

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

JANE DOE and JOHN DOE, on behalf of  
themselves and all others similarly situated,  
  
Plaintiffs,  
  
v.  
  
VIRGINIA MASON MEDICAL CENTER,  
and VIRGINIA MASON HEALTH SYSTEM,  
  
Defendants.

No. 19-2-26674-1 SEA  
  
**DEFENDANTS’ ANSWER TO  
AMENDED CLASS ACTION  
COMPLAINT**

Defendants Virginia Mason Medical Center and Virginia Mason Health System (“Defendants”), by and through the undersigned attorneys submit the following Answer to Plaintiffs’ Amended Class Action Complaint (the “Complaint”). Except to the extent expressly admitted below, Defendants generally deny each and every allegation contained in the Amended Complaint, each and every purported cause of action in it, and further deny that Plaintiffs or the putative class has been damaged in the manner alleged. Because the headings, footnotes, and exhibits in and attached to the Complaint are not allegations, Defendants do not respond to them. To the extent a response to the headings, footnotes, and exhibits is necessary, Defendants deny the allegations contained in any headings, footnotes, and exhibits.

1 Throughout the Complaint, Plaintiffs regularly combine Defendants into the singular  
2 “Virginia Mason,” as though they are a single entity. Defendants deny that they are a single entity  
3 and that the actions of one Defendant should be imputed on the other. Defendant Virginia Mason  
4 Medical Center (“VMMC”) operates medical facilities in the State of Washington and maintains  
5 the website [www.virginiamason.org](http://www.virginiamason.org) that is the subject of the Complaint. Defendant Virginia  
6 Mason Health System (“VMHS”) is the sole owner of VMMC, but otherwise is not responsible  
7 for maintaining the [www.virginiamason.org](http://www.virginiamason.org) website and VMHS is not a medical provider.  
8 Accordingly, VMHS denies any allegations in the Complaint where it is grouped with VMMC as  
9 “Virginia Mason,” except as expressly stated below. To the extent Defendants answer any  
10 allegations about “Virginia Mason,” Defendants’ answer shall solely be referring to VMMC.

#### 11 **NATURE OF ACTION**

12 1. In response to paragraph 1 of the Complaint, Defendants deny the allegations.

13 2. In response to paragraph 2 of the Complaint, Defendants admit that VMMC is a  
14 health care provider that operates medical facilities in the state of Washington and maintains a  
15 website at [www.virginiamason.org](http://www.virginiamason.org). Defendants deny the remaining allegations and specifically  
16 deny that they are a single entity and that one Defendant’s actions should be imputed to the other.

17 3. In response to paragraph 3 of the Complaint, Defendants deny the allegations.  
18 Furthermore, paragraph 3 of the Complaint contains legal conclusions requiring no response.

19 4. In response to paragraph 4 of the Complaint, Defendants deny the allegations.

20 5. In response to paragraph 5 of the Complaint, Defendants deny the allegations.

#### 21 **PARTIES TO THE ACTION**

22 6. In response to paragraph 6 of the Complaint, Defendants lack information regarding  
23 the allegations and therefore deny them.



1 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
2 allegations.

3 19. In response to paragraph 19 of the Complaint, the allegations require expert analysis  
4 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
5 allegations.

6 20. In response to paragraph 20 of the Complaint, the allegations require expert analysis  
7 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
8 allegations.

9 21. In response to paragraph 21 of the Complaint, the allegations require expert analysis  
10 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
11 allegations.

12 22. In response to paragraph 22 of the Complaint, the allegations require expert analysis  
13 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
14 allegations.

15 23. In response to paragraph 23 of the Complaint, the allegations require expert analysis  
16 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
17 allegations.

18 24. In response to paragraph 24 of the Complaint, the allegations require expert analysis  
19 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
20 allegations.

21 25. In response to paragraph 25 of the Complaint, the allegations require expert analysis  
22 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
23 allegations.

1           26.     In response to paragraph 26 of the Complaint, the allegations require expert analysis  
2 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
3 allegations.

4           27.     In response to paragraph 27 of the Complaint, the allegations require expert analysis  
5 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
6 allegations.

7           28.     In response to paragraph 28 of the Complaint, Defendants admit that VMMC's  
8 website speaks for itself. Defendants deny all other allegations.

9           29.     In response to paragraph 29 of the Complaint, Defendants admit that VMMC's  
10 website speaks for itself. Defendants deny all other allegations.

11          30.     In response to paragraph 30 of the Complaint, the allegations require expert analysis  
12 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
13 allegations.

14          31.     In response to paragraph 31 of the Complaint, the allegations require expert analysis  
15 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
16 allegations.

17          32.     In response to paragraph 32 of the Complaint, the allegations require expert analysis  
18 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
19 allegations.

20          33.     In response to paragraph 33 of the Complaint, the allegations require expert analysis  
21 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
22 allegations.

