



USAeyes.org  
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Wednesday, December 17, 2008

Hon. Judge Judith Eiler  
King County District Court – Seattle Division  
516 Third Ave., Room E-341  
Seattle WA 98104

via: Fax 206-296-0910

re: **Motion to Deny Defendant's Motion to Quash Service of Summons**  
**Motion to Strike Defendant's Motion to Quash Service of Summons**  
Council for Refractive Surgery Quality Assurance v. Brent Hanson  
Case: 85-11924

Judge Eiler,

Rather than a formal motion, I elect to take advantage of the Seattle small claims court's more informal requirements and am requesting the court deny and strike the Defendant's Motion to Quash Service of Summons.

#### *Introduction*

Plaintiff Council for Refractive Surgery Quality Assurance (USAeyes) is a California nonprofit patient advocacy organization that publishes a website at [usaeyes.org](http://usaeyes.org). Defendant maliciously purchased the Internet domains [usaeyes.info](http://usaeyes.info), [usaeyes.biz](http://usaeyes.biz), and [usaeyes.net](http://usaeyes.net). Plaintiff successfully gained control of the [usaeyes.info](http://usaeyes.info), [usaeyes.biz](http://usaeyes.biz), and [usaeyes.net](http://usaeyes.net) domains through limited arbitration under the authority of the Internet Corporation for Assigned Names and Numbers Uniform Domain-Name Dispute-Resolution Policy. In Seattle small claims court case 85-11924, USAeyes seeks from Defendant costs associated with arbitration.

#### *Defendant's Motion to Quash Service of Summons is Faulty*

The primary argument presented by Defendant is that USAeyes attempted service of process by documents being emailed to Defendant through a third party. This is not an accurate representation of the facts. USAeyes' agent North West Legal has served the summons on Defendant pursuant to RCW 4.28.080 (16) by leaving a copy with Christian Gaspar, mail stop manager at the UPS store at 31811 Pacific Highway S. #B-169, Federal Way, WA 98003, which is the address Mr. Hanson provides, and mailing a copy of the summons to the same address on December 29, 2008. Plaintiff's service upon Defendant is proper and was not carried out in the manner to which Defendant objects, therefore the argument of the motion is moot and the motion should be denied.

*Defendant's Motion to Quash Service of Summons is Prejudicial*

The vast majority of Defendant's motion is devoted to a wide range of accusations against USAEyes and the organization's Executive Director Glenn Hagele. These accusations by Defendant are not germane to the issues of the case and are arguably defamatory. The accusations of Defendant included in the motion are prejudicial against USAEyes and justice requires they be stricken.

*Summary*

All components of Defendant's motion are moot or prejudicial, therefore the motion in its entirety has no value to the proceeding before the court.

*Action Requested*

Plaintiff respectfully requests that Defendant's Motion to Quash Service of Summons be denied and stricken in its entirety.

Thank you in advance for your consideration.

A handwritten signature in black ink, appearing to read "G. Hagele", written in a cursive style.

Glenn Hagele  
Executive Director

cc: Brent Hanson