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1 taking a second bite of the apple by asking the Court to essentially rule on a motion for
2 reconsideration in a different form and to disregard Plaintiff's currently pending appeal related
3 to the dismissed claims. Finally, adding these claims prejudices Defendants Alaimo, Olson, and
4 Sund by causing undue delay, jury confusion, the introduction of remote issues, and a lengthier
5 trial. Therefore, Defendants Alaimo, Olson, and Sund respectfully request that the Court deny
6 Plaintiff's Motion to Amend.

7 **II. RELEVANT FACTS**

8 **A. Plaintiff's Newly Added Claims**

9 On April 15, 2025, the Court issued an Order Realigning Caption *sua sponte* directing
10 Plaintiff to file an Amended Complaint within seven days which re-numbered the surviving
11 causes of action and identifies surviving defendants. *See* Sub. No. 169. The order specifically
12 states that the filing of this Amended Complaint is only for purposes of referencing all causes of
13 action and surviving defendants within one complaint. *Id* at 2. The Court further specified that
14 this order did not permit changes as to the substance of claims previously established. *Id* at 2.

15 On April 21, 2025, Plaintiff filed her Second Amended Complaint. Sub. No. 180. The
16 Second Amended Complaint asserts 56 causes of action against sixteen surviving defendants. *Id*.
17 The same day, Plaintiff filed a Motion for Leave to File Third Amended Complaint. Sub. No.
18 183. Her proposed Third Amended Complaint added no new facts but instead amended Claim
19 27 (Aiding and Abetting) against Sarah Alaimo and added four additional claims against Gary
20 Sund, Molly Olson, and Sarah Alaimo. *See* Sub. No. 184 (hereafter, "Proposed Complaint") at
21 pp. 340, 367-69. These claims are Tortious Interference with Business Relationship against
22 Defendants Sund and Olson, Conspiracy against Defendants Sund, Olson, and Alaimo, and
23 Breach of Fiduciary Duty against Defendants Sund, Olson, and Alaimo. *Id*. Plaintiff asserts the
24 proposed claims for Conspiracy and Breach of Fiduciary Duty in her Proposed Third Amended
25 Complaint for the first time. *Compare* Proposed Complaint, with King County Superior Court
Cause Number 23-2-25195-4 SEA, Sub. No. 17, and King County Superior Court Cause Number

23-2-25128-8 SEA, Sub. No. 180.

B. The Court's Order Previously Dismissing Claims Against Defendants Olson and Sund for Tortious Interference with Contract

Plaintiff originally plead claims of Tortious Interference with Contract against Defendants Olson and Sund on March 11, 2024, in her original Amended Complaint. *See* King County Superior Court Cause Number 23-2-25195-4 SEA, Sub. No. 17 at pp. 329, 342-343. Here, Plaintiff seeks to introduce claims of Tortious Interference with Business Relationship. Proposed Third Amended Complaint at pp. 367-368. While titled differently, these claims are the same as the claims Plaintiff asserts in her Third Amended Complaint because the elements are identical and appear copy and pasted. *Compare id.*, with Proposed Complaint at pp. 367-69. Because Plaintiff does not plead any new facts in her Proposed Third Amended Complaint, the factual allegations supporting both claims are identical as well.

The Court dismissed the claims of Tortious Interference with Contract against Defendants Olson and Sund on September 27, 2024. *See* King County Superior Court Cause Number 23-2-25195-4 SEA, Sub. Nos. 363, 365. Plaintiff has appealed these dismissals. *See id.* at Sub. No. 382, ¶¶4, 6. It is undisputed that the Court of Appeals has not yet ruled on Plaintiff's Motion for Discretionary Review.

C. Plaintiffs Waited Over a Year to File this Motion

Plaintiff first filed suit against Defendants Alaimo, Olson, and Sund on December 19, 2023, asserting 85 separate causes of action. *See* King County Superior Court Cause Number 23-2-25195-4 SEA, Sub. No. 1. Soon after, on March 11, 2024, Plaintiff filed her First Amended Complaint, adding hundreds of pages of additional alleged facts and alleging 84 causes of action. *Id.* at Sub. No. 17. No discovery has occurred since the filing of her First Amended Complaint, other than Plaintiff serving Defendants the discovery requests she references in her motion that are currently pending. Stated differently, Plaintiff's motion does not rely on new evidence she has obtained through discovery.

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1 **A. Amendment Should be Denied Because the Proposed Amended Complaint**
2 **Would Violate CR 11**

3 CR 11 requires parties, or their attorneys if represented, to date and sign all pleadings,
4 motions and legal memoranda. Such signature constitutes the party's or attorney's certification
5 that to the best of the party's or attorney's knowledge, information, and belief, formed after
6 reasonable inquiry it [the pleading, motion or memoranda] is well grounded in fact and is
7 warranted by existing law or a good faith argument for the extension, modification, or reversal
8 of existing law, and that it is not interposed for any improper purpose, such as to harass or to
9 cause unnecessary delay or needless increase in the cost of litigation. The purpose of CR 11 is to
10 deter baseless filings and to curb abuses of the judicial system. *See, e.g., Biggs v. Vail*, 124 Wn.2d
11 193, 196, 876 P.2d 448 (1994).