23          34.     In response to paragraph 34 of the Complaint, the allegations require expert analysis

1 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
2 allegations.

3 35. In response to paragraph 35 of the Complaint, the allegations require expert analysis  
4 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
5 allegations.

6 36. In response to paragraph 36 of the Complaint, the allegations require expert analysis  
7 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
8 allegations.

9 37. In response to paragraph 37 of the Complaint, the allegations require expert analysis  
10 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
11 allegations.

12 38. In response to paragraph 38 of the Complaint, the allegations are legal conclusions  
13 requiring no response. To the extent a response is required, Defendants deny the allegations.

14 39. In response to paragraph 39 of the Complaint, Defendants lack information  
15 sufficient to answer the allegations and therefore deny them.

16 40. In response to paragraph 40 of the Complaint, the allegations require expert analysis  
17 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
18 allegations.

19 41. In response to paragraph 41 of the Complaint, the allegations require expert analysis  
20 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
21 allegations.

22 42. In response to paragraph 42 of the Complaint, the allegations require expert analysis  
23 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the

1 allegations.

2 43. In response to paragraph 43 of the Complaint, the allegations require expert analysis  
3 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
4 allegations.

5 44. In response to paragraph 44 of the Complaint, the allegations require expert analysis  
6 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
7 allegations.

8 45. In response to paragraph 45 of the Complaint, the allegations require expert analysis  
9 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
10 allegations.

11 46. In response to paragraph 46 of the Complaint, the allegations require expert analysis  
12 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
13 allegations.

14 47. In response to paragraph 47 of the Complaint, the allegations require expert analysis  
15 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
16 allegations.

17 48. In response to paragraph 48 of the Complaint, Defendants deny the allegations.

18 49. In response to paragraph 49 of the Complaint, the allegations are legal conclusions  
19 requiring no response. To the extent a response is required, Defendants deny the allegations.

20 50. In response to paragraph 50 of the Complaint, the allegations require expert analysis  
21 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
22 allegations.

23 51. In response to paragraph 51 of the Complaint, the allegations require expert analysis

1 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
2 allegations.

3 52. In response to paragraph 52 of the Complaint, Defendants admit that the Electronic  
4 Frontier Foundation's statement speaks for itself. Defendants deny all other allegations.

5 53. In response to paragraph 53 of the Complaint, Defendants admit that Google's  
6 statement speaks for itself. Defendants deny all other allegations.

7 54. In response to paragraph 54 of the Complaint, the allegations require expert analysis  
8 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
9 allegations.

10 55. In response to paragraph 55 of the Complaint, the allegations require expert analysis  
11 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
12 allegations.

13 56. In response to paragraph 56 of the Complaint, the allegations are legal conclusions  
14 requiring no response. To the extent a response is required, Defendants deny the allegations.

15 57. In response to paragraph 57 of the Complaint, Defendants deny the allegations.

16 58. In response to paragraph 58 of the Complaint, Defendants admit that a VMMC  
17 patient or other user can search for terms in the search bar on the VMMC homepage. Defendants  
18 otherwise deny the allegations.

19 59. In response to paragraph 59 of the Complaint, the allegations require expert analysis  
20 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
21 allegations.

22 60. In response to paragraph 60 of the Complaint, the allegations require expert analysis  
23 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the



1 allegations.

2 61. In response to paragraph 61 of the Complaint, Defendants deny the allegations.

3 62. In response to paragraph 62 of the Complaint, Defendants lack information  
4 sufficient to answer the allegations. To the extent an answer is required, Defendants deny the  
5 allegations.

6 63. In response to paragraph 63 of the Complaint, Defendants lack information  
7 sufficient to answer the allegations. To the extent an answer is required, Defendants deny the  
8 allegations.

9 64. In response to paragraph 64 of the Complaint, Defendants lack information  
10 sufficient to answer the allegations. To the extent an answer is required, Defendants deny the  
11 allegations.

12 65. In response to paragraph 65 of the Complaint, Defendants lack information  
13 sufficient to answer the allegations. To the extent an answer is required, Defendants deny the  
14 allegations.

15 66. In response to paragraph 66 of the Complaint, Defendants lack information  
16 sufficient to answer the allegations. To the extent an answer is required, Defendants deny the  
17 allegations.

18 67. In response to paragraph 67 of the Complaint, Defendants lack information  
19 sufficient to answer the allegations. To the extent an answer is required, Defendants deny the  
20 allegations.

21 68. In response to paragraph 68 of the Complaint, Defendants lack information  
22 sufficient to answer the allegations. To the extent an answer is required, Defendants deny the  
23 allegations.

1           69.    In response to paragraph 69 of the Complaint, Defendants lack information  
2 sufficient to answer the allegations. To the extent an answer is required, Defendants deny the  
3 allegations.

4           70.    In response to paragraph 70 of the Complaint, Defendants admit that Facebook's  
5 descriptions of Facebook Pixel speak for themselves. Defendants deny all other allegations.

