

The Honorable Robert S. Lasnik

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

SUSAN SOTO PALMER, et al.,

 Plaintiffs,

 v.

STEVEN HOBBS, in his official capacity
as Secretary of State of Washington, and
the STATE OF WASHINGTON,

 Defendants,

 and

JOSE TREVINO, et al., ,

 Intervenor-Defendants.

NO. 3:22-cv-5035-RSL

DEFENDANT STATE OF
WASHINGTON’S ANSWER TO
PLAINTIFFS’ AMENDED
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF

Defendant State of Washington (the State) hereby answers Plaintiffs’ Amended Complaint (Dkt. 70) as follows. The State reserves the right to amend this pleading as permitted by this Court’s rules and orders and Federal Rule of Civil Procedure 15.

I. INTRODUCTION

1. This paragraph and the statement preceding it states legal conclusions and argument to which no response is required. To the extent a further response is required, the State denies the allegations in this paragraph.

1 2. The State admits that District 15 includes parts of the Yakima Valley and Pasco.
2 This remaining allegations paragraph states legal conclusions and argument to which no
3 response is required. To the extent a further response is required, the State denies the remaining
4 allegations in this paragraph.

5 3. This paragraph states legal conclusions and argument to which no response is
6 required. To the extent a further response is required, the State denies the allegations in this
7 paragraph.

8 4. The State is without information sufficient to form a belief as to the truth of the
9 allegations in this paragraph, and therefore denies them.

10 5. The State admits that the cities of Yakima, Toppenish, Wapato, and Mabton are
11 located in Yakima County. The State also admits that the Washington State Redistricting
12 Commission (Commission) included parts of Benton, Grant, and Franklin Counties in District
13 15. The allegation that the Commission “needlessly depressed” District 15’s Hispanic Citizen
14 Voting Age Population is legal conclusions and argument to which no response is required. To
15 the extent a response is required, the State denies this allegation. The State is without information
16 sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and
17 therefore denies them.

18 6. The State is without information sufficient to form a belief as to the truth of the
19 allegations in this paragraph, and therefore denies them.

20 7. The State admits that the City of Othello is in Adams County and was included
21 by the Commission in Legislative District 15. The State is without information sufficient to form
22 a belief as to the truth of the remaining allegations in this paragraph, and therefore denies them.

23 8. This paragraph’s allegation that the Commission “cracked apart Yakima
24 County’s Latino population” is legal conclusions and argument to which no response is required.
25 To the extent a response is required, the State denies this allegation. The State is without

1 information sufficient to form a belief as to the truth of the remaining allegations in this
2 paragraph, and therefore denies them.

3 9. This paragraph states legal conclusions and argument to which no response is
4 required. To the extent a further response is required, the State denies the allegations in this
5 paragraph.

6 10. The State admits that the Commission designed District 15. This remainder of
7 this paragraph states legal conclusions and argument to which no response is required. To the
8 extent a further response is required, the State denies the remaining allegations in this paragraph.

9 11. This paragraph states legal conclusions and argument to which no response is
10 required. To the extent a further response is required, the State denies the allegations in this
11 paragraph.

12 12. This paragraph states legal conclusions and argument to which no response is
13 required. To the extent a further response is required, the State denies the allegations in this
14 paragraph.

15 13. The State is without information sufficient to form a belief as to the truth of the
16 allegations in this paragraph, and therefore denies them.

17 14. The State is without information sufficient to form a belief as to the truth of the
18 allegations in this paragraph, and therefore denies them.

19 15. The State, on information and belief, admits that in the Adams County portion of
20 District 15 (where Othello is located), former President Donald Trump received 60.73% of
21 ballots counted. The State is without information sufficient to form a belief as to the truth of the
22 remaining allegations in this paragraph, and therefore denies them.

23 16. The State is without information sufficient to form a belief as to the truth of the
24 allegations in this paragraph, and therefore denies.

