

1 NICHOLAS RANALLO (WASB No.: 51439)
RANALLO LAW OFFICE
2 5058 57th Avenue S
Seattle, WA 98118
3 Telephone: (831) 607-9229
4 Email: nick@ranallolawoffice.com

5 BRIAN H GETZ (CA Bar No.: 85593)
LAW OFFICES OF BRIAN H GETZ
6 *PRO HAC VICE*
90 New Montgomery Street, Suite 1250
7 San Francisco, CA 94105
8 Telephone: (415) 912-5886
Email: brian@briangetzlaw.com

9 PETRA M. REINECKE (CA Bar No. 154482)
LAW OFFICES OF PETRA M. REINECKE
10 *PRO HAC VICE*
90 New Montgomery Street, Suite 1250
11 San Francisco, CA 94105
12 Telephone: (415) 591-1102
13 Email: pmrlawoffices@gmail.com

14 Attorneys for Defendant NICHOLAS MINOR

15
16 **UNITED STATES DISTRICT COURT**
17 **WESTERN DISTRICT OF WASHINGTON**
18

19 BUNGIE, INC.,

20 Plaintiff,

21 v.

22 NICHOLAS MINOR a/k/a “LORD
23 NAZO”,

24 Defendant.

Case No.: 2:22-cv-371-MJP

**DEFENDANT’S ANSWER TO FIRST
AMENDED COMPLAINT**

25
26 Defendant Nicholas Minor hereby answers the First Amended Complaint (“Complaint”)
27 filed by Plaintiff and admits, denies and avers as follows:

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INTRODUCTION

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- 1. Defendant denies the allegations of this paragraph concerning his conduct and intent.
- 2. This paragraph contains no allegations against Defendant and no response thereto is necessary. To the extent that a response could be deemed necessary, Defendant responds that he lacks sufficient knowledge to admit or deny the allegations of this paragraph.
- 3. Based on information and belief, Defendant admits the allegations of this paragraph.
- 4. This paragraph contains no allegations against Defendant and no response thereto is necessary. To the extent that a response could be deemed necessary, Defendant responds that he lacks sufficient knowledge to admit or deny the allegations of this paragraph.
- 5-11. Defendant denies the allegations of these paragraphs.
- 12. This paragraph contains no allegations against Defendant and no response thereto is necessary. To the extent that a response could be deemed necessary, Defendant responds that he lacks sufficient knowledge to admit or deny the allegations of this paragraph.

PARTIES

- 13. This paragraph contains no allegations against Defendant and no response thereto is necessary. To the extent that a response could be deemed necessary, Defendant responds that he lacks sufficient knowledge to admit or deny the allegations of this paragraph.
- 14. Defendant admits the allegations of this paragraph.

JURISDICTION AND VENUE

15-18. Defendant lacks sufficient knowledge to respond to the allegations of these paragraphs and, on that basis, denies each and every allegation therein.

BACKGROUND

- 19-40. These paragraphs contain no allegations against Defendant and no response thereto is necessary. To the extent that a response could be deemed necessary, Defendant responds that he lacks sufficient knowledge to admit or deny the allegations of these paragraphs.
- 41. Defendant lacks sufficient knowledge to respond to the allegations of this paragraph and, on that basis, denies each and every allegation therein.
- 42. Based on information and belief, Defendant admits the allegations of this paragraph.

1 43-45. Defendant denies the allegations of these paragraphs.

2 46-47. Based on information and belief, Defendant admits the allegations of these
3 paragraphs.

4 48. This paragraph contains no allegations against Defendant and no response thereto is
5 necessary. To the extent that a response could be deemed necessary, Defendant responds that he
6 lacks sufficient knowledge to admit or deny the allegations of this paragraph and, on that basis,
7 denies the allegations thereof.

8 49. Defendant lacks sufficient knowledge to respond to the allegations of this paragraph
9 and, on that basis, denies each and every allegation therein.

10 50. Based on information and belief, Defendant admits the allegations of this paragraph.

11 51. Defendant lacks sufficient knowledge to respond to the allegations of this paragraph
12 and, on that basis, denies each and every allegation therein.

13 52. Based on information and belief, Defendant admits the allegations of this paragraph.