6           71.    In response to paragraph 71 of the Complaint, Defendants admit that Facebook's  
7 statements speak for themselves. Defendants deny all other allegations.

8           72.    In response to paragraph 72 of the Complaint, Defendants admit that Facebook's  
9 statements speak for themselves. Defendants deny all other allegations.

10          73.    In response to paragraph 73 of the Complaint, Defendants admit that Facebook's  
11 statements speak for themselves. Defendants deny all other allegations.

12          74.    In response to paragraph 74 of the Complaint, Defendants admit that VMMC's  
13 website's source code speaks for itself. Defendants deny all other allegations.

14          75.    In response to paragraph 75 of the Complaint, Defendants deny the allegations.

15          76.    In response to paragraph 76 of the Complaint, the allegations require expert analysis  
16 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
17 allegations.

18          77.    In response to paragraph 77 of the Complaint, Defendants admit that VMMC's  
19 website speaks for itself. Defendants deny all other allegations.

20          78.    In response to paragraph 78 of the Complaint, the allegations require expert analysis  
21 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
22 allegations.

23          79.    In response to paragraph 79 of the Complaint, the allegations require expert analysis

1 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
2 allegations.

3 80. In response to paragraph 80 of the Complaint, the allegations require expert analysis  
4 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
5 allegations.

6 81. In response to paragraph 81 of the Complaint, Defendants admit that VMMC's  
7 website source code speaks for itself and otherwise deny the allegations.

8 82. In response to paragraph 82 of the Complaint, the allegations require expert analysis  
9 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
10 allegations.

11 83. In response to paragraph 83 of the Complaint, the allegations require expert analysis  
12 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
13 allegations.

14 84. In response to paragraph 84 of the Complaint, the allegations require expert analysis  
15 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
16 allegations.

17 85. In response to paragraph 85 of the Complaint, the allegations require expert analysis  
18 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
19 allegations.

20 86. In response to paragraph 86 of the Complaint, the allegations require expert analysis  
21 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
22 allegations.

23 87. In response to paragraph 87 of the Complaint, the allegations require expert analysis

1 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
2 allegations.

3 88. In response to paragraph 88 of the Complaint, Defendants admit that Facebook's  
4 statements speak for themselves. Defendants deny all other allegations.

5 89. In response to paragraph 89 of the Complaint, the allegations require expert analysis  
6 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
7 allegations.

8 90. In response to paragraph 90 of the Complaint, the allegations require expert analysis  
9 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
10 allegations.

11 91. In response to paragraph 91 of the Complaint, the allegations require expert analysis  
12 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
13 allegations.

14 92. In response to paragraph 92 of the Complaint, Defendants lack information  
15 sufficient to answer the allegations and therefore deny them.

16 93. In response to paragraph 93 of the Complaint, Defendants admit that the Wall Street  
17 Journal's statements speak for themselves. For the remaining allegations, Defendants lack  
18 information sufficient to answer the allegations and therefore deny them.

19 94. In response to paragraph 94 of the Complaint, Defendants lack information  
20 sufficient to answer the allegations and therefore deny them.

21 95. In response to paragraph 95 of the Complaint, Defendants admit that Google's  
22 statements speak for themselves and otherwise deny the allegations.

23 96. In response to paragraph 96 of the Complaint, Defendants admit that VMMC's

1 website source code speaks for itself. Defendants deny all other allegations.

2 97. In response to paragraph 97 of the Complaint, the allegations require expert analysis  
3 so Defendants lack information sufficient to answer them. Therefore, Defendants deny the  
4 allegations.

5 98. In response to paragraph 98 of the Complaint, Defendants admit that Google's  
6 statements speak for themselves. Defendants deny all other allegations.

7 99. In response to paragraph 99 of the Complaint, Defendants admit that Google's  
8 statements speak for themselves. Defendants deny all other allegations.

9 100. In response to paragraph 100 of the Complaint, Defendants admit that VMMC's  
10 website source code and settings speak for themselves. Defendants deny all other allegations.

11 101. In response to paragraph 101 of the Complaint, Defendants admit that VMMC's  
12 website source code speaks for itself. Defendants deny all other allegations.

13 102. In response to paragraph 102 of the Complaint, Defendants lack information  
14 sufficient to answer the allegations and therefore deny them.

15 103. In response to paragraph 103 of the Complaint, Defendants admit that VMMC's  
16 website source code speaks for itself. Defendants deny all other allegations.

17 104. In response to paragraph 104 of the Complaint, the allegations require expert  
18 analysis so Defendants lack information sufficient to answer them. Therefore, Defendants deny  
19 the allegations.

20 105. In response to paragraph 105 of the Complaint, Defendants deny the allegations.

21 106. In response to paragraph 106 of the Complaint, Defendants deny the allegations.

22 107. In response to paragraph 107 of the Complaint, the allegations require expert  
23 analysis so Defendants lack information sufficient to answer them. Therefore, Defendants deny

1 the allegations.