1 17. This paragraph states legal conclusions and argument to which no response is
2 required. To the extent a response is required, the State is without information sufficient to form
3 a belief as to the truth of the allegations in this paragraph, and therefore denies them.

4 18. This paragraph states legal conclusions and argument to which no response is
5 required. To the extent a response is required, the State is without information sufficient to form
6 a belief as to the truth of the allegations in this paragraph, and therefore denies them.

7 19. The State admits that legislative district elections for the House of
8 Representatives are held every two years. The State denies that elections for Senate depend on
9 whether legislative districts are even- or odd-numbers. The State is without information
10 sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and
11 therefore denies them.

12 20. This paragraph states legal conclusions and argument to which no response is
13 required. To the extent a further response is required, the State denies the allegations in this
14 paragraph.

15 21. This paragraph states legal conclusions and argument to which no response is
16 required. To the extent a further response is required, the State denies the allegations in this
17 paragraph.

18 22. This paragraph states legal conclusions and argument to which no response is
19 required. To the extent a further response is required, the State admits only that this paragraph
20 accurately quoted a portion of *LULAC v. Perry*, 548 U.S. 399, 441 (2006), which speaks for
21 itself. To the extent a further response if required, the State denies the allegations in this
22 paragraph.

23 23. This paragraph states legal conclusions and argument to which no response is
24 required. To the extent a further response is required, the State denies the allegations in this
25 paragraph.

1 24. The State is without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph, and therefore denies them.

3 25. The State is without information sufficient to form a belief as to the truth of the
4 allegations in this paragraph, and therefore denies them.

5 26. The State admits that current District 15 includes the eastern half of Yakima
6 County. The State is without information sufficient to form a belief as to the truth of the
7 remaining allegations in this paragraph, and therefore denies them.

8 27. The State admits that Maria Cantwell was a candidate for U.S. Senate in 2018.
9 The State is without information sufficient to form a belief as to whether Senator Cantwell
10 received 43.3% of the ballots counted, and therefore denies the allegation. The State admits that
11 Evangelina Aguilar was a candidate for State Senate in District 15 in 2018, and that she received
12 39.41% of ballots counted. The State is without information sufficient to form a belief as to the
13 truth of the remaining allegations in this paragraph, and therefore denies them.

14 28. The allegation that the Commission “creat[ed] a façade Latino opportunity
15 district” states legal conclusions and argument to which no response is required. To the extent a
16 further response is required, the State denies the allegations. The State is without information
17 sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and
18 therefore denies them.

19 29. The allegation that the maps adopted by the Commission have an “adverse
20 effect . . . on Latino voters in the Yakima Valley Region” states a legal conclusion and argument
21 to which no response is required. To the extent a further response is required, the State denies
22 the allegations. The State is without information sufficient to form a belief as to the truth of the
23 remaining allegations in this paragraph, and therefore denies them.

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1 30. The articles cited in this paragraph speak for themselves. The State is without
2 information sufficient to form a belief as to the truth of the remaining allegations in this
3 paragraph, and therefore denies them.

4 31. The State is without information sufficient to form a belief as to the truth of the
5 allegations in this paragraph, and therefore denies them.

6 32. The State is without information sufficient to form a belief as to the truth of the
7 allegations in this paragraph, and therefore denies them.

8 33. The State is without information sufficient to form a belief as to the truth of the
9 allegations in this paragraph, and therefore denies them.

10 34. This paragraph states legal conclusions and argument to which no response is
11 required. To the extent a further response is required, the State denies the allegations in this
12 paragraph.

13 **II. JURISDICTION AND VENUE**

14 35. This paragraph states legal conclusions and argument to which no response is
15 required. To the extent a further response is required, the State denies the Court has jurisdiction
16 over the State and state that all necessary parties have not been joined.

