

The Honorable Robert S. Lasnik
The Honorable David G. Estudillo
The Honorable Lawrence Van Dyke

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

BENANCIO GARCIA III,

Plaintiff,

v.

STEVEN HOBBS in his official capacity
as Secretary of State of Washington, et al.

Defendants.

NO. 3:22-cv-05152-RSL-DGE-LJCV

DEFENDANT STEVEN HOBBS'
ANSWER TO PLAINTIFF'S
AMENDED COMPLAINT

Defendant Steven Hobbs hereby answers Plaintiff's Amended Complaint as follows.

Secretary Hobbs reserves the right to amend this pleading as permitted by this Court's rules and orders, including Fed. R. Civ. P. 15.

I. INTRODUCTION

1. Admit.

2. Secretary Hobbs admits that, as part of the 2021 redistricting process, the Washington State Redistricting Commission approved a plan for the redistricting of state legislative districts. Secretary Hobbs further admits that the Washington Legislature amended that plan. Secretary Hobbs is without information sufficient to form a belief as to the truth of the remaining allegations in this Paragraph, and therefore denies.

1 3. This Paragraph asserts legal conclusions and questions of law to be determined
2 by the Court, to which no response is required. To the extent that a response is required, Secretary
3 Hobbs admits that the language in quotations is accurate but denies that the Paragraph is a
4 complete or accurate recitation or summary of the referenced law.

5 4. Secretary Hobbs admits that Legislative District 15 crosses five county lines and
6 bisects Pasco and Yakima, which Secretary Hobbs admits are among the largest cities in Central
7 or Eastern Washington by population. Secretary Hobbs is without information sufficient to form
8 a belief as to the truth of the remaining allegations in this Paragraph, and therefore denies.

9 5. This Paragraph asserts legal conclusions and questions of law to be determined
10 by the Court, to which no response is required. To the extent that a response is required, Secretary
11 Hobbs admits only that this Paragraph has accurately quoted a portion of *Cooper v. Harris*, 137
12 S. Ct. 1455 (2017), which otherwise speaks for itself. To the extent a further response is required,
13 denied.

14 6. This Paragraph asserts legal conclusions and questions of law to be determined
15 by the Court, to which no response is required. To the extent that a response is required, Secretary
16 Hobbs admits only that this Paragraph has accurately quoted a portion of *Cooper v. Harris*, 137
17 S. Ct. 1455 (2017), which otherwise speaks for itself. To the extent a further response is required,
18 denied.

19 7. This Paragraph asserts legal conclusions and questions of law to be determined
20 by the Court, to which no response is required. To the extent that a response is required, Secretary
21 Hobbs admits only that this Paragraph has accurately quoted a portion of *Abbott v. Perez*, 138 S.
22 Ct. 2305 (2018), which otherwise speaks for itself. Secretary Hobbs is without information
23 sufficient to form a belief as to the truth of the remaining allegations in this Paragraph, and
24 therefore denies.

25 8. This Paragraph asserts legal conclusions and questions of law to be determined
26 by the Court, to which no response is required. To the extent a further response is required,

1 denied. Secretary Hobbs is without information sufficient to form a belief as to the truth of the
2 remaining allegations in this Paragraph, and therefore denies.

3 9. This Paragraph asserts legal conclusions and questions of law to be determined
4 by the Court, to which no response is required. To the extent that a response is required, denied.

5 10. This paragraph summarizes Plaintiff's request for relief, and requires no
6 response.

7 **II. PARTIES**

8 11. Secretary Hobbs admits that Plaintiff Benancio Garcia III has attested that he is a
9 United States citizen and over the age of 18, and is a registered voter in the state of Washington.
10 Secretary Hobbs admits that Plaintiff has provided a residential address in Grandview,
11 Washington, in Yakima County, and that the address is in the current District 15. Secretary
12 Hobbs is without information sufficient to form a belief as to the truth of the remaining
13 allegations in this Paragraph, and therefore denies.

14 12. Secretary Hobbs admits that the Amended Complaint purports to assert a claim
15 against Secretary Hobbs in his official capacity as the Secretary of State of Washington.
16 Secretary Hobbs admits that Plaintiff has accurately quoted portions of the Revised Code of
17 Washington, and that Legislative District 15 is composed of voters from two or more counties.
18 To the extent that a further response is required, Secretary Hobbs denies.

19 13. Secretary Hobbs admits that this Court's Order of Joinder directed Plaintiffs to
20 join the State of Washington. The remaining allegations consist of legal conclusions and
21 questions of law to be determined by the Court, to which no response is required. To the extent
22 a response is required, Secretary Hobbs admits.

