

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

AMERICAN EXPRESS BANK, FSB,

Plaintiff,

vs.

PAUL STICKNEY,

Defendant

Case No.: 13-2-17465-1 SEA

PLAINTIFF'S MOTION TO STRIKE PORTION OF  
DEFENDANT'S ANSWER

Plaintiff files this motion, and requests that the court enter an order striking portion of Defendant's answer and defenses in this matter.

1. Plaintiff files this motion to strike in the above case pursuant to Washington Rules of Civil Procedure 12(f).

2. Upon motion by Plaintiff, the court can strike any insufficient defense or portions of any pleading that is insufficient or redundant, immaterial, impertinent, or scandalous. W.R.C.P. 12(f).

3. Defendant's answer is insufficient based on W.R.C.P. 8(b), whereby defenses to claims shall be stated in short and plain terms and admit or deny the averments upon which the adverse party relies.

4. Plaintiff further wishes to strike the immaterial or impertinent portions of her Answer, as indicated by the strike-outs in the attached copy of defendant's answer.

5. Plaintiff wishes to strike all portions of Defendant's Answer such as: I. Relief Granted, II. Issues, III. Facts, IV. Underlying Case Magnitude, V. Providing Innocence Process, VI. Ability to Increase Business, as indicated by the strike-outs in the attached

1 copy of the defendant's answer. Any reliance on the Defendant's prior Case against  
2 himself , either in answer or defense, is insufficient for the following reasons:

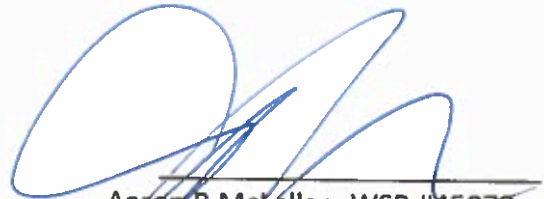
3 5. Plaintiff further wishes to strike the immaterial or impertinent portions of her  
4 Answer, as indicated by the strike-outs in the attached copy of defendant's answer.

5 Based on the foregoing, Defendant's portions of Defendant's answer and defenses are  
6 insufficient because they are immaterial and impertinent, and defenses are insufficient. See  
7 Defendant's Answer, attached hereto as Exhibit A.

8  
9 WHEREFORE, Plaintiff requests that the court enter an order striking portions of  
10 Defendant's Answer.

11 DATE:

12 JUL 17 2013



14 Aaron R. McLellan, WSB #45072  
15 Zwicker & Associates, P.C  
16 A Law Firm Engaged In Debt  
17 Collection

18 **DECLARATION OF MAILING**

19 I hereby certify, under penalty of perjury of the laws of the State of Washington, that a  
20 copy of the forgoing was provided to the Defendant, by placing in the mail in Milwaukie,  
21 Oregon, a true and correct copy, addressed to the Defendant at the below address, postage  
22 prepaid, on this date: JUL 17 2013

23 Paul Stickney  
24 16402 NE 105th PL  
25 Redmond WA 98052

26 *Veronica Carranza Ext. 227*  
  
27 LITIGATION ASSISTANT

**COPY**

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

No. 13-2-17465-1 SEA

**SUPPLEMENTAL RESPONSE  
AND EXHIBITS**

American Express Bank, FSB  
Plaintiff

vs.

Paul Stickney,  
Defendant

**COPY**

Supplemental Response and Exhibits

Paul Stickney, Pro Se  
16402 NE 105<sup>th</sup> Place  
Redmond, WA, 98052  
Telephone (425) 289-0250  
Facsimile (425) 885-5244

- A. On March 13, 2013, at about 1:30PM, before this case was filed in Superior Court, I was served by hand delivery a Summons and Complaint, (Exhibit 1, page A)
- B. On April 2, 2013, I mailed by regular mail and Certified Mail Receipt Requested, a 21 page written response to Zwicker and Associates, PC (Exhibit 1, pages B, C, D, E)
- C. Zwicker and Associates filed on April 13, 2013 in Superior Court this case, 13-2-17465-1 SEA. (Exhibit 1, Pages M, N).
- D. On May 3 2013, I received by mail a manila envelope; post marked May 1, 2013, from Zwicker and Associates PC. I was not aware that the case had been filed in Superior Court until then. (Exhibit 1, pages F, G, H, I, J, K, L)
- E. This document and related exhibits supplement the defense and response in writing, as mentioned in Par (B) above.
- F. I do not contest that I owe American Express some money.
- G. I cannot attest to or deny the amount that they claim I owe.