17 36. This paragraph states legal conclusions and argument to which no response is
18 required. To the extent a further response is required, the State admits that the referenced
19 provisions relate to award of costs and attorneys' fees, although the State denies that Plaintiffs
20 are entitled to attorneys' fees or costs in this case.

21 37. This paragraph states legal conclusions and argument to which no response is
22 required. To the extent a further response is required, the State admits that Defendant Hobbs
23 is a state official who resides in Washington and performs official duties in Olympia,
24 Washington, and that the State of Washington is a sovereign state of the United States of
25 America.

1 38. This paragraph states legal conclusions and argument to which no response is
2 required. To the extent a further response is required, admitted.

3 **III. PARTIES**

4 39. The State is without information sufficient to form a belief as to the truth of the
5 allegations in this paragraph, and therefore denies them.

6 40. The State is without information sufficient to form a belief as to the truth of the
7 allegations in this paragraph, and therefore denies them.

8 41. The State is without information sufficient to form a belief as to the truth of the
9 allegations in this paragraph, and therefore denies them.

10 42. The State is without information sufficient to form a belief as to the truth of the
11 allegations in this paragraph, and therefore denies them.

12 43. The State is without information sufficient to form a belief as to the truth of the
13 allegations in this paragraph, and therefore denies them.

14 44. The State is without information sufficient to form a belief as to the truth of the
15 allegations in this paragraph, and therefore denies them.

16 45. The State is without information sufficient to form a belief as to the truth of the
17 allegations in this paragraph, and therefore denies them.

18 46. The State is without information sufficient to form a belief as to the truth of the
19 allegations in this paragraph, and therefore denies them.

20 47. The State is without information sufficient to form a belief as to the truth of the
21 allegations in this paragraph, and therefore denies them.

22 48. The State is without information sufficient to form a belief as to the truth of the
23 allegations in this paragraph, and therefore denies them.

24 49. The State is without information sufficient to form a belief as to the truth of the
25 allegations in this paragraph, and therefore denies them.

1 50. The State is without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph, and therefore denies them.

3 51. The State is without information sufficient to form a belief as to the truth of the
4 allegations in this paragraph, and therefore denies them.

5 52. The State is without information sufficient to form a belief as to the truth of the
6 allegations in this paragraph, and therefore denies them.

7 53. The State is without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore denies them.

9 54. The State is without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph, and therefore denies them.

11 55. This paragraph states legal conclusions and argument to which no response is
12 required. To the extent a further response is required, the State denies the allegations in this
13 paragraph.

14 56. The State admits that Southcentral Coalition of People of Color for Redistricting
15 is a Washington non-profit organization. The State is without information sufficient to form a
16 belief as to the truth of the remaining allegations in this paragraph, and therefore denies them.

17 57. The State is without information sufficient to form a belief as to the truth of the
18 allegations in this paragraph, and therefore denies them.

19 58. This paragraph states legal conclusions and argument to which no response is
20 required. To the extent a further response is required, the State denies the allegations in this
21 paragraph.

22 59. The allegations in this paragraph are not directed to the State and state legal
23 conclusions to which no response is required. To the extent a response is required, the State
24 incorporates Secretary Hobbs's response to this paragraph.

1 60. The Court’s Order of Joinder, Dkt. No. 68, speaks for itself. The remainder of
2 this paragraph states legal conclusions and argument to which no response is required. To the
3 extent a further response is required, the State denies the allegations in this paragraph.

4 **IV. LEGAL BACKGROUND**

5 61. This paragraph states legal conclusions and argument to which no response is
6 required. To the extent a further response is required, the State admits only that the paragraph
7 accurately quotes portions of the cited statutes, which speak for themselves.

8 62. This paragraph states legal conclusions and argument to which no response is
9 required. To the extent a further response is required, the State admits only that the paragraph
10 accurately quotes portions of *Thornburg v. Gingles*, 478 U.S. 30 (1986), which speaks for itself.