12 Plaintiff admits that she has filed her Motion without any new factual evidence to support
13 the amendment adding these claims, stating that the amendments are based on "anticipated"
14 evidence that she expects to receive from her pending discovery requests. *See generally*, Motion.
15 This is improper. Plaintiff admits that this motion is not grounded in facts she possesses. *See*
16 *generally*, Motion. As such, this proposed Third Amended Complaint is precisely the type of
17 baseless filing CR 11 is intended to deter, and Plaintiff's Motion should be denied.

18 **B. Amendment Should be Denied Because Plaintiff Alleges No New Facts or**
19 **Evidence**

20 Plaintiff admits that two of the claims she realleges in her Proposed Third Amended
21 Complaint have already been dismissed by the Court, and that no discovery has occurred to
22 justify their inclusion. Motion at 1-2. Again, she relies on "anticipated" evidence that she claims
23 will support these claims. *Id.* This Motion is untimely and premature since no new evidence
24 currently supports reasserting claims that have already been dismissed. Hypothetical and
25 speculative future evidence, even based on a truly-held suspicion that discovery will yield
material evidence, does not replace relevant allegations or facts.

 Furthermore, Plaintiff's appeal of the dismissed claims which she seeks to reinstate is

1 currently pending before the Court of Appeals. Reasserting these claims is essentially another
2 attempt to file an untimely motion for reconsideration, or to circumvent an issue previously
3 decided and currently being considered by another higher court. Because the claims of Tortious
4 Interference have already been dismissed and are currently pending before the Court of Appeals,
5 Plaintiff's Motion should be denied.

6 **C. Amendment Should Be Denied as Futile**

7 Plaintiff concedes that her Third Amended Complaint as drafted does not allege facts
8 sufficient to add any of the new four claims. Motion at 4. Again, Plaintiff relies on "anticipated
9 interrogatory responses" to support adding these new claims and realleging those that have
10 already been dismissed. This is the very definition of futile. Plaintiff cannot "cure" deficiencies
11 in previously-dismissed claims, as she seeks to do, by citing "anticipated discovery response."
12 *See id.* (asserting "the anticipated interrogatory responses...cur[e] the earlier dismissal's
13 deficiencies...")

14 Plaintiff also concedes that two of the claims alleged in the Proposed Third Amended
15 Complaint have previously been dismissed. *See generally*, Motion. There is currently no factual
16 basis for realleging the claims that have previously been dismissed. With no new factual evidence
17 to reassert these claims, the Court's ruling dismissing these claims is binding. *See Lodis v. Corbis*
18 *Holdings, Inc.*, 192 Wn. App. 30, 56, 366 P.3d 1246 (2015) ("The law of the case principle relates
19 to (a) the binding force of trial court rulings during later stages of the trial ..."). Without new
20 evidence, there would be no basis for the Court to reach a different conclusion on previously
21 dismissed claims, and allowing the amendment would therefore create needless additional work
22 for Defendants and the Court to address said claims all over again.


23 **D. Amendment Would Prejudice Defendants**

24 Even if the amendments were not in violation of court rules, premature, and futile, these
25 amendments would also prejudice Defendants due to undue delay, jury confusion, and increasing
the length of trial. Each of these factors establishes prejudice and supports denial.

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2 DATED this 6th day of May, 2025.

3 *I certify that this memorandum contains no more*
4 *than 1,922 words in compliance with the King*
5 *County Local Civil Rules.*

6 PATTERSON BUCHANAN
7 FOBES & LEITCH, INC., P.S.

8 By: 
9 Megan P. Starks, WSBA 39640
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11 Of Attorneys for Defendants Sarah Alaimo and
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14 By: s/ Brad Bigos
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CERTIFICATE OF SERVICE

I, Aaron Taylor, hereby declare that on this 6th day of May, 2025, I caused to be delivered via the method listed below the document to which this Certificate of Service is attached (plus any exhibits and/or attachments) to the following

ATTORNEY NAME & ADDRESS	METHOD OF DELIVERY
<i>Plaintiff:</i> Elizabeth A. Campbell 3826 24th Ave W Seattle, WA. 98199 Telephone: 206-769-8459 Email: neighborhoodwarrior@gmail.com	Electronic Mail U.S. Mail ■ Other: King County E-Filing System
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DEFENDANTS' ALAIMO, OLSON, AND SUND'S
OPPOSITION TO PLAINTIFF'S MOTION FOR
LEAVE TO FILE THIRD AMENDED COMPLAINT
[CR 15(a)] - 9
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I certify under penalty of perjury that the foregoing is true and correct.

DATED this 6th day of May, 2025, at Seattle, Washington.

s/ Aaron Taylor
Aaron Taylor
Legal Assistant