2 108. In response to paragraph 108 of the Complaint, Defendants admit that Facebook's  
3 statements speak for themselves and otherwise deny the allegations.

4 109. In response to paragraph 109 of the Complaint, Defendants admit that VMMC's  
5 website source code speaks for itself. Defendants deny all other allegations.

6 110. In response to paragraph 110 of the Complaint, the allegations require expert  
7 analysis so Defendants lack information sufficient to answer them. Therefore, Defendants deny  
8 the allegations.

9 111. In response to paragraph 111 of the Complaint, the allegations require expert  
10 analysis so Defendants lack information sufficient to answer them. Therefore, Defendants deny  
11 the allegations.

12 112. In response to paragraph 112 of the Complaint, the allegations require expert  
13 analysis so Defendants lack information sufficient to answer them. Therefore, Defendants deny  
14 the allegations.

15 113. In response to paragraph 113 of the Complaint, the allegations require expert  
16 analysis so Defendants lack information sufficient to answer them. Therefore, Defendants deny  
17 the allegations.

18 114. In response to paragraph 114 of the Complaint, Defendants admit that Google's  
19 allegations speak for themselves. Defendants deny all other allegations.

20 115. In response to paragraph 115 of the Complaint, Defendants admit that VMMC's  
21 website source code speaks for itself. Defendants deny all other allegations.

22 116. In response to paragraph 116 of the Complaint, the allegations require expert  
23 analysis so Defendants lack information sufficient to answer them. Therefore, Defendants deny

1 the allegations.

2 117. In response to paragraph 117 of the Complaint, the allegations require expert  
3 analysis so Defendants lack information sufficient to answer them. Therefore, Defendants deny  
4 the allegations.

5 118. In response to paragraph 118 of the Complaint, Defendants deny the allegations.

6 119. In response to paragraph 119 of the Complaint, the allegations require expert  
7 analysis so Defendants lack information sufficient to answer them. Therefore, Defendants deny  
8 the allegations.

9 120. In response to paragraph 120 of the Complaint, Defendants admit that Signal's  
10 statements speak for themselves. Defendants deny all other allegations.

11 121. In response to paragraph 121 of the Complaint, Defendants admit that Signal's  
12 statements speak for themselves and otherwise lacks information regarding the allegations and  
13 deny them.

14 122. In response to paragraph 122 of the Complaint, Defendants deny the allegations.

15 123. In response to paragraph 123 of the Complaint, Defendants admit that VMMC's  
16 website source code speaks for itself. Defendants deny all other allegations.

17 124. In response to paragraph 124 of the Complaint, Defendants admit that VMMC's  
18 website source code speaks for itself. Defendants deny all other allegations.

19 125. In response to paragraph 125 of the Complaint, Defendants admit that VMMC's  
20 website source code speaks for itself. Defendants deny all other allegations.

21 126. In response to paragraph 126 of the Complaint, Defendants admit that The  
22 TradeDesk is an online advertising company and that its statements speak for themselves.  
23 Defendants deny all other allegations.

1           127. In response to paragraph 127 of the Complaint, Defendants admit that The  
2 TradeDesk's statements speak for themselves. Defendants deny all other allegations.

3           128. In response to paragraph 128 of the Complaint, Defendants admit that The  
4 TradeDesk's statements speak for themselves and Defendants lack information regarding the  
5 accuracy of those statements, so therefore deny same.

6           129. In response to paragraph 129 of the Complaint, the allegations are legal conclusions  
7 requiring no response. To the extent a response is required, Defendants deny the allegations.

8           130. In response to paragraph 130 of the Complaint, Defendants deny the allegations.

9           131. In response to paragraph 131 of the Complaint, Defendants admit that VMMC's  
10 website source code speaks for itself. Defendants deny all other allegations.

11           132. In response to paragraph 132 of the Complaint, the allegations require expert  
12 analysis so Defendants lack information sufficient to answer them. Therefore, Defendants deny  
13 the allegations.

14           133. In response to paragraph 133 of the Complaint, Defendants deny the allegations.

15           134. In response to paragraph 134 of the Complaint, Defendants deny the allegations.

16           135. In response to paragraph 135 of the Complaint, Defendants deny the allegations.

17           136. In response to paragraph 136 of the Complaint, the allegations require expert  
18 analysis so Defendants lack information sufficient to answer them. Therefore, Defendants deny  
19 the allegations.

20           137. In response to paragraph 137 of the Complaint, the allegations require expert  
21 analysis so Defendants lack information sufficient to answer them. Therefore, Defendants deny  
22 the allegations.

23           138. In response to paragraph 138 of the Complaint, Defendants deny the allegations.



1 139. In response to paragraph 139 of the Complaint, Defendants deny the allegations.

2 140. In response to paragraph 140 of the Complaint, Defendants deny the allegations.