11 63. This paragraph states legal conclusions and argument to which no response is
12 required. To the extent a further response is required, the State admits only that the paragraph
13 accurately quotes portions of *Thornburg v. Gingles*, 478 U.S. 30 (1986), which speaks for itself.

14 64. This paragraph states legal conclusions and argument to which no response is
15 required. To the extent a further response is required, the State admits only that the paragraph
16 accurately quotes portions of *N.C. State Conf. of NAACP v. McCrory*, 831 F.3d. 204
17 (4th Cir. 2016), which speaks for itself.

18 65. This paragraph states legal conclusions and argument to which no response is
19 required. To the extent a further response is required, 52 U.S.C. § 10301(b), and any (unnamed)
20 Supreme Court opinions alluded to by this paragraph, speak for themselves.

21 66. This paragraph states legal conclusions and argument to which no response is
22 required. To the extent a further response is required, the Senate Report referenced in this
23 paragraph speaks for itself.

24 67. This paragraph states legal conclusions and argument to which no response is
25 required. To the extent a further response is required, *Luna v. City of Kern*, 291 F. Supp. 3d 1088

1 (E.D. Cal. 2018), and *Hall v. Louisiana*, 108 F. Supp. 3d 419 (M.D. La. 2015), speak for
2 themselves.

3 68. This paragraph states legal conclusions and argument to which no response is
4 required. To the extent a further response is required, the State admits only that the paragraph
5 accurately quotes portions of *United States v. Marengo Cnty. Comm'n*, 731 F.2d 1546 (11th Cir.
6 1984), which speaks for itself.

7 69. This paragraph asserts legal conclusions and argument to which no response is
8 required. To the extent a further response is required, admitted.

9 70. This paragraph states legal conclusions and argument to which no response is
10 required. To the extent a further response is required, the State admits only that the paragraph
11 accurately quotes portions of *Village of Arlington Heights v. Metro. Housing Dev. Corp.*,
12 429 U.S. 252 (1977) and *N.C. State Conf. of NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016),
13 which speak for themselves.

14 71. This paragraph states legal conclusions and argument to which no response is
15 required. To the extent a further response is required, the State admits only that the paragraph
16 accurately quotes portions of *N.C. State Conf. of NAACP v. McCrory*, 831 F.3d 204 (4th
17 Cir. 2016), which speaks for itself.

18 72. This paragraph states legal conclusions and argument to which no response is
19 required. To the extent a further response is required, the State admits only that the paragraph
20 accurately quotes portions of *Hunter v. Underwood*, 471 U.S. 222 (1985), which speaks for itself.

21 73. This paragraph states legal conclusions and argument to which no response is
22 required. To the extent a further response is required, *Thomas v. Bryant*, 366 F. Supp. 3d 786
23 (S.D. Miss. 2019), *aff'd*, 938 F.3d 134 (5th Cir. 2019), and *Mo. State Conf. of the NAACP v.*
24 *Ferguson–Florissant Sch. Dist.*, 894 F.3d 924 (8th Cir. 2018), speak for themselves.

1 74. This paragraph states legal conclusions and argument to which no response is
2 required. To the extent a further response is required, the State admits only that the paragraph
3 accurately quotes portions of *LULAC v. Perry*, 548 U.S. 399 (2006), which speaks for itself.

4 75. This paragraph states legal conclusions and argument to which no response is
5 required. To the extent a further response is required, *Perez v. Abbott*, 250 F. Supp. 3d 123
6 (W.D. Tex. 2017), speaks for itself.

7 76. This paragraph states legal conclusions and argument to which no response is
8 required. To the extent a further response is required, the State admits only that the paragraph
9 cites *Perez v. Abbott*, 250 F. Supp. 3d 123 (W.D. Tex. 2017) and accurately quotes portions of
10 *LULAC v. Perry*, 548 U.S. 399 (2006), which speak for themselves.

11 **V. FACTUAL ALLEGATIONS**

12 **A. 2020 Demographic Changes in Washington State**

13 77. Admitted.

