

FILED
DATE
CLERK
Lincoln County District Court

IN THE DISTRICT COURT, STATE OF WASHINGTON, LINCOLN COUNTY

CHAPMAN FINANCIAL SERVICES OF WA, INC.)
a Corporation,)
Plaintiff,) No. _____
vs.)
A SINGLE PERSON,)
Defendant.)
COMPLAINT

The Plaintiff alleges as follows:

I.
That the Plaintiff, Chapman Financial Services of WA, Inc., is a corporation organized and existing under the laws of the State of Washington, with its principal place of business at Spokane, Washington, and has paid its annual license fee last due. Plaintiff is a collection agency and has complied with all rules and regulations and has paid all fees required of it.

II.
That the Defendant, _____, is a single person.

III.
That the basis for the venue is that the defendant resides in LINCOLN County.

IV.
THAT THE DEFENDANT OWES \$148.50 FOR
GOODS AND SERVICES RENDERED BY NORTH BASIN MEDICAL CLINIC TO THE
DEFENDANT FROM _____, PLUS COLLECTION COSTS OF \$74.25 PURSUANT TO RCW
19.16.500; PLUS INTEREST OF \$9.60.

COPY

V.
THAT THE DEFENDANT OWES \$134.50 FOR
GOODS AND SERVICES RENDERED BY TO THE
DEFENDANT FROM ; PLUS COLLECTION COSTS OF \$67.25 PURSUANT TO RCW
19.16.500; PLUS INTEREST OF \$8.70.

VI.
THAT THE DEFENDANT OWES \$3,580.74 FOR GOODS AND
SERVICES RENDERED BY THE DEFENDANT FROM ;
PLUS COLLECTION COSTS OF \$1,790.30 PURSUANT TO RCW 19.16.500; PLUS INTEREST
OF \$216.04.

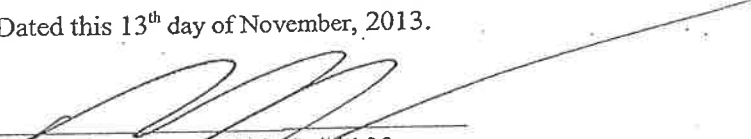
VII.
THAT THE DEFENDANT OWES \$1,564.31 FOR
GOODS AND SERVICES RENDERED BY TO THE
DEFENDANT FROM PLUS INTEREST OF \$768.08.

VIII.
THAT THE DEFENDANT OWES COULEE MEDICAL CENTER \$673.75 FOR
GOODS AND SERVICES RENDERED BY COULEE MEDICAL CENTER TO THE
DEFENDANT FROM 05-24-09 PLUS INTEREST OF \$330.81.

IX.
That said account has been duly assigned to Plaintiff in writing and that Defendant has
received notice and demand for payment of the amount claimed and has had reasonable opportunity of
not less than 30 days to pay prior to filing of this lawsuit.

WHEREFORE, Plaintiff prays for judgment against the Defendant herein in the sum of
\$6,101.80 with interest to date of \$1,333.23 plus collection costs of \$1,931.80 totaling \$9,366.83 plus
interest to date of judgment and statutory interest on the judgment. Plaintiff also prays for filing fee of
\$73.00 and cost of service, plus a statutory attorney fee of \$200.00 if this matter is uncontested or a
reasonable attorney fee if it is contested. Plaintiff also prays for all other fees, interest, cost,
disbursements and expenses allowed by law and for such other and further relief as the court may
deem just, equitable and proper.

Dated this 13th day of November, 2013.


Michael J. Beyer WSBA #9109
Attorney for Plaintiff
1424 N. Argonne Rd., Spokane, WA 99212
(509) 922-1092

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

FILED

FILED
DATE
CLERK
Lincoln County District Court

**DISTRICT COURT OF WASHINGTON
COUNTY OF LINCOLN**

CHAPMAN FINANCIAL SERVICES,

Plaintiff,

vs.