3 141. In response to paragraph 141 of the Complaint, Defendants deny the allegations.

4 142. In response to paragraph 142 of the Complaint, Defendants deny the allegations.

5 143. In response to paragraph 143 of the Complaint, Defendants deny the allegations.

6 144. In response to paragraph 144 of the Complaint, the allegations are legal conclusions  
7 requiring no response. To the extent a response is required, Defendants deny the allegations.

8 145. In response to paragraph 145 of the Complaint, Professor Paul M. Schwartz's quote  
9 speaks for itself. Defendants otherwise deny the allegations in paragraph 144 of the Complaint.

10 146. In response to paragraph 146 of the Complaint, Defendants deny the allegations.

11 147. In response to paragraph 147 of the Complaint, Defendants deny the allegations.

12 148. In response to paragraph 148 of the Complaint, Defendants lack information  
13 sufficient to answer the allegations and therefore deny them.

14 149. In response to paragraph 149 of the Complaint, Defendants deny the allegations.

15 150. In response to paragraph 150 of the Complaint, Defendants deny the allegations.

16 151. In response to paragraph 151 of the Complaint, Defendants deny the allegations.

17 152. In response to paragraph 152 of the Complaint, Defendants deny the allegations.

18 153. In response to paragraph 153 of the Complaint, the allegations require expert  
19 analysis so Defendants lack information sufficient to answer them. Therefore, Defendants deny  
20 the allegations.

21 154. In response to paragraph 154 of the Complaint, Defendants lack information  
22 sufficient to answer the allegations and therefore deny them.

23 155. In response to paragraph 155 of the Complaint, the allegations are legal conclusions

1 requiring no response. To the extent a response is required, Defendants deny the allegations.

2 156. In response to paragraph 156 of the Complaint, Defendants admit that VMMC's  
3 express statements speak for themselves. Defendants deny all other allegations.

4 157. In response to paragraph 157 of the Complaint, Defendants admit that VMMC's  
5 Notice of Privacy Practices speaks for itself. Defendants deny all other allegations.

6 158. In response to paragraph 158 of the Complaint, the allegations are legal conclusions  
7 requiring no response. To the extent a response is required, Defendants deny the allegations.

8 159. In response to paragraph 159 of the Complaint, Defendants deny the first sentence.  
9 The remaining allegations are legal conclusions requiring no response. To the extent a response  
10 is required, Defendants deny the remaining allegations.

11 160. In response to paragraph 160 of the Complaint, Defendants lack information  
12 sufficient to answer the allegations and therefore deny them. Furthermore, the allegations are legal  
13 conclusions requiring no response.

14 161. In response to paragraph 161 of the Complaint, the allegations are legal conclusions  
15 requiring no response. To the extent a response is required, Defendants deny the allegations.

16 162. In response to paragraph 162 of the Complaint, Defendants deny the allegations.

17 163. In response to paragraph 163 of the Complaint, Defendants deny the allegations.

18 164. In response to paragraph 164 of the Complaint, the allegations are legal conclusions  
19 requiring no response. To the extent a response is required, Defendants deny the allegations.

20 165. In response to paragraph 165 of the Complaint, the allegations are legal conclusions  
21 requiring no response. To the extent a response is required, Defendants deny the allegations.

22 166. In response to paragraph 166 of the Complaint, the allegations are legal conclusions  
23 requiring no response. To the extent a response is required, Defendants deny the allegations.

1 167. In response to paragraph 167 of the Complaint, Defendants deny the allegations.

2 168. In response to paragraph 168 of the Complaint, Defendants lack information  
3 sufficient to answer the allegations and therefore deny them.

4 169. In response to paragraph 169 of the Complaint, Defendants lack information  
5 sufficient to answer the allegations and therefore deny them.

6 170. In response to paragraph 170 of the Complaint, Defendants lack information  
7 sufficient to answer the allegations and therefore deny them.

8 171. In response to paragraph 171 of the Complaint, Defendants lack information  
9 sufficient to answer the allegations and therefore deny them.

10 172. In response to paragraph 172 of the Complaint, Defendants admit that VMMC's  
11 privacy policy speaks for itself and otherwise deny the allegations.

12 173. In response to paragraph 173 of the Complaint, Defendants admit that VMMC's  
13 website speaks for itself. Defendants deny all other allegations.

14 174. In response to paragraph 174 of the Complaint, Defendants admit that VMMC's  
15 website speaks for itself. Defendants deny all other allegations.

16 175. In response to paragraph 175 of the Complaint, Defendants admit that VMMC's  
17 website speaks for itself. Defendants deny all other allegations.

18 176. In response to paragraph 176 of the Complaint, Defendants lack information  
19 sufficient to answer the allegations and therefore deny them.

20 177. In response to paragraph 177 of the Complaint, Defendants admit that VMMC's  
21 Notice of Privacy Practices speaks for itself. Defendants deny all other allegations.

