

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Robert A. Johnson v. Raven Wood Homeowners Association

No. 3:24-cv-05087-TLF (W.D. Wash. Jan. 20, 2026) · No. 3:24-cv-05087-TLF · Decided January 20, 2026

SUMMARY

The United States District Court for the Western District of Washington denied Robert A. Johnson’s motion to strike Defendant Carl E. Krieger’s answer. The court held that the answer was not impermissibly redundant, that Krieger’s attorney-fee counterclaim was not a basis for striking the answer, that his representation and signatures complied with Federal Rule of Civil Procedure 11, and that changed circumstances permitted him to litigate defenses and counterclaims despite the court’s prior rulings.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	Theresa L. Fricke
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	January 20, 2026
DOCKET	3:24-cv-05087-TLF
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 12(f) to strike portions of Defendant Carl E. Krieger's answer, including allegedly redundant material, a counterclaim for attorney's fees, assertions concerning official-capacity representation, and defenses or counterclaims allegedly barred by the Court's prior summary-judgment ruling.
STANDARD OF REVIEW	A Rule 12(f) motion to strike is evaluated to determine whether challenged matter is redundant or otherwise improper and whether striking it would avoid expenditure of time and money on spurious issues. Application of the law-of-the-case doctrine is discretionary.
PRECEDENTIAL VALUE	unpublished
PARTIES	Robert A. Johnson v. Raven Wood Homeowners Association

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Krieger's answer contained impermissibly redundant material subject to being stricken under Federal Rule of Civil Procedure 12(f).
2. Whether Krieger could assert a request or counterclaim for attorney's fees in his answer in this Fair Housing Act and civil-rights litigation.
3. Whether Krieger's signature on the answer and his identification as pro se constituted impermissible hybrid representation under Federal Rule of Civil Procedure 11(a).
4. Whether the Court's prior summary-judgment ruling and the law-of-the-case doctrine precluded Krieger from litigating defenses, counterclaims, or attorney's fees after the order of default was overturned.

HOLDINGS

1. The answer was not impermissibly redundant because Krieger asserted that he acted as an official representative and agent of the homeowners association, making overlap between his conduct and the entity's conduct legally relevant; the Rule 12(f) challenge was therefore meritless.
2. Krieger's request for attorney's fees was not a viable basis for striking the answer. The Fair Housing Act permits a court, in its discretion, to award reasonable attorney's fees and costs to a prevailing party, and a defendant may recover fees when the plaintiff's action is frivolous, unreasonable, or without foundation.
3. Krieger's signature on the answer and identification of himself as pro se did not violate the Federal Rules of Civil Procedure or constitute impermissible hybrid representation because defense counsel had entered an appearance and also signed the answer.
4. The prior summary-judgment ruling did not preclude Krieger from litigating defenses, asserting facts, admitting or denying allegations, or pursuing a counterclaim for attorney's fees because changed circumstances existed after the order of default was overturned and Krieger had not previously participated in the case.

KEY QUOTATIONS

"The motion is DENIED. Defendant's request for attorney's fees concerning plaintiff's motion to strike (Dkt. 96 at 1, 5) will be addressed by separate order after additional briefing." (at 1)

"Here, there are changed circumstances, and the Court declines to apply law of the case. The previous order of default is not in effect, and therefore Mr. Krieger must have an opportunity to litigate his defenses" (at 5)

FACTUAL BACKGROUND

Krieger served as an official representative and agent of Raven Wood Homeowners Association and asserted that he acted within the scope of his employment. After the Court overturned an order of default against Krieger, he participated in the litigation and filed an answer containing defenses and a request for attorney's fees. Krieger signed the answer, and defense counsel also signed it after entering an appearance. Johnson sought to strike the answer based on redundancy, alleged hybrid representation, the attorney-fee counterclaim, and the prior summary-judgment ruling.

PROCEDURAL HISTORY

The Court previously entered an order of default against Krieger, later overturned that order on September 30, 2025, allowing Krieger to participate in the case. Before Krieger's participation, the Court had entered scheduling orders and a summary-judgment decision concerning the entity defendant. Johnson then moved to strike Krieger's answer. The Court denied the motion and reserved Krieger's request for attorney's fees for a separate order after additional briefing.

DISPOSITION

other

CASES CITED

- Whittlestone, Inc. v. Handi-Craft Co., 618 F.3d 970, 973 (9th Cir. 2010)
- Fantasy, Inc. v. Fogerty, 984 F.2d 1524, 1527 (9th Cir. 1993)
- Houser v. City of Redmond, 91 Wn.2d 36, 40 (1978)
- New Jersey Coalition of Rooming and Boarding House Owners v. Mayor and Council of City of Ashbury Park, 152 F.3d 217, 225 (3d Cir. 1998)
- Newman v. Piggie Park Enterprises, Inc., 390 U.S. 400, 402 (1968)
- Leeds v. Watson, 630 F.2d 674, 677 (9th Cir. 1980)
- Indep. Fed’n of Flight Attendants v. Zipes, 491 U.S. 754, 758-759 (1989)
- Christiansburg Garment Co. v. Equal Emp. Opportunity Comm’n, 434 U.S. 412, 421-422 (1978)
- Green v. Mercy Housing, Inc., 991 F.3d 1056, 1057-1059 (9th Cir. 2021)
- Hughes v. Rowe, 449 U.S. 5, 15-16 (1980) (per curiam)
- Miller v. L.A. Cnty. Bd. of Educ., 827 F.2d 617, 620 (9th Cir. 1987)
- Durrett v. Jenkins Brickyard, Inc., 678 F.2d 911, 914 n.3 (11th Cir. 1982)
- Botosan v. Fitzhugh, 13 F. Supp. 2d 1047 (S.D. Cal. 1998)
- Thomas v. Bible, 983 F.2d 152, 154-155 (9th Cir. 1993)
- Hall v. City of Los Angeles, 697 F.3d 1059, 1067 (9th Cir. 2012)
- United States v. Lummi Nation, 763 F.3d 1180, 1185 (9th Cir. 2014)
- Stacy v. Colvin, 825 F.3d 563, 567 (9th Cir. 2016)

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