14 78. Denied. According to 2020 Census data, Washington has the eleventh-largest
15 Latino population out of the fifty states.

16 79. This paragraph states legal conclusions and argument to which no response is
17 required. To the extent a further response is required, the State admits that the paragraph cites
18 13 U.S.C. § 141(c), which speaks for itself. Further answering, the State is without information
19 sufficient to form a belief as to the truth of the allegation about what data “[s]tates ordinarily
20 use,” and therefore denies them. To the extent a further response is required, the State denies the
21 remaining allegations in this paragraph.

22 80. Admitted.

23 81. This paragraph states legal conclusions and argument to which no response is
24 required. Wash. Rev. Code § 44.05.140 speaks for itself.

25 82. Admitted.

1 83. The State incorporates its responses to paragraph 84. The data speaks for itself,
2 and no further response is required.

3 84. The State admits that, according to U.S. Census data, the Latino population in
4 Washington grew by 303,423, and that this represents a growth rate of approximately 40.1%.
5 The State admits that, according to U.S. Census data, the non-Latino population in Washington
6 grew by approximately 11.3%.

7 85. The State is without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore denies them.

9 86. The State is without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph, and therefore denies them.

11 87. The State admits that, according to U.S. Census data, the Latino population of
12 Yakima County increased by more than 20,000 between 2010 and 2020.

13 88. The State admits that, according to U.S. Census data, the total population of
14 Yakima County in 2020 was 256,728.

15 89. The State admits that, according to U.S. Census data, the Latino population of
16 Yakima County in 2020 was 130,049. The State admits that, according to U.S. Census data,
17 Latinos comprised 50.7% of the population in Yakima County in 2020 and 45.0% in 2010.

18 90. The State admits that, according to U.S. Census data, Franklin County added
19 more than 12,000 Latinos between 2010 and 2020.

20 91. The State admits that, according to U.S. Census data, Franklin County's total
21 Latino population is 54.2% of the County's total population, and that the 2020 population of
22 Latinos in Franklin County was 52,445.

23 92. Denied. According to U.S. Census data, Benton County added 16,643 Latinos
24 between 2010 and 2020, an increase of 50.9%, for a total Latino population of 49,339 in 2020.

25 93. Admitted.

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94. Admitted.

95. Admitted.

96. The State admits that, according to U.S. Census data, Yakima, Franklin, and Benton Counties had a combined Latino population of 231,833 in 2020. The State is without information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore denies them.

97. This paragraph states legal conclusions and argument to which no response is required. To the extent a response is required, the State is without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies them.

B. The Washington State Redistricting Commission

98. This paragraph states legal conclusions and argument to which no response is required. To the extent a response is required, the State admits art. II, § 43 of the Washington Constitution establishes the redistricting commission. That provision speaks for itself.

99. This paragraph states legal conclusions and argument to which no response is required. To the extent a response is required, the State admits art. II, § 43 of the Washington Constitution establishes the redistricting commission. That provision speaks for itself.

100. This paragraph states legal conclusions and argument to which no response is required. To the extent a response is required, the State admits art. II, § 43 of the Washington Constitution establishes the redistricting commission. That provision speaks for itself.

101. This paragraph states legal conclusions and argument to which no response is required. To the extent a response is required, the State admits art. II, § 43 of the Washington Constitution establishes the redistricting commission, and that the paragraph accurately quotes art. II, § 43(6). That provision speaks for itself

1 102. This paragraph states legal conclusions and argument to which no response is
2 required. To the extent a response is required, the State admits this paragraph accurately quotes
3 Wash. Rev. Code § 44.05.100, which speaks for itself.

4 103. This paragraph states legal conclusions and argument to which no response is
5 required. To the extent a response is required, the two provisions Plaintiffs cite, Wash. Rev. Code
6 § 44.05.090 and Wash. Rev. Code § 44.05.140, speak for themselves.