**I. Relief Requested.**

- 1.1 I am requesting a stay in collection activity for one year, with no further interest to accrue to the amount I owe, and to make no payments during this one year period while I attempt to turn my real estate business around.

**II. Issues.**

- 2.1 ~~My inability to earn an income is the fundamental problem.~~
- 2.2 ~~I am under a severe hardship, which has reduced my income to about 25% of my previous levels. This is due to massive and unjust, Internet attacks on my name, reputation, character and image - for things I did not do.~~
- 2.3 ~~When potential clients do an on-line search for "Paul Stickney Windermere", here is an example of those first page results. (Exhibit 2 attached).~~
- 2.4 ~~Besides finding damaging on-line search results, my clients are being mailed documents about the King County Superior Court Case 06-2-24906-2 SEA, and encouraging them to visit [www.windermerewatch.com](http://www.windermerewatch.com).~~

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~~2.5 My situation is highly unusual and merits my request for relief.~~

### III. Facts.

~~3.1 I have had to endure an extremely difficult situation during the past seven years.~~

~~3.2 Although innocent, I was found guilty of things I never did, by a jury that did not hear the other sides of the story at trial (Exhibit 3 - pages 1 to 18). Further, to add insult to injury, the on-line attacks have become supported by judicial credibility.~~

~~3.3 I have been a full time residential real estate agent since 1977, and have worked for more than 1,500 clients during this time.~~

~~3.4 My track record is exemplary, and I have to my knowledge not had a single complaint against me from any of my clients, other than the plaintiffs in the above court case.~~

~~3.5 I have closed an average of 50 transactions each year from 1977 to 2006. From 2009 to the present, I have only been able to close about twelve transactions a year.~~

~~3.6 The plaintiffs in the above case accused me of conflict of interest. The central parts of their case were motive, harm and gain. They claimed that my motives were "bad", that I personally "gained" and that they were "harmed". The complete opposite was true.~~

~~3.7 This nightmare was not just a bad experience that I could leave behind me. It is still all over the Internet, with attacks on my name, character and reputation increasing rather than decreasing. And worst of all, there seems to be no end in sight.~~

~~3.8 I am now behind on my house payments, I owe money to the IRS, and I have four other debts that are in arrears. I have been paying on the debts until I could pay no more. This ordeal has exhausted my assets and I am barely hanging on.~~

~~3.9 The only solution left to me, is to increase my transaction volume, and the only way to accomplish that, in light of 2.3 and 2.4 above, is to prove my innocence.~~

### IV. Underlying Case Magnitude

~~4.1 The King County Superior Court Case 06-2-24906-2 SEA began in April of 2006 and ended in November of 2011, a period of five years and seven months.~~

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- ~~4.2 The jury trial was originally set for January of 2008, but two extensions postponed the trial for 10 months, until October of 2008.~~
- ~~4.3 At trial, the plaintiffs presented their case, spanning a six-day period. The plaintiffs called numerous expert and lay witnesses, and submitted dozens of exhibits for the 12-person jury to consider and evaluate.~~
- ~~4.4 On the advise of my attorneys, I attended the trial only about one third of the time.~~
- ~~4.5 After the plaintiffs used over six days to present their case, the defense attorneys only called one of the two plaintiffs for about a half hour and then rested their case.~~
- ~~4.6 For reasons of their own, my attorneys did not call even one friendly witness, and no expert witnesses in order to counter the plaintiffs' experts, nor did they present any documents to the jury when they argued my defense.~~
- ~~4.7 After about one day of deliberations, the jury, based on only one side of the story, returned a guilty verdict against Windermere and me. (Exhibit 3, pages 1 to 18)~~
- ~~4.8 The trial court's ruling was appealed in January 2009, and the appeal process went on until November of 2010, a period of twenty-two months, when the Court of Appeals issued an opinion in favor of the plaintiffs.~~
- ~~4.9 A petition for review of the Court of Appeals opinion and other issues were delivered to the Supreme Court of Washington State in January of 2011. The Supreme Court issued it's Order on Motions in August of 2011, an eight months' process and denied review of this case.~~
- ~~4.10 The judgement was paid and satisfied in November 2011.~~
- ~~4.11 During the legal process, from mid 2006 through late 2011, there were massive, negative on-line stories about me, which harmed my good name and reputation.~~
- ~~4.12 With the plaintiff's having been paid over one million dollars for things I did not do, the key question was about to be answered. Would the payment satisfy the plaintiffs, and would they take all their stories about me off the Internet?~~
- ~~4.13 The answer was "No." The negative, on-line stories did not go away, instead they were intensified.~~