14 53. Defendant lacks sufficient knowledge to respond to the allegations of this paragraph
15 and, on that basis, denies each and every allegation therein.

16 54-55. Based on information and belief, Defendant admits the allegations of these
17 paragraphs.

18 56. Defendant lacks sufficient knowledge to respond to the allegations of this paragraph
19 and, on that basis, denies each and every allegation therein.

20 57-74. Defendant denies the allegations of these paragraphs.

21 75. Based on information and belief, Defendant admits the allegations of this paragraph.

22 76-82. These paragraphs contain no allegations against Defendant and no response thereto is
23 necessary. To the extent that a response could be deemed necessary, Defendant responds that he
24 lacks sufficient knowledge to admit or deny the allegations of these paragraphs and, on that basis,
25 denies the allegations thereof.

26 83-84. Defendant denies the allegations of these paragraphs.

27 85-86. Based on information and belief, Defendant admits the allegations of these
28 paragraphs.

- 1 87. Defendant denies the allegations of this paragraph.
- 2 88. Based on information and belief, Defendant admits the allegations of this paragraph.
- 3 89. Defendant denies the allegations of this paragraph.
- 4 90. Based on information and belief, Defendant admits the allegations of this paragraph.
- 5 91. Defendant denies the allegations of this paragraph.
- 6 92. Based on information and belief, Defendant admits the allegations of this paragraph.
- 7 93. Defendant denies the allegations of this paragraph.

8 94-105. These paragraphs contain no allegations against Defendant and no response
9 thereto is necessary. To the extent that a response could be deemed necessary, Defendant responds
10 that he lacks sufficient knowledge to admit or deny the allegations of these paragraphs and, on that
11 basis, denies the allegations thereof.

12 106-108. Defendant denies the allegations of these paragraphs.

13 109-111. These paragraphs contain no allegations against Defendant and no response
14 thereto is necessary. To the extent that a response could be deemed necessary, Defendant responds
15 that he lacks sufficient knowledge to admit or deny the allegations of these paragraphs and, on that
16 basis, denies the allegations thereof. Defendant specifically denies the allegations as to his intent or
17 motive.

18 112-121. Defendant lacks sufficient knowledge to respond to the allegations of these
19 paragraphs and, on that basis, denies each and every allegation therein.

20 122-123. Based on information and belief, Defendant admits the allegations of these
21 paragraphs.

22 124-133. Defendant lacks sufficient knowledge to respond to the allegations of these
23 paragraphs and, on that basis, denies each and every allegation therein.

24 134. Based on information and belief, Defendant admits the allegations of this paragraph.

25 135-142. Defendant lacks sufficient knowledge to respond to the allegations of these
26 paragraphs and, on that basis, denies each and every allegation therein.

27 **FIRST CAUSE OF ACTION**

28 143. Defendant restates and incorporates each and every response to the allegations of all

1 prior paragraphs.

2 144-146. Defendant lacks sufficient knowledge to respond to the allegations of these
3 paragraphs and, on that basis, denies each and every allegation therein.

4 147. Defendant denies the allegations of this paragraph.

5 148. Defendant lacks sufficient knowledge to respond to the allegations of this paragraph
6 and, on that basis, denies each and every allegation therein.

7 149-153. Defendant denies the allegations of these paragraphs.

8 **SECOND CAUSE OF ACTION**

9 154. Defendant restates and incorporates each and every response to the allegations of all
10 prior paragraphs.

11 155-158. Defendant lacks sufficient knowledge to respond to the allegations of these
12 paragraphs and, on that basis, denies each and every allegation therein.

13 159-164. Defendant denies the allegations of these paragraphs.

14 **THIRD CAUSE OF ACTION**

15 165. Defendant restates and incorporates each and every response to the allegations of all
16 prior paragraphs.

17 166-168. Defendant lacks sufficient knowledge to respond to the allegations of these
18 paragraphs and, on that basis, denies each and every allegation therein.

19 169-176. Defendant denies the allegations of these paragraphs.

20 **FOURTH CAUSE OF ACTION**

21 177. Defendant restates and incorporates each and every response to the allegations of all
22 prior paragraphs.

23 178-184. Defendant denies the allegations of these paragraphs.