Defendant.


NO.

NOTICE OF APPEARANCE

TO: CLERK OF THE COURT;
TO: CHAPMAN FINANCIAL SERVICES, Plaintiff; and
TO: MICHAEL BEYER, your attorney

PLEASE TAKE NOTICE that SCOTT M. KINKLEY and Northwest Justice Project hereby enter their appearance on behalf of the Defendant, and request that all further pleadings or papers, exclusive of original process, be served upon said attorney.

DATED this 21st day of January, 2014.

NORTHWEST JUSTICE PROJECT

SCOTT M. KINKLEY, WSBA #42434
Attorney for Defendant

NOTICE OF APPEARANCE

Northwest Justice Project
1702 W. Broadway
Spokane, Washington 99201
Phone: (509) 324-9128 Fax: (509) 324-0065

1

2

3

4

5

6

COURT OF WASHINGTON
7 COUNTY OF _____

8

No.

9

_____,

ANSWER AND AFFIRMATIVE
DEFENSES

10

Plaintiff(s),

11

vs.

12

_____,

Defendant(s).

13

I. ANSWER

14

Defendant(s) answers the complaint as follows:

15

16

1. I admit the statements in paragraph numbers _____ except for
the following statements: _____

17

18

19

1 2. I deny the statements in paragraph numbers _____ except for the
2 following statements: _____
3 _____
4 _____

5 3. I lack knowledge about the truth and so deny the statements in paragraph number(s) ____

6 II. AFFIRMATIVE DEFENSES

7 Defendant(s) other defenses are:

- 8 General Denial: I deny the allegations in the Complaint
- 9 Plaintiff lacks standing and does not have authority to bring this lawsuit.
- 10 I am eligible for Charity Care for my hospital debt.
- 11 I did not receive a copy of the Summons and Complaint.
- 12 I received the Summons and Complaint, but service was not correct as required by law.
- 13 I do not owe this debt.
- 14 I am a victim of identity theft or mistaken identity. I am not responsible for this debt.
- 15 I have paid all or part of the debt.
- 16 I disagree with the amount of the debt. The amount is incorrect.
- 17 Statute of Limitations (the time has passed to sue on this debt).
- 18 This debt was discharged in bankruptcy.
- 19 The collateral (property) was not sold at a commercially reasonable price.
- Unjust enrichment (the amount demanded is excessive compared with the original debt).
- Violation of the duty of good faith and fair dealing.
- Unconscionability (the contract is unfair).
- Laches (Plaintiff has excessively delayed in bringing this lawsuit to my disadvantage).
- Defendant is in the military.
- The Complaint fails to state a claim upon which relief can be granted.
- I lacked capacity to enter into a contract because I was under the age of 18 when the contract was created.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

- Someone else should have paid this debt (fault of nonparty).
- I didn't receive the product or services I was billed for or the product or services were
- Defective or unacceptable (failure of consideration).
- Other: _____

Defendant(s) request that the court dismiss this case and enter a judgment against the plaintiff(s) for any costs or attorney fees.

DATED this _____ day of _____, 20____.

(signature)
Name: _____
Address: _____
Telephone: _____

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

DISTRICT COURT OF WASHINGTON
COUNTY OF LINCOLN

CHAPMAN FINANCIAL SERVICES,

Plaintiff,

vs.

Defendant.

NO.

ANSWER

Defendant answers the complaint as follows:

I. ANSWER

I. Defendant admits that the Plaintiff is a collection agency. The Defendant denies that the Plaintiff has complied with all rules and regulations. The Defendant lacks information to either admit or deny the remaining allegations and therefore denies the same.

