

HONORABLE THOMAS O. RICE

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Attorneys for Defendant Grant County

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

TOM WATERS, an individual,

Plaintiff,

vs.

GRANT COUNTY, a political
subdivision of the State of
Washington,

Defendant.

Case No. 1:25-cv-03218-TOR

DEFENDANT'S ANSWER TO
PLAINTIFF'S SECOND
AMENDED COMPLAINT

AND DEMAND FOR JURY

COMES NOW Defendant Grant County, by and through its attorney of
record, Michael E. McFarland, Jr., of Evans, Craven & Lackie, P.S., and enters
this Answer to Plaintiff's Second Amended Complaint for Damages as follows:

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I. INTRODUCTION

The allegations contained in the Introduction of Plaintiff's Second Amended Complaint consist of a characterization of claims and legal conclusions, rather than discrete factual allegations. As such, no response is deemed necessary. To the extent a response is deemed necessary, Defendant denies all allegations of liability that may be contained in the introduction of Plaintiff's Amended Complaint.

II. PARTIES

1. Defendant Grant County is without sufficient information to admit or deny the assertions contained in Paragraph No. 1 of Plaintiff's Second Amended Complaint and therefore denies the same.

2. Defendant admits it is a government entity, organized and existing under the laws of the State of Washington. The operation and maintenance of the Grant County Juvenile Detention Facility is a legal conclusion to which no response is deemed necessary. To the extent a response is deemed necessary, Defendant Grant County submits that for the reasons identified in the matter of Snohomish County and Pierce County v. State of Washington, Thurston County Cause No. 26-2-04503-34, the Grant County Juvenile Detention Facility was a branch of the State of Washington.

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III. JURISDICTION AND VENUE

3. Defendant admits that the Federal District Court has jurisdiction over this lawsuit and the matter has been properly removed from the Yakima County Superior Court.

4. Defendant admits it received a Tort Claim Notice more than sixty days before Plaintiff filed his Amended Complaint.

5. Defendant admits that the Eastern District of Washington is the proper venue for this matter because the events giving rise to this lawsuit are alleged to have occurred within the Eastern District of Washington.

6. Defendant admits.

IV. FACTS

7. Defendant admits that Plaintiff was arrested for malicious mischief when he was seventeen years old. Defendant further admits that the Plaintiff was booked into the Grant County Juvenile Detention Facility on April 4, 2013.

8. Defendant denies.

9. Defendant denies.

10. Defendant denies.

11. Defendant denies.

12. Defendant denies.

1 13. Defendant denies.

2 14. Defendant denies.

3 15. Defendant denies.

4 16. Defendant denies.

5 17. Defendant denies.

6 18. Defendant admits that Plaintiff was originally released on April 4,
7 2013. Plaintiff was then rebooked on April 29, 2013 and released on May 9, 2013.

8 19. Defendant admits.

9 20. Defendant is without sufficient information to admit or deny the
10 allegations contained in Paragraph No. 20 and therefore denies the same.
11 Defendant denies all allegations of liability that may be contained in Paragraph
12 No. 20 of Plaintiff's Amended Complaint.

13 21. Defendant is without sufficient information to admit or deny the
14 allegations contained in Paragraph No. 21 and therefore denies the same.

15 22. Defendant is without sufficient information to admit or deny the
16 allegations contained in Paragraph No. 22 and therefore denies the same.
17 Defendant denies all allegations of liability that may be contained in Paragraph
18 No. 22 of Plaintiff's Amended Complaint.

19 23. Defendant denies.

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1 24. Defendant admits.

2 25. Defendant admits.

3 26. Defendant denies.

4 27. Defendant denies.

5 28. Defendant denies.

6 29. Defendant denies implementing any unlawful policies, practices, and
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10 customs. Defendant is without sufficient information to admit or deny the
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12 remaining allegations contained in Paragraph No. 29. Defendant denies all
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14 allegations of liability that may be contained in Paragraph No. 29 of Plaintiff's
15 Amended Complaint

16 30. The assertions contained in Paragraph No. 30 consist of legal
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18 conclusions rather than discrete factual allegations. As such, no response is
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20 deemed necessary. To the extent a response is deemed necessary, Defendant
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22 denies all allegations of liability that may be contained in Paragraph No. 30.

23 **V. CAUSES OF ACTION**

24 **COUNT ONE** 25 **Negligence**

26 31. Defendant re-alleges its responses as if set forth fully herein.
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32. The assertions contained in Paragraph No. 32 consist of legal conclusions rather than discrete factual allegations. As such, no response is deemed necessary. To the extent a response is deemed necessary, Defendant denies all allegations of liability that may be contained in Paragraph No. 25.

