

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

STATE OF WASHINGTON,
Plaintiff,
v.
PETER G. COOK and CAROLYN Y.
COOK,
Defendants.

NO. 15-2-04345-3
ANSWER TO COMPLAINT FOR
INJUNCTIVE AND OTHER RELIEF

ANSWER

Defendants Peter G. Cook and Carolyn Y. Cook answer the allegations of the Complaint as follows:

I.

1.1 Admit that Peter G. Cook and Carolyn Y. Cook have done business as C&C Consulting (“C&C”) for approximately 10 years. Admit that Peter Cook provided consulting services regarding Medicaid and VA Aid and Attendance benefits to certain clients to assist them in applying for and obtaining such benefits. Admit that C&C charged fees that typically ranged from \$2,500 to \$5,900 per client for Peter Cook’s consulting services regarding Medicaid benefits. Admit that Carolyn Cook sold single-premium immediate annuities to some clients of C&C and received commissions on the sales. Otherwise denied.

1.2 The C&C Consulting Service Agreement, Exhibit A to the Complaint, speaks for itself. Otherwise denied.

1.3 Peter Cook’s statement speaks for itself. Otherwise denied.

1 1.4 Peter Cook's statement speaks for itself. Admit that Carolyn Cook sold single-
2 premium immediate annuities, some of which had approximately a 0% interest rate, to some
3 clients of C&C. Otherwise denied.

4 1.5 Denied.

5 **II.**

6 2.1 This allegation does not call for a response. To the extent a response is
7 required, the allegation is denied.

8 2.2 Deny that the violations of state and federal laws alleged in the Complaint
9 were committed.

10 **III.**

11 3.1 Deny that Peter Cook participated in, formulated, directed, executed,
12 controlled, or had the authority to control or participate in, or had knowledge of, the acts and
13 practices set forth in the Complaint, to the extent any such acts or practices occurred, and
14 particularly the sale of annuities or other insurance products.

15 3.2 Deny that Carolyn Cook participated in, formulated, directed, executed,
16 controlled, or had the authority to control or participate in, or had knowledge of, all of the acts
17 and practices set forth in the Complaint, to the extent any such acts or practices occurred, and
18 particularly consulting services regarding Medicaid or VA Aid and Attendance benefits or
19 services provided to clients who had no need for a Medicaid-compliant annuity.

20 3.3 Peter Cook's statement speaks for itself. Otherwise denied.

21 **IV.**

22 4.1 Admit that Peter Cook and Carolyn Cook were each engaged in trade or
23 commerce as that term is used in RCW 19.86.020. Otherwise denied.

24 **V.**

25 5.1 The state and federal laws relating to Medicaid benefits speak for themselves.
26 The Court will determine the pertinent and applicable law. Otherwise denied.

1 5.2 The state and federal laws relating to Medicaid benefits speak for themselves.
2 The Court will determine the pertinent and applicable law. Otherwise denied.

3 5.3 Admit that Peter Cook provided consulting services regarding Medicaid and
4 VA Aid and Attendance benefits to certain clients to assist them in applying for and obtaining
5 such benefits. Admit that Carolyn Cook sold single-premium immediate annuities to some
6 clients of C&C and used the trade name C&C. Deny that Carolyn Cook acted on behalf of
7 C&C Consulting Services Corp. Otherwise denied.

8 5.4 Admit that Peter Cook gathered facts from each client and assisted with
9 applications for government benefits. Otherwise denied.

10 5.5 Admit that neither Peter Cook nor Carolyn Cook has ever been a licensed
11 attorney. Admit that Peter Cook consulted attorneys regarding state and federal laws
12 applicable to Medicaid benefits over a period of more than 10 years. Affirmatively allege that
13 these attorneys typically did not charge, but Peter Cook did pay for an unknown number of
14 hours of consultation, which could have been 10 hours. Otherwise denied.

15 5.6 The Washington State Seniors' Guide to Long Term Care and Asset
16 Protection, Exhibit B to the Complaint, speaks for itself.

17 5.7 Admit that C&C promotional material did not mention VA Aid and
18 Attendance benefits. Peter Cook's statement speaks for itself. Otherwise denied.

19 5.8 The state and federal laws regarding VA Aid and Attendance benefits speak
20 for themselves. The Court will determine the pertinent and applicable law. Admit that
21 neither Peter Cook nor Carolyn Cook was an accredited VA agent or attorney. Otherwise
22 denied.

23 5.9 The C&C Consulting Service Agreement, Exhibit A to the Complaint, speaks
24 for itself. Otherwise denied.

AFFIRMATIVE DEFENSES

- 1. Plaintiff's Complaint fails to state a claim upon which relief can be granted.
- 2. Plaintiff's claims are barred under the doctrine of equitable estoppel.
- 3. Plaintiff's claims are barred under the doctrine of laches.
- 4. Plaintiff's claims are barred by the applicable statute of limitations.
- 5. Plaintiff's claims are barred under the filed-rate doctrine.

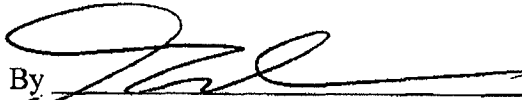
RELIEF REQUESTED

Having fully answered the Complaint and having asserted their affirmative defenses, Defendants request the following relief:

- 1. Dismissal with prejudice of all claims and causes of action asserted by Plaintiff.
- 2. An award of costs and attorneys' fees as provided for or allowed by law.
- 3. All such other relief as the Court deems just and equitable.

DATED this 17th day of July, 2015.

CARNEY BADLEY SPELLMAN, P.S.

By 

Timothy J. Parker, WSBA No. 8797
Jason W. Anderson, WSBA No. 30512
Attorneys for Defendants

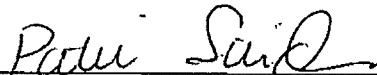
1 **CERTIFICATE OF SERVICE**

2 The undersigned certifies under penalty of perjury under the laws of the State of
3 Washington that I am an employee at Carney Badley Spellman, P.S., over the age of 18 years,
4 not a party to nor interested in the above-entitled action, and competent to be a witness herein.
5 On the date stated below, I caused to be served a true and correct copy of the foregoing
6 document on the below-listed attorney(s) of record by the method(s) noted:

7 Email and first-class United States mail, postage prepaid, to the following:

8 Jeffrey G. Rupert
9 Assistant Attorney General
10 Attorney General of Washington
11 Consumer Protection Division
12 800 Fifth Avenue, Suite 2000
13 Seattle, WA 98104-3188

14 DATED this 20th day of July, 2015.

15 
16 _____
17 Patti Salden, Legal Assistant