24 **FIFTH CAUSE OF ACTION**

25 185. Defendant restates and incorporates each and every response to the allegations of all
26 prior paragraphs.

27 186-190. Defendant denies the allegations of these paragraphs.

28 191. This paragraph contains no allegations against Defendant and no response thereto is

1 necessary. To the extent that a response could be deemed necessary, Defendant responds that he
2 lacks sufficient knowledge to admit or deny the allegations of this paragraph and, on that basis,
3 denies the allegations thereof.

4 192-193. Defendant denies the allegations of these paragraphs.

5 **SIXTH CAUSE OF ACTION**

6 194. Defendant restates and incorporates each and every response to the allegations of all
7 prior paragraphs.

8 195-201. Defendant lacks sufficient knowledge to respond to the allegations of these
9 paragraphs and, on that basis, denies each and every allegation therein.

10 202. Defendant denies the allegations of this paragraph.

11 **JURY DEMAND**

12 Pursuant to Federal Rule of Civil Procedure 38(b), Defendant demands a trial by jury
13 as to all issues triable to a jury.

14 **RELIEF REQUESTED**

15 Defendant denies generally and specifically that Plaintiff is entitled to the relief requested by
16 the First Amended Complaint.

17 **AFFIRMATIVE DEFENSES**

18 As affirmative defenses to the First Amended Complaint, Defendant asserts:

19 **FIRST AFFIRMATIVE DEFENSE**

20 Plaintiff's First Amended Complaint fails to state any claim for relief against Defendant.

21 **SECOND AFFIRMATIVE DEFENSE**

22 Plaintiff's claims for relief are barred by the applicable statutes of limitations.

23 **THIRD AFFIRMATIVE DEFENSE**

24 Plaintiff has no standing to bring its claims.

25 **FOURTH AFFIRMATIVE DEFENSE**

26 Defendant was not the proximate cause of the damages sustained by Plaintiff, if any.

27 **FIFTH AFFIRMATIVE DEFENSE**

28 Defendant did not have any duty to Plaintiff.

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SIXTH AFFIRMATIVE DEFENSE

Defendant at all times acted without any intent to injure Plaintiff, and without any reasonable expectation that his actions would impact Plaintiff.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff is not entitled to the relief sought.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff’s damages, if any, are speculative.

NINTH AFFIRMATIVE DEFENSE

Plaintiff did not sustain any actual damages as a result of Defendant’s conduct.

TENTH AFFIRMATIVE DEFENSE

Plaintiff has failed to join indispensable parties.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiff’s damages, if any, were caused by persons other than Defendant.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiff has failed to mitigate its damages, if any.

THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiff had no contractual relationship with Defendant.

FOURTEENTH AFFIRMATIVE DEFENSE

All actions taken by Defendant were justified and taken without wrongful, unlawful, malicious or fraudulent intent.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiff’s claims are barred by res judicata and collateral estoppel.

SIXTEENTH AFFIRMATIVE DEFENSE

Plaintiff is not entitled to injunctive relief.

WHEREFORE, Defendant prays for judgment as follows:

1. That Plaintiff take nothing by its Complaint;
2. That the Complaint against Defendant be dismissed;
3. For attorneys’ fees and costs of suit; and

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4. For such other and further relief as the Court may deem proper.

Dated: September 28, 2022

Respectfully submitted,

/s/ Nicholas Ranallo
Nicholas Ranallo (WASB No. 51439)
Ranallo Law Office
5058 57th Avenue S
Seattle, WA 98118
Telephone: (831) 607-9229
Email: nick@ranallolawoffice.com

/s/ Brian H Getz
Pro hac vice
Brian H Getz (CA Bar No. 85593)
Law Office of Brian H Getz
90 New Montgomery Street, Suite 1250
San Francisco, CA 94105
Telephone: (415) 912-5886
Email: brian@briangetzlaw.com

/s/ Petra M. Reinecke
Pro hac vice
Petra M. Reinecke (CA Bar No. 154482)
Law Offices of Petra M. Reinecke
90 New Montgomery Street, Suite 1250
San Francisco, CA 94105
Telephone: (415) 591-1102
Email: pmrlawoffices@gmail.com

Attorneys for Defendant NICHOLAS MINOR