- 4.14 ~~My biggest fear had come true. An innocent man convicted by a jury for things he did not do based on only one side of a three sided story, supported by judicial credibility and all of it being made very public.~~
- 4.15 ~~The on-line stories have not remained static from November 2011 to the present. Instead of remaining the same or becoming less and less, they are intensifying. As a matter of fact, this current lawsuit (13-2-17465-1 SEA) was added as a marquee story on www.windmerewatch.com just this month of May 2013.~~
- 4.16 ~~Based on the above, what are my options? The only answer is to prove my innocence.~~

## V. Proving Innocence Process

- 5.1 ~~My quest to prove innocence began with me reading the trial transcripts for the first time in December of 2011, after I found that the negative on-line stories about me were not being taken off the Internet, despite the legal process being over.~~
- 5.2 ~~The six days of trial to study consisted of over 850 pages of text. I have read the trial documents several times since, and have a comprehensive understanding of the story that the plaintiffs told, and also the stories that were never told to the jury.~~
- 5.3 ~~Superior Court case 06-2-24906-2 SEA consisted of 467 docket items with over 6,000 pages of text. Although I do not have the experience yet to verify it, I believe this case is well above average in both number of docket items and pages of text.~~
- 5.4 ~~From January of 2012 to the present, I have read and studied about two-thirds of the 06-2-24906-2 SEA case docket, and I have about one-third left to assimilate.~~
- 5.5 ~~This has turned into a gargantuan task, one I never expected to have to do.~~
- 5.6 ~~With the body of knowledge and evidence that I have obtained from my "proving innocence" studies so far, I have just recently reached a point where I finally know how to approach clients about the damaging on-line stories about me.~~

## VI. Ability to Increase Business.

- 6.1 ~~My income from 2007 to the present has been reduced to about 25% of my past levels due to the massive, unjust Internet attacks on my name, reputation, character and image.~~

~~6.2 Market condition has had no effect on my volume from 1977 to 2006, when I averaged about 50 transactions each year. From 2007 on, I have averaged about 12 transactions a year.~~

~~6.3 I sold real estate in Missoula, Montana from 1977 to 1985. My family moved to Billings in 1986 to be closer to relatives, and stayed there until the mid-1990, when we decided to move to the Seattle area, where we have stayed ever since.~~

~~6.4 I have gone through three prior, major, real estate downturns in my career:  
- 1979 to 1982 in Missoula Montana - when interest rates rose to 16%.  
- 1986 to 1988 in Billings Montana - oil price meltdown and energy jobs lost  
- 1990 to 1992 in Seattle - because of price correction after massive run-up during the 1987 through 1989 period.  
My sales volumes remained constant at 50 transactions per year during these downturns~~

~~6.5 My transaction limits are not tied to market conditions, but rather to qualitatively above average outcome for my clients. Keeping client outcome high is my primary goal. For me, I found that four transactions in a month was the threshold. In other words, if I did more than the four transactions each month, the outcome for all clients would diminish, which is not acceptable to me.~~

~~6.6 The real estate bubble corrections from mid 2007 through 2011 were not what caused my transactions volume to decrease from four transactions a month to one. Rather, the on-line attacks on my good name and reputation were the cause.~~

~~6.7 I have the skills and experience to handle more than one transaction a month. That is not the issue. From mid 2006 to very recently I was trapped. I did not know how to reach out to past or future clients about this awkward and difficult situation.~~

~~6.8 I can now begin to increase my real estate transaction volume, despite negative on-line media, with the evidence I have acquired from my "proving innocence" quest.~~

## VII. Conclusions

7.1 My hardship is unique and extreme. It is not a "typical" occurrence.

7.2 I am willing to make my best effort to be successful at increasing my business, which will enable me to make payments again and satisfy this debt, and others.

7.3 What I need is time.

Supplemental Response and Exhibits

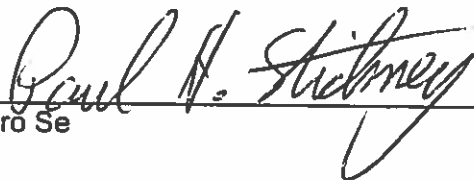
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7.4 If the court has the authority to do so, I am asking for a one year stay in collection attempts, no interest to accrue and no payments. If the court does not have this authority, then, in the alternative, I request the court to ask and encourage American Express to agree to the relief requested in this paragraph.

Dated this 14<sup>th</sup> of May, 2013

Paul H. Stickney

  
Pro Se