23 **III. JURISDICTION**

24 14. This Paragraph asserts legal conclusions and questions of law to be determined
25 by the Court, to which no response is required. To the extent that a response is required, Secretary
26

1 Hobbs admits that this Court has jurisdiction over the federal law claims in this action, but denies
2 all necessary parties have been joined.

3 15. This paragraph requests a three-judge court, a request to which no response is
4 required. Secretary Hobbs admits that Plaintiff has accurately quoted a portion of 28 U.S.C.
5 § 2284(a).

6 16. Secretary Hobbs admits that the State of Washington is a state of the United States
7 of America. Secretary Hobbs further admits that he is a state official who resides in Washington
8 and performs official duties in Olympia, Washington. The remaining allegation in this Paragraph
9 asserts a legal conclusion and question of law to be determined by the Court, to which no
10 response is required. To the extent that a response is required, Secretary Hobbs admits.

11 17. This Paragraph asserts legal conclusions and questions of law to be determined
12 by the Court, to which no response is required. To the extent that a response is required, Secretary
13 Hobbs admits only that venue is proper in this judicial district and that he is a state official
14 performing official duties in the Western District of Washington.

15 IV. FACTS

16 A. Washington State Redistricting

17 18. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion
18 of the Washington State Constitution, which otherwise speaks for itself. To the extent a further
19 response is required, denied.

20 19. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion
21 of the Washington State Constitution, which otherwise speaks for itself. To the extent a further
22 response is required, denied.

23 20. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion
24 of the Washington State Constitution, which otherwise speaks for itself. To the extent a further
25 response is required, denied.
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1 21. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion
2 of the Revised Code of Washington, which otherwise speaks for itself. To the extent a further
3 response is required, denied.

4 22. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion
5 of the Washington State Constitution, which otherwise speaks for itself. To the extent a further
6 response is required, denied.

7 23. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion
8 of the Washington State Constitution, which otherwise speaks for itself. To the extent a further
9 response is required, denied.

10 24. Secretary Hobbs admits only that this Paragraph has accurately quoted or
11 paraphrased a portion of the Revised Code of Washington, which otherwise speaks for itself. To
12 the extent a further response is required, denied.

13 25. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion
14 of the Revised Code of Washington, which otherwise speaks for itself. To the extent a further
15 response is required, denied.

16 26. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion
17 of the Revised Code of Washington, which otherwise speaks for itself. To the extent a further
18 response is required, denied.

19 27. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion
20 of the Revised Code of Washington, which otherwise speaks for itself. To the extent that a
21 response is required, Secretary Hobbs denies that the Paragraph is a complete or accurate
22 recitation or summary of the referenced law.

23 **B. The History of Legislative District 15**

24 28. Secretary Hobbs admits that from 1931 to 1982, and 2002 to 2021, Legislative
25 District 15 contained a portion of Yakima County, and from 1982 to 2001, contained a portion
26

1 of Yakima County as well as portions of neighboring counties, but never Othello or Pasco.
2 Secretary Hobbs denies any remaining allegations in this paragraph.

3 29. Secretary Hobbs admits that the image in this paragraph is an accurate
4 reproduction of a portion of the 1931-1957 district map in STATE OF WASH., MEMBERS OF
5 THE LEGISLATURE 1889-2019 (2019). Secretary Hobbs admits that the section of the image
6 designated as Legislative District 15 contains only a portion of Yakima County. To the extent a
7 further response is required, denied.

8 30. Secretary Hobbs admits that the image in this paragraph is an accurate
9 reproduction of a portion of the 1957-1965 district map in STATE OF WASH., MEMBERS OF
10 THE LEGISLATURE 1889-2019 (2019). Secretary Hobbs admits that the section of the image
11 designated as Legislative District 15 contains only a portion of Yakima County. To the extent a
12 further response is required, denied.

13 31. Secretary Hobbs admits that the image in this paragraph is an accurate
14 reproduction of a portion of the 1965-1972 district map in STATE OF WASH., MEMBERS OF
15 THE LEGISLATURE 1889-2019 (2019). Secretary Hobbs admits that the section of the image
16 designated as Legislative District 15 contains only a portion of Yakima County. To the extent a
17 further response is required, denied.

18 32. Secretary Hobbs admits that the image in this paragraph is an accurate
19 reproduction of a portion of the 1972-1981 district map in STATE OF WASH., MEMBERS OF
20 THE LEGISLATURE 1889-2019 (2019). Secretary Hobbs admits that the section of the image
21 designated as Legislative District 15 contains only a portion of Yakima County. To the extent a
22 further response is required, denied.