II. Denied.

III. Admitted that the Defendant resides in Lincoln County.

IV. Denied.

V. Denied.

VI. Denied.

ANSWER

1 VII. Denied.

2 VIII. Denied.

3 IX. Denied.

4

5

II. AFFIRMATIVE DEFENSES

6 1. Charity Care;

7 2. Collection activity is prohibited by RCW 70.170.060(6);

8 3. Standing;

9 4. Real Party in Interest;

10 5. Laches;

11 6. Unclean Hands;

12 7. Remedies described in RCW 19.16.450 for violations of RCW 19.16.250
13 or 19.16.110;

14 8. Mutual Assent; and

15 9. Other relief as may be just and proper

16

Dated:

NORTHWEST JUSTICE PROJECT

17

18

SCOTT M. KINKLEY, WSBA #42434
Attorney for Defendant

19

20

21

22

23

24

ANSWER

Northwest Justice Project
1702 W. Broadway
Spokane, Washington 99201
Phone: (509) 324-9128 Fax: (509) 324-0065

SAMPLE FORM
NOTICE OF APPLICATION FOR CHARITY CARE
STAY OF PROCEEDINGS

DISTRICT COURT OF WASHINGTON
COUNTY OF SPOKANE

WASHINGTON HOSPITAL,

Plaintiff,

v.

CONSUMER DEFENDANT,

Defendant.

NO.

NOTICE OF CHARITY
CARE APPLICATION

TO: The Clerk of the Court;
TO: WASHINGTON HOSPITAL, *et al.*, Plaintiff; and
TO: _____, attorney for Plaintiff.

PLEASE TAKE NOTICE that the Defendant, CONSUMER DEFENDANT, pursuant to WAC 246-453-020, has applied for Charity Care regarding the alleged medical debt which is the subject of this lawsuit.

Pursuant to WAC 246-453-020(1), (1)(c), 9(a) and 9(b) all collection efforts must cease pending the determination of the Defendant's eligibility for charity care sponsorship.

DATED this _____ of _____, 201__.

, WSBA #
Attorney for Plaintiff



Northwest Justice Project

January 12, 2015

Michael Beyer
Attorney at Law
810 South Cannon Street
Spokane, WA 99204-4353

FILE COPY

Re: *Chapman Financial Services*
Case No

Dear Mr. Beyer:

I left you several messages over the course of the last two weeks, but have not heard back from you. As you are aware, I have awarded a 100% charity care sponsorship for the bills which are the subject of the above referenced lawsuit. As such, the lawsuit needs to be immediately dismissed.

As I stated in my voicemails to you, I will agree to entry of an order "without costs or fees to either party." Please let me know, as soon as possible, if you will agree to do this. If I do not hear back from you or if we are unable to agree on dismissal, I will be forced to file a motion to dismiss, which, if granted, would invoke fee shifting pursuant to RCW 4.84.250 and .270. I think we would agree that an award of fees would be a harsh outcome where the debt was extinguished via charity care during litigation, but it is unfair for your client to continue this lawsuit given the status of the claim. If I am forced to spend time drafting an avoidable motion to dismiss, then I believe an award of fees for that time would be fair.

Thank you for your cooperation in this matter. If you have any questions or comments, then please do not hesitate to contact my office.

Sincerely,

NORTHWEST JUSTICE PROJECT

A handwritten signature in black ink, appearing to read "Scott M. Kinkley".

Scott M. Kinkley
Staff Attorney

smk/mc
c: Client



Northwest Justice Project

Toll Free 1-888-201-1019
www.nwjustice.org

César E. Torres
Executive Director

April 3, 2015

Michael Beyer
Attorney at Law
810 South Cannon Street
Spokane, WA 99204-4353

FILE COPY

Re: *Chapman Financial Services v.*
Case No.

Dear Mr. Beyer:

Enclosed please find final confirmation from the _____ that all of the accounts on which you have based your lawsuit have been adjusted to a \$0.00 balance, pursuant to the Washington State Charity Care laws.

Please also find a copy of the previous charity care award letters from both _____ and _____ with which you have already been provided.