22 178. In response to paragraph 178 of the Complaint, Defendants admit that VMMC's  
23 Notice of Privacy Practices speaks for itself. Defendants deny all other allegations.



1 bring this case as a class action on behalf of the proposed class but deny that this case is appropriate  
2 for class-wide adjudication.

3 190. In response to paragraph 190 of the Complaint, Defendants admit that the  
4 individuals and entities identified are excluded from the proposed class but deny that this case is  
5 appropriate for class-wide adjudication.

6 191. In response to paragraph 191 of the Complaint, Defendants deny the allegations.

7 192. In response to paragraph 192 of the Complaint, Defendants deny the allegations.

8 193. In response to paragraph 193 of the Complaint, Defendants deny the allegations.

9 194. In response to paragraph 194 of the Complaint, Defendants lack information  
10 sufficient to answer the allegations and therefore deny them.

11 195. In response to paragraph 195 of the Complaint, Defendants deny the allegations.

12 196. In response to paragraph 196 of the Complaint, Defendants deny the allegations.

13 197. In response to paragraph 197 of the Complaint, Defendants deny the allegations.

14 **COUNT I**  
15 **Violation of the Washington Consumer Protection Act**  
16 **(Unfair or Deceptive Business Practices)**

17 198. In response to paragraph 198 of the Complaint, Defendants incorporate all answers  
18 to other paragraphs as if fully stated herein.

19 199. In response to paragraph 199 of the Complaint, the allegations are legal conclusions  
20 requiring no response. To the extent a response is required, Defendants deny the allegations.

21 200. In response to paragraph 200 of the Complaint, the allegations are legal conclusions  
22 requiring no response. To the extent a response is required, Defendants deny the allegations.

23 201. In response to paragraph 201 of the Complaint, Defendants deny the allegations.

24 202. In response to paragraph 202 of the Complaint, the allegations are legal conclusions

1 requiring no response. To the extent a response is required, Defendants deny the allegations.

2 203. In response to paragraph 203 of the Complaint, the allegations are legal conclusions  
3 requiring no response. To the extent a response is required, Defendants deny the allegations.

4 204. In response to paragraph 204 of the Complaint, Defendants lack information  
5 sufficient to answer the allegations and therefore deny them.

6 205. In response to paragraph 205 of the Complaint, Defendants lack information  
7 sufficient to answer the allegations and therefore deny them.

8 206. In response to paragraph 206 of the Complaint, Defendants deny the allegations.

9 207. In response to paragraph 207 of the Complaint, Defendants deny the allegations.

10 208. In response to paragraph 208 of the Complaint, Defendants deny the allegations.

11 209. In response to the first sentence of paragraph 209, Defendants admit that VMMC's  
12 privacy policy and notice of privacy practices speak for themselves. Defendants otherwise deny  
13 the allegations.

14 210. In response to paragraph 210 of the Complaint, Defendants deny the allegations.

15 211. In response to paragraph 211 of the Complaint, Defendants deny the allegations.

16 212. In response to paragraph 212 of the Complaint, Defendants deny the allegations.

17 213. In response to paragraph 213 of the Complaint, Defendants deny the allegations.

18 **COUNT II**  
19 **Violation of the Washington Consumer Protection Act**  
20 **(Per Se Violation)**

21 214. In response to paragraph 214 of the Complaint, Defendants incorporate all answers  
22 to other paragraphs as if fully stated herein.

23 215. In response to paragraph 215 of the Complaint, the allegations are legal conclusions  
24 requiring no response. To the extent a response is required, Defendants deny the allegations.



1 230. In response to paragraph 230 of the Complaint, Defendants deny the allegations.

2 231. In response to paragraph 231 of the Complaint, Defendants deny the allegations.

3 **COUNT IV**

4 **Invasion of Privacy – Intrusion Upon Private Affairs**

5 232. In response to paragraph 232 of the Complaint, Defendants lack information  
6 sufficient to answer the allegations and therefore deny them. the allegations contain legal  
7 conclusions requiring no response.

8 233. In response to paragraph 233 of the Complaint, Defendants deny the allegations.

9 234. In response to paragraph 234 of the Complaint, Defendants admit that VMMC's  
10 privacy disclosures speak for themselves. Defendants deny all other allegations.

11 235. In response to paragraph 235 of the Complaint, Defendants deny the allegations.

12 236. In response to paragraph 236 of the Complaint, Defendants deny the allegations.

13 237. In response to paragraph 237 of the Complaint, Defendants deny the allegations.

14 238. In response to paragraph 238 of the Complaint, Defendants deny the allegations.

15 239. In response to paragraph 239 of the Complaint, Defendants deny the allegations.

16 **COUNT V**

17 **Fraudulent Concealment / Nondisclosure**

18 240. In response to paragraph 240 of the Complaint, Defendants deny the allegations.

19 241. In response to paragraph 241 of the Complaint, Defendants deny the allegations.