23 33. Secretary Hobbs admits that the image in this paragraph is an accurate
24 reproduction of a portion of the 1982-1991 district map in STATE OF WASH., MEMBERS OF
25 THE LEGISLATURE 1889-2019 (2019). Secretary Hobbs admits that the section of the image
26

1 designated as Legislative District 15 contains portions of Yakima and Benton Counties. To the
2 extent a further response is required, denied.

3 34. Secretary Hobbs admits that the image in this paragraph is an accurate
4 reproduction of a portion of the 1991-2001 district map in STATE OF WASH., MEMBERS OF
5 THE LEGISLATURE 1889-2019 (2019). Secretary Hobbs admits that the section of the image
6 designated as Legislative District 15 contains portions of Yakima, Benton, Klickitat, and
7 Skamania Counties. To the extent a further response is required, denied.

8 35. Secretary Hobbs admits that the image in this paragraph is an accurate
9 reproduction of a portion of the 2002-2011 district map in STATE OF WASH., MEMBERS OF
10 THE LEGISLATURE 1889-2019 (2019). Secretary Hobbs admits that the section of the image
11 designated as Legislative District 15 contains portions of Yakima, Klickitat, Skamania, and
12 Clark Counties. To the extent a further response is required, denied.

13 36. Secretary Hobbs admits that the image in this paragraph is an accurate
14 reproduction of a portion of the 2012-2021 district map in STATE OF WASH., MEMBERS OF
15 THE LEGISLATURE 1889-2019 (2019). Secretary Hobbs admits that the section of the image
16 designated as Legislative District 15 contains only a portion of Yakima County. To the extent a
17 further response is required, denied.

18 **C. The 2021 Redistricting Process**

19 37. Admit.

20 38. Admit.

21 39. Admit.

22 40. Admit.

23 41. Admit.

24 42. Secretary Hobbs admits that none of the four maps proposed to the public on
25 September 12, 2021, included the cities of Pasco or Othello in Legislative District 15. Secretary
26

1 Hobbs is without information sufficient to form a belief as to the truth of the remaining
2 allegations in this Paragraph, and therefore denies.

3 43. Secretary Hobbs admits that the image appears to be a partial reproduction of
4 Commissioner Sims' proposed map, which speaks for itself. Secretary Hobbs admits that the
5 quoted language appears in Commissioner Sims' statement on her proposal, which otherwise
6 speaks for itself. To the extent a further response is required, denied.

7 44. Secretary Hobbs admits that the image appears to be a partial reproduction of
8 Commissioner Walkinshaw's proposed map, which speaks for itself. Secretary Hobbs admits
9 that the quoted language appears in Commissioner Walkinshaw's statement on his proposal,
10 which otherwise speaks for itself. To the extent a further response is required, denied.

11 45. Secretary Hobbs admits that the image appears to be a partial reproduction of
12 Commissioner Fain's proposed map, which speaks for itself. Secretary Hobbs admits that the
13 quoted language appears in Commissioner Fain's statement on his proposal, which otherwise
14 speaks for itself. To the extent a further response is required, denied.

15 46. Secretary Hobbs admits that the image appears to be a partial reproduction of
16 Commissioner Graves's proposed map, which speaks for itself. Secretary Hobbs admits that the
17 quoted language appears in Commissioner Graves's statement on his proposal, which otherwise
18 speaks for itself. To the extent a further response is required, denied.

19 47. Secretary Hobbs admits that the hyperlink in this Paragraph leads to the cited
20 report by Dr. Barreto, which otherwise speaks for itself. Secretary Hobbs is without information
21 sufficient to form a belief as to the truth of the remaining allegations in this Paragraph, and
22 therefore denies.

23 48. Secretary Hobbs is without information sufficient to form a belief as to the truth
24 of the allegation in this Paragraph, and therefore denies.

1 49. This Paragraph contains Plaintiff’s characterization of the above-cited report,
2 which otherwise speaks for itself and does not require a response. To the extent a further response
3 is required, denied.

4 50. This Paragraph contains Plaintiff’s characterization of the above-cited report,
5 which otherwise speaks for itself and does not require a response. To the extent a further response
6 is required, denied.

7 51. This Paragraph contains Plaintiff’s characterization of the above-cited report,
8 which otherwise speaks for itself and does not require a response. To the extent a further response
9 is required, denied.

10 52. This Paragraph contains Plaintiff’s characterization of the above-cited report,
11 which otherwise speaks for itself and does not require a response. To the extent a further response
12 is required, denied.

13 53. Secretary Hobbs admits only that the quoted language is attributed to
14 Commissioner Walkinshaw and appears on a website with the title and website given in the
15 Paragraph. To the extent a further response is required, denied.

