KING COUNTY
SUPERIOR COURT CLERK
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CASE NUMBER: 12-2-21829-3 SEA

THE HONORABLE CAROL SCHAPIRA
MOTION NOTED WITHOUT ORAL ARGUMENT ON JULY 27, 2012

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

GEOFF TATE and SUSAN TATE, a married
couple,

Plaintiffs,

v.

EDDIE JACKSON and TERESA GOLDEN-
JACKSON, a married couple; SCOTT
ROCKENFIELD and MISTY
ROCKENFIELD, a married couple;
MICHAEL WILTON and KERRIE LYNN
WILTON, a married couple; TRI-RYCHE,
CORPORATION, a Washington corporation;
QUEENSRYCHE MERCHANDISING, INC.,
a Washington corporation; and MELODISC
LTD., a Washington corporation,

Defendants.

Case No. 12-2-21829-3 SEA

PLAINTIFFS' MEMORANDUM IN
SUPPORT OF MOTION FOR DEFAULT
AGAINST DEFENDANTS JACKSON,
GOLDEN-JACKSON, THE
ROCKENFIELDS, AND THE WILTONS

PLAINTIFFS' MEMORANDUM IN SUPPORT
OF MOTION FOR DEFAULT AGAINST
DEFENDANTS JACKSON, GOLDEN-
JACKSON, THE ROCKENFIELDS, AND THE
WILTONS

1 **I. Relief Requested**

2 Plaintiffs respectfully request the Court enter an Order of Default against Scott and Misty
3 Rockenfield, Michael and Kerrie Lynn Wilton, Eddie Jackson, and Teresa Golden-Jackson
4 (collectively, the “Defendants”) because they did not Answer the Complaint within twenty (20)
5 days, despite being reminded to do so by the Tates.

6 **II. Statement of Facts**

7 The Tates filed the Summons and Complaint with the Court on June 22, 2012. The
8 Wiltons were personally served the Summons and Complaint on June 22, 2012 at 6:34 p.m. See
9 Docket #12. The Rockenfields were personally served the Summons and Complaint on June 23,
10 2012 at 9:13 a.m. See Docket #13. Eddie Jackson and Teresa Golden-Jackson (collectively, the
11 “Jacksons”) were personally served the Summons and Complaint on June 24, 2012 at 3:03 p.m.
12 See Docket #14.

13 Under Civil Rule 12(a)(1), the Defendants must serve their Answer within twenty (20)
14 days after service of the Complaint. July 16, 2012 was twenty (20) days after the Jacksons, the
15 last of the individual defendants to be served, received the Complaint. Declaration of Denver
16 Gant ¶ 2. On July 17, the Tates’ counsel, Denver Gant, sent a letter to the Defendants’ counsel,
17 Mr. Thomas Osinski, Jr., to remind him that the Defendants’ Answer was due on July 16. *Id.* at
18 Ex. A. Mr. Osinski did not respond to the letter nor have the Defendants filed an Answer.

19 **III. Statement of Issues**

20 Should the Court enter an Order of Default where the Defendants have not filed their
21 Answer to the Complaint within 20 days, despite being reminded to do so by the Plaintiffs?

22 **IV. Evidence Relied Upon**

23 The Civil Rules and the Declaration of Denver Gant.

24 **V. Authority**

25 Venue is proper in King County, pursuant to RCW 4.12.025, because a majority of the
26 defendants to the lawsuit either reside in King County or conduct business in King County and,

1 pursuant to RCW 23B.14.310(1), because the registered agent for Tri-Ryche Corp., Queensryche
2 Merchandising, Inc., and Melodisc Ltd., resides in King County.

3 Civil Rule 12(a)(1) requires defendants to serve an Answer within twenty (20) days after
4 the service of the Summons and Complaint. If the defendant does not comply with this rule,
5 Civil Rule 55(a)(1) allows for the plaintiff to file a Motion for Default.

6 The Jacksons were the last of the individual defendants to be personally served the
7 Summons and Complaint. The Jacksons were served on June 24, 2012, and July 16, 2012 was
8 twenty days from that date. On July 17, Mr. Gant notified Mr. Osinski that the Defendants'
9 Answer was due on July 16. Mr. Osinski did not respond to this letter. The Defendants have not
10 filed an Answer, despite being reminded that it was past due.

11 **VI. Conclusion**

12 Defendants, despite being reminded that the Answer was already late, have not filed an
13 Answer. The Answer was due on July 16, 2012. Today is July 19, 2012. The Tates respectfully
14 request that Court grants the Motion for Default and enters an Order of Default.

15 Dated this 19th day of July, 2012.

16 Respectfully submitted,

17 VERIS LAW GROUP PLLC

18 /s/ Denver R. Gant

19 Benjamin J. Stone, WSBA No. 33436
20 Joshua C. Brower, WSBA No. 25092
21 Denver R. Gant, WSBA No. 38552
22 Attorneys for Plaintiffs
23 Geoff Tate and Susan Tate

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