20 242. In response to paragraph 242 of the Complaint, the allegations are legal conclusions  
21 requiring no response. To the extent a response is required, Defendants deny the allegations.

22 243. In response to paragraph 243 of the Complaint, Defendants deny the allegations.

23 244. In response to paragraph 244 of the Complaint, Defendants lack information  
24 sufficient to answer the allegations and therefore deny them.



1 245. In response to paragraph 245 of the Complaint, Defendants deny the allegations.

2 246. In response to paragraph 246 of the Complaint, Defendants deny the allegations.

3 247. In response to paragraph 247 of the Complaint, Defendants deny the allegations.

4 **COUNT VI**  
5 **Breach of Common Law Duty of Confidentiality**

6 248. In response to paragraph 248 of the Complaint, Defendants lack information  
7 sufficient to answer the allegations and therefore deny them. Furthermore, the allegations contain  
8 legal conclusions requiring no response.

9 249. In response to paragraph 249 of the Complaint, Defendants deny the allegations.

10 250. In response to paragraph 250 of the Complaint, Defendants deny the allegations.

11 251. In response to paragraph 251 of the Complaint, Defendants deny the allegations.

12 252. In response to paragraph 252 of the Complaint, Defendants deny the allegations.

13 **COUNT VII**  
14 **Violation of the Washington Health Care Information Act**

15 253. In response to paragraph 253 of the Complaint, the allegations are legal conclusions  
16 requiring no response. To the extent a response is required, Defendants deny the allegations.

17 254. In response to paragraph 254 of the Complaint, the allegations are legal conclusions  
18 requiring no response. To the extent a response is required, Defendants deny the allegations.

19 255. In response to paragraph 255 of the Complaint, the allegations are legal conclusions  
20 requiring no response. To the extent a response is required, Defendants deny the allegations.

21 256. In response to paragraph 256 of the Complaint, Defendants deny the allegations.

22 257. In response to paragraph 227 of the Complaint, Defendants deny the allegations.

23 258. In response to paragraph 258 of the Complaint, Defendants deny the allegations.

1 **COUNT VIII**  
2 **Negligence**

3 259. In response to paragraph 259 of the Complaint, Defendants incorporate all answers  
4 to other paragraphs as if fully stated herein.

5 260. In response to paragraph 260 of the Complaint, the allegations are legal conclusions  
6 requiring no response. To the extent a response is required, Defendants deny the allegations.

7 261. In response to paragraph 261 of the Complaint, the allegations are legal conclusions  
8 requiring no response. To the extent a response is required, Defendants deny the allegations.

9 262. In response to paragraph 262 of the Complaint, the allegations are legal conclusions  
10 requiring no response. To the extent a response is required, Defendants deny the allegations.

11 263. In response to paragraph 263 of the Complaint, the allegations are legal conclusions  
12 requiring no response. To the extent a response is required, Defendants deny the allegations.

13 264. In response to paragraph 264 of the Complaint, Defendants lack information  
14 sufficient to answer the allegations and therefore deny them.

15 265. In response to paragraph 265 of the Complaint, the allegations are legal conclusions  
16 requiring no response. To the extent a response is required, Defendants deny the allegations.

17 266. In response to paragraph 266 of the Complaint, the allegations are legal conclusions  
18 requiring no response. To the extent a response is required, Defendants deny the allegations.

19 267. In response to paragraph 267 of the Complaint, the allegations are legal conclusions  
20 requiring no response. To the extent a response is required, Defendants deny the allegations.

21 **COUNT IX**  
22 **Breach of Contract**

23 268. In response to paragraph 268 of the Complaint, the Court has dismissed this claim,  
24 and as such, no response is required. To the extent that a response is required, Virginia Mason

1 denies the allegations.

2           269. In response to paragraph 269 of the Complaint, the Court has dismissed this claim,  
3 and as such, no response is required. To the extent that a response is required, Virginia Mason  
4 denies the allegations.

5           270. In response to paragraph 270 of the Complaint, the Court has dismissed this claim,  
6 and as such, no response is required. To the extent that a response is required, Virginia Mason  
7 denies the allegations.

8           271. In response to paragraph 271 of the Complaint, the Court has dismissed this claim,  
9 and as such, no response is required. To the extent that a response is required, Virginia Mason  
10 denies the allegations.

11           272. In response to paragraph 272 of the Complaint, the Court has dismissed this claim,  
12 and as such, no response is required. To the extent that a response is required, Virginia Mason  
13 denies the allegations.

14           273. In response to paragraph 273 of the Complaint, the Court has dismissed this claim,  
15 and as such, no response is required. To the extent that a response is required, Virginia Mason  
16 denies the allegations.

17           274. In response to paragraph 274 of the Complaint, the Court has dismissed this claim,  
18 and as such, no response is required. To the extent that a response is required, Virginia Mason  
19 denies the allegations.

