

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

RODNEY ALAN STEGEMANN
trading as
NUDGE.ONLINE

Plaintiff

No. 17-2-18993-6 SEA

MOTION TO IDENTIFY PROPERLY THE
LEGAL NATURE OF THE DEFENDANTS

SEATON and CANDACE GRAS
trading as
SURF INCUBATOR

Defendants

I. STATEMENT OF THE ISSUE

1) The Defendants representatives have wisely brought it to the Plaintiff’s attention that the Plaintiff is suing the wrong legal entity. The purpose of this motion is to correct this error.

2) When the claim was initiated the Plaintiff relied on the following information to determine the legal nature of the Defendants:

a) The Defendant Seaton Gras was introduced to the Plaintiff as the owner of SURF Incubator.

b) A statement made to the Plaintiff when he mistakenly introduced the Defendant Candace Gras as Surf Incubator’s Front Desk Clerk and was immediately corrected by the Defendant with the words: “I am a co-owner”.

c) In the membership agreement signed by the Plaintiff on May 1, 2017 appear only the words SURF Incubator (See PROPOSED ORDER in PETITION FOR TEMPORARY RESTRAINING

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1 ORDER dated July 18, 2017.
2

3 d) In the Defendant's July 17, 2017 letter (Exhibit #8) to the Plaintiff appear with the author's
4 signature only his printed name. There is no indication of the Defendant's title or formal role
5 within the organization. In the letterhead appear only the words SURF INCUBATOR.
6

7 e) On July 24, 2017 Vince Cavin, the Defendant's administrative assistant, composed a letter
8 (Exhibit #14) for the Plaintiff to sign. His own name within the document appears without title
9 and the name of the organization that he was representing is given only as SURF Incubator.
10

11 f) In fact, the only clue that SURF INCUBATOR is anything but a Ma & Pa sole proprietorship
12 is given in the email signature sent to the Plaintiff by the Defendant Seaton Gras when he threat-
13 ened the Defendant with immediate expulsion. For there, the Defendant refers to himself as
14 Founder/CEO (see Exhibit #2).
15

16 g) In casual conversation with other members of the SURF Incubator community there was never
17 indication that Seaton Gras is anything, but the sole owner.
18

19 Thus, short of going to the Department of Revenue company registry, the Plaintiff had every
20 reason to believe that suing the Defendants Seaton and Candace Gras was identical with suing
21 SURF Incubator.
22

23 II. EVIDENCE RELIED ON 24

25 3) A subsequent visit to the Department of Revenue's business registry suggests that the Plaintiff
26 erred when he submitted his original motion and that the proper Defendants to his claim are the
27 legal entity SURF Incubator L.L.C. of which Seaton Gras is both an owner and the firm's as-
28 signed legal agent.
29

30 IV. PROPOSED ORDER 31

32 4) That the Defendant be allowed to add to his claim the unnamed owners of SURF Incuba-
33 tor, L.L.C. and that the current Defendants along with the firms other owners be more properly
34 named SURF Incubator, L.L.C.
35

36 5) That the Plaintiff be excused by the Court for his honest and reasonable error as a non-attor-
37 ney in the proper identification of the Defendants.
38

39 Tuesday, September 19, 2017
40

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