33. The assertions contained in Paragraph No. 26 consist of legal conclusions rather than discrete factual allegations. As such, no response is deemed necessary. To the extent a response is deemed necessary, Defendant denies all allegations of liability that may be contained in Paragraph No. 26.

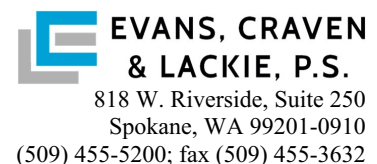
34. Defendant denies breaching any duty. The remaining assertions contained in Paragraph No. 27 consist of legal conclusions and a characterization of claims rather than discrete factual allegations. As such, no response is deemed necessary. To the extent a response is deemed necessary, Defendant denies all allegations of liability that may be contained in Paragraph No. 27.

COUNT TWO
Violation of Civil Rights (42 U.S.C. § 1983 –Fourteenth Amendment)

35. Defendant re-alleges its responses as if set forth fully herein.

36. Defendant denies that Plaintiff was sexually abused by any employees of the Juvenile Detention Center. The remaining assertions contained in Paragraph No. 36 consist of legal conclusions rather than discrete factual

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1 allegations. As such, no response is deemed necessary. To the extent a response is
2 deemed necessary, Defendant denies all allegations of liability that may be
3 contained in Paragraph No. 36.
4

5 37. Defendant denies.
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7 38. Defendant denies.
8

9 39. Defendant denies.
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11 40. Defendant denies.
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13 41. Defendant denies any violation of the Eighth Amendment of the
14 Constitution.
15

16 42. Defendant denies that Plaintiff was sexually abused by any
17 employees of the Juvenile Detention Center. The remaining assertions contained
18 in Paragraph No. 42 consist of legal conclusions rather than discrete factual
19 allegations. As such, no response is deemed necessary. To the extent a response is
20 deemed necessary, Defendant denies all allegations of liability that may be
21 contained in Paragraph No. 42.
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23 VI. PRAYER FOR RELIEF 24

25 The remainder of Plaintiff's Amended Complaint contains a prayer for
26 relief to which no response is required. Insofar as the remainder of Plaintiff's
27 Amended Complaint requires a response, Defendant denies all allegations of
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1 liability, and therefore denies that Plaintiff is entitled to any relief from Defendant.

2 To the extent any allegation in Plaintiff's Amended Complaint has not
3 heretofore been met with an admission, or a lack of information claimed, such
4 allegations are denied.
5

6 **VII. TRIAL BY JURY**

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8 In accordance with Fed. R. Civ. P. 38 and pursuant to the Seventh
9 Amendment, Defendant hereby demands this matter appear before a jury.
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11 **AFFIRMATIVE DEFENSES**

12 Defendant Grant County hereby asserts the following affirmative defenses:

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14 1. Discovery may reveal that Plaintiff's claimed damages, if any, were
15 caused by persons or entities over whom Defendant had no control or right to
16 control, including but not limited to the State of Washington.
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19 2. Discovery may reveal that Plaintiff has failed to mitigate his
20 damages, if any.
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22 3. Plaintiff's damages, if any, are the result of the intentional conduct of
23 a third party, entitling Grant County to a *Tegman/Rollins/Tisdale* jury instruction.
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25 4. Plaintiff's claims are barred by the applicable statute of limitations.

26 5. Plaintiff's claims are barred by the doctrine of laches.
27
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6. Based upon the allegations of Plaintiff's Second Amended Complaint, non-party State of Washington is liable for Plaintiff's claimed injuries and damages.

7. Defendant reserves the right to supplement, strike, or amend the forgoing list of affirmative defenses in keeping with the course of discovery.

GRANT COUNTY'S PRAYER FOR RELIEF

WHEREFORE, having fully answered Plaintiff's Amended Complaint, Grant County requests judgment be entered against Plaintiff as follows:

1. Judgment dismissing Plaintiff's Amended Complaint with prejudice;
2. Reasonable attorneys' fees and costs; and
3. For such other and further relief as the Court deems equitable.

DATED this 20th day of August 2026.

EVANS, CRAVEN & LACKIE, P.S.

By: s/ Michael E. McFarland, Jr.
MICHAEL E. McFARLAND, JR., #23000
NEAL J. PETERS, WSBA #52511
Attorneys for Defendant Grant County

CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2026, 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 following:

Counsel for Plaintiff

Gregory Albert

Timothy Rosewell

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s/ Michael E. McFarland, Jr.
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