20           275. In response to paragraph 275 of the Complaint, the Court has dismissed this claim,  
21 and as such, no response is required. To the extent that a response is required, Virginia Mason  
22 denies the allegations.

23           276. In response to paragraph 276 of the Complaint, the Court has dismissed this claim,

1 and as such, no response is required. To the extent that a response is required, Virginia Mason  
2 denies the allegations.

3 277. In response to paragraph 277 of the Complaint, the Court has dismissed this claim,  
4 and as such, no response is required. To the extent that a response is required, Virginia Mason  
5 denies the allegations.

6 278. In response to paragraph 278 of the Complaint, the Court has dismissed this claim,  
7 and as such, no response is required. To the extent that a response is required, Virginia Mason  
8 denies the allegations.

9 279. In response to paragraph 279 of the Complaint, the Court has dismissed this claim,  
10 and as such, no response is required. To the extent that a response is required, Virginia Mason  
11 denies the allegations.

12 **COUNT X**  
13 **Quasi-Contract / Unjust Enrichment**

14 280. In response to paragraph 280 of the Complaint, Defendants incorporate all answers  
15 to other paragraphs as if fully stated herein.

16 281. In response to paragraph 281 of the Complaint, the allegations are legal conclusions  
17 requiring no response. To the extent a response is required, Defendants deny the allegations.

18 282. In response to paragraph 282 of the Complaint, Defendants deny the allegations.

19 283. In response to paragraph 283 of the Complaint, Defendants deny the allegations.

20 284. In response to paragraph 284 of the Complaint, the allegations are legal conclusions  
21 requiring no response. To the extent a response is required, Defendants deny the allegations.

22 285. In response to paragraph 285 of the Complaint, the allegations are legal conclusions  
23 requiring no response. To the extent a response is required, Defendants deny the allegations.

1 **AFFIRMATIVE DEFENSES**

2 Defendants assert the following affirmative defenses:

3 1. Plaintiffs' claims and those of the putative class members fail to state a claim on  
4 which relief can be granted.

5 2. Plaintiffs' claims and those of the putative class members are barred by waiver.

6 3. Plaintiffs' claims and those of the putative class members are barred because they  
7 gave consent.

8 4. Plaintiffs' claims and those of the putative class members are barred by release.

9 5. Plaintiffs' claims and those of the putative class members are barred by estoppel.

10 6. Plaintiffs' claims and those of the putative class members are barred by laches.

11 7. Plaintiffs' claims and those of the putative class members are barred or reduced by  
12 their failure to mitigate damages.

13 8. Plaintiffs' claims and those of the putative class members are barred or reduced  
14 because they are based on conduct that occurred, if at all, outside the statute of limitations.

15 9. Plaintiffs' and the putative class members' damages, if any, were the result of a  
16 supervening and/or intervening cause, which actions bar, preclude and/or diminish Plaintiffs' and  
17 the putative class members' recovery against Defendants.

18 10. Plaintiffs' claims and those of the putative class members are barred, in whole or  
19 in part, because their alleged damages were caused by Plaintiffs' or the putative class members'  
20 own actions or by a third party.

21 11. Plaintiffs' claims and those of the putative class members are barred, in whole or  
22 in part, by their assumption of risk.

1           12.     Plaintiffs' claims and those of the putative class members are barred, in whole or  
2 in part, by them granting a license.

3           13.     Plaintiffs' claims and those of the putative class members are barred, in whole or  
4 part, by the doctrine of election of remedies, because they seek inconsistent and conflicting relief  
5 that will more than make them whole.

6           14.     Plaintiffs' claims and those of the putative class members are barred, in whole or  
7 in part, because they have failed to join necessary and indispensable parties to this action.

8           15.     Plaintiffs' claims and those of the putative class members are barred, in whole or  
9 in part, because at all times Defendants acted in good faith and in compliance with any applicable  
10 statutes and/or regulations.

11          16.     Plaintiffs' claims and those of the putative class members must be reduced, in  
12 whole or part, by an appropriate set off to the extent that Plaintiffs or the putative class members  
13 owe or have due any amounts to Defendants.

14          17.     Plaintiffs and the putative class members lack standing.

15          18.     The imposition of aggregated, class-wide damages in this case would be excessive  
16 and violate Defendants' due process and other Constitutional rights.

17          19.     Any finding of liability and damages under the Identity Theft statute RCW 9.35.020  
18 *et seq.* and the Privacy Act RCW 9.73.030 would violate the Due Process Clause of the Fourteenth  
19 Amendment to the United States Constitution and/or Article 1, Section 3 of the Washington State  
20 Constitution because the standards of liability under the statutes are unduly vague and subjective,  
21 and permit retroactive, random, arbitrary, and capricious punishment that serves no legitimate  
22 governmental interest.







**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served via King County E-Service and/or E-Mail upon the following:

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DATED this 11<sup>th</sup> day of January, 2021 at Seattle, Washington.

s/ Andre Gougisha  
Andre Gougisha