16 54. Secretary Hobbs admits only that the quoted language is attributed to
17 Commissioner Walkinshaw and appears in an article with the title and website given in the
18 Paragraph. To the extent a further response is required, denied.

19 55. Secretary Hobbs admits only that Commissioners Sims and Graves released
20 revised proposed maps on October 25, 2021, which otherwise speak for themselves. Secretary
21 Hobbs is without information sufficient to form a belief as to the truth of the remaining
22 allegations in this Paragraph, and therefore denies.

23 56. Secretary Hobbs admits only that the quoted language appears on a website with
24 the title and website given in the Paragraph. To the extent a further response is required, denied.

1 **D. Legislative District 15 under the 2021 Plan**

2 57. Secretary Hobbs admits only that the quoted language appears in the cited order
3 of the Washington State Supreme Court, which otherwise speaks for itself. To the extent a further
4 response is required, denied.

5 58. Secretary Hobbs admits only that the quoted language appears in the cited order
6 of the Washington State Supreme Court, which otherwise speaks for itself. To the extent a further
7 response is required, denied.

8 59. Admit.

9 60. Admit.

10 61. This Paragraph asserts legal conclusions and questions of law to be determined
11 by the Court, to which no response is required. To the extent a response is required, Secretary
12 Hobbs admits only that the image appears to be a reproduction of Legislative District 15 under
13 the Commission's plan, and otherwise denies.

14 62. This Paragraph asserts legal conclusions and questions of law to be determined
15 by the Court, to which no response is required. To the extent a response is required, Secretary
16 Hobbs admits only that the current Legislative District 15 extends to Mattawa and Othello, and
17 otherwise denies.

18 63. This Paragraph asserts legal conclusions and questions of law to be determined
19 by the Court, to which no response is required. To the extent a response is required, Secretary
20 Hobbs admits only that the current Legislative District 15 covers portions of five counties and
21 no complete county, and otherwise denies.

22 64. This Paragraph asserts legal conclusions and questions of law to be determined
23 by the Court, to which no response is required. To the extent a response is required, Secretary
24 Hobbs admits only that the adopted district plan divides Yakima, Pasco, Grandview, and Moxee,
25 and that Pasco, Othello, and the Hanford Nuclear Site have not previously been in the same
26 legislative district as Yakima County or city, and otherwise denies.

1 73. Secretary Hobbs admits that this Paragraph accurately quotes a portion of
2 Section 1 of the Fourteenth Amendment of the U.S. Constitution, which otherwise speaks for
3 itself.

4 74. This Paragraph asserts legal conclusions and questions of law to be determined
5 by the Court, to which no response is required. To the extent a response is required, denied.

6 75. This Paragraph asserts legal conclusions and questions of law to be determined
7 by the Court, to which no response is required. To the extent a response is required, denied.

8 76. This Paragraph asserts legal conclusions and questions of law to be determined
9 by the Court, to which no response is required. To the extent a response is required, denied.

10 77. This Paragraph asserts legal conclusions and questions of law to be determined
11 by the Court, to which no response is required. To the extent a response is required, denied.

12 **VI. PLAINTIFF’S PRAYER FOR RELIEF**

13 Secretary Hobbs takes no position on whether Plaintiff is entitled to any relief requested
14 except that Secretary Hobbs denies that Plaintiff is entitled to an award of costs, expenses,
15 disbursements, or reasonable attorneys’ fees against Secretary Hobbs.

16 **AFFIRMATIVE DEFENSES**

17 Secretary Hobbs’ affirmative defenses to the Amended Complaint are set forth below. By
18 setting forth the following defenses, Secretary Hobbs does not assume burden of proof on the matter
19 at issue other than those on which he has the burden of proof as a matter of law. Secretary Hobbs
20 reserves the right to supplement these defenses.

- 21 1. Plaintiff has failed to join all necessary parties.

22 **PRAYER FOR RELIEF**

- 23 1. Such relief as the Court deems just and proper.

1 DATED this 8th day of July, 2022.

2 ROBERT W. FERGUSON
3 *Attorney General*

4 *s/ Karl D. Smith*
5 KARL D. SMITH, WSBA 41988
6 LESLIE A. GRIFFITH, WSBA 47197
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I electronically filed the foregoing with the Clerk of the Court using
3 the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF)
4 to all parties in the case who are registered users of the CM/ECF system.

5
6 DATED this 8th day of July 2022, at Olympia, Washington.

7
8 *s/ Leena Vanderwood*
9 LEENA VANDERWOOD
10 *Legal Assistant*
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