There are now no ambiguities as to which accounts have been fully discharged. There is now no reason for the lawsuit against my client to continue. Over the course of the last four months, I have repeatedly demanded that you dismiss the action against my client with prejudice, yet you have taken no action to do so. To the contrary, you have demanded that my client sign a release of liability in exchange for the dismissal. As I have told you, my client will not do so and has no obligation to do so.

Therefore, if you do not voluntarily dismiss the lawsuit, I will file a motion to dismiss with the court and request an award of costs and attorney fees for that motion.

Please confirm that you will be dismissing the lawsuit no later than April 10, 2015.

Thank you for your cooperation in this matter. If you have any questions or comments, then please do not hesitate to contact my office.

Sincerely,

NORTHWEST JUSTICE PROJECT

Scott M. Kinkley
Staff Attorney

smk/mc
c: Client

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

DISTRICT COURT OF WASHINGTON
COUNTY OF LINCOLN

CHAPMAN FINANCIAL SERVICES,

Plaintiff,

vs.

Defendant.

NO.

MOTION AND MEMORANDUM
TO DISMISS WITH PREJUDICE

I. MOTION

Defendant, through his attorney, Scott M. Kinkley, of the Northwest Justice Project, requests that the Court enter an order dismissing this lawsuit with prejudice since the underlying hospital bills have been extinguished pursuant to Washington's statutory charity care scheme. This motion is based on the Declaration of Scott M. Kinkley authenticating the charity care sponsorship letters, the Memorandum in Support and the files and records herein.

II. MEMORANDUM

This is an action filed by a collection agency to collect on medical debt incurred at and . After the collection agency filed this

1 lawsuit, Defendant petitioned each hospital for charity care sponsorship and
2 forgiveness of the debt, pursuant to Washington statutory charity care scheme, which
3 allows a medical debtor to do so "at any time." See RCW 70.170, *et seq.*, and WAC
4 246-453, *et seq.* Hospitals are required by WAC 246-453-050 to adopt a sliding fee
5 schedule for the determination of charity care discounts based on the patient's income.

6 On _____ determined that
7 qualified for 100% charity care reduction and extinguished his medical bills. Dec. S.
8 Kinkley, Exhibit A.

9 On _____ also determined _____ was eligible
10 for 100% charity care reduction and extinguished his medical bills. Dec. S. Kinkley,
11 Exhibit B.

12 Since the underlying claims are now extinguished, pursuant to RCW 70.170,
13 there is no controversy and this matter should be dismissed.

14 DATED this _____ day of January, 2015.

15
16 _____
17 SCOTT M. KINKLEY, WSBA #42434
18 Attorney for Defendant
19
20
21
22
23

FILED

DATE
CLERK

Lincoln County District Court

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

DISTRICT COURT OF WASHINGTON
COUNTY OF LINCOLN

CHAPMAN FINANCIAL SERVICES,

Plaintiff,

vs.

Defendant.

NO.

AGREED ORDER OF
DISMISSAL
WITH PREJUDICE

(Clerk's Action Required)

THIS MATTER having come on regularly before the undersigned Judge of the above-entitled Court, and the Plaintiff, by and through its attorney, Michael Beyer, and the Defendants, by and through their attorney, Scott M. Kinkley of Northwest Justice Project, and the parties requesting an Agreed Order of Dismissal with Prejudice and without costs or fees to either side, and the Court being fully advised, NOW, THEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED that the Plaintiff's

COPY

1 Complaint as to the Defendant as herein stated is hereby dismissed with prejudice and
2 without an award of costs or fees to either side.

3 ENTERED this 16th day of April, 2015.

4 JOSHUA F. GRANT

5 JUDGE

6 Agreed and Approved;

7 Notice of Presentment Waived:

8 Presented by:

9 
SCOTT M. KINKLEY, WSBA #42434
Attorney for Defendant

10 
MICHAEL BEYER, WSBA #9910
Attorney for Plaintiff

COPY