7 104. This paragraph states legal conclusions and argument to which no response is
8 required. This paragraph also appears to erroneously cite Wash. Rev. Code § 44.05.110, when
9 the relevant provision is Wash. Rev. Code § 44.05.100. To the extent a response is required,
10 Wash. Rev. Code § 44.05.100 and .110 speak for themselves.

11 105. This paragraph states legal conclusions and argument to which no response is
12 required. To the extent a response is required, Wash. Rev. Code § 44.05.100 and .110 speak for
13 themselves.

14 106. The State admits this paragraph accurately quotes Wash. Rev. Code § 44.05.100,
15 which speaks for itself.

16 107. The State admits this paragraph accurately quotes Wash. Rev. Code § 44.05.120,
17 which speaks for itself.

18 108. This paragraph states legal conclusions and argument to which no response is
19 required. To the extent a response is required, admitted.

20 **C. 2021 Washington State Redistricting Commission’s Official Actions and Approval**
21 **of Final Maps**

22 109. Admitted.

23 110. Admitted.

24 111. Admitted.

25 112. Admitted.

26 113. Admitted.

1 114. The State denies that any Redistricting Commissioners are defendants in this
2 action. The State is without information sufficient to form a belief as to the truth of the remaining
3 allegations in this paragraph, and therefore denies them.

4 115. The State is without information sufficient to form a belief as to the truth of the
5 allegations in this paragraph, and therefore denies them.

6 116. The State is without information sufficient to form a belief as to the truth of the
7 allegations in this paragraph, and therefore denies them.

8 117. The State is without information sufficient to form a belief as to the truth of the
9 allegations in this paragraph, and therefore denies them.

10 118. The State is without information sufficient to form a belief as to the truth of the
11 allegations in this paragraph, and therefore denies them.

12 119. The State is without information sufficient to form a belief as to the truth of the
13 allegations in this paragraph, and therefore denies them.

14 120. The State is without information sufficient to form a belief as to the truth of the
15 allegations in this paragraph, and therefore denies them.

16 121. The State is without information sufficient to form a belief as to the truth of the
17 allegations in this paragraph, and therefore denies them.

18 122. The State is without information sufficient to form a belief as to the truth of the
19 allegations in this paragraph, and therefore denies them.

20 123. The State is without information sufficient to form a belief as to the truth of the
21 allegations in this paragraph, and therefore denies them.

22 124. The State is without information sufficient to form a belief as to the truth of the
23 allegations in this paragraph, and therefore denies them.

24 125. The State admits that a document titled *Assessment of Voting Patterns in*
25 *Central/Eastern Washington and Review of Federal Voting Rights Act, Section 2 Issues*, dated

1 October 19, 2021, attributed to Dr. Matt Barreto, UCLA Political Science & Chicana/o Studies,
2 Faculty Director of the UCLA Voting Rights Project, can be found at:
3 [https://senatedemocrats.wa.gov/wp-content/uploads/2021/10/Barreto-WA-Redistricting-](https://senatedemocrats.wa.gov/wp-content/uploads/2021/10/Barreto-WA-Redistricting-Public-Version.pdf)
4 [Public-Version.pdf](https://senatedemocrats.wa.gov/wp-content/uploads/2021/10/Barreto-WA-Redistricting-Public-Version.pdf). The State is without information sufficient to form a belief as to the truth of
5 the remaining allegations in this paragraph, and therefore denies them.

6 126. The State is without information sufficient to form a belief as to the truth of the
7 allegations in this paragraph, and therefore denies them.

8 127. The State is without information sufficient to form a belief as to the truth of the
9 allegations in this paragraph, and therefore denies them.

10 128. The State is without information sufficient to form a belief as to the truth of the
11 allegations in this paragraph, and therefore denies them.

12 129. The State admits that the document referenced in Paragraph 125 of the Amended
13 Complaint includes the phrase “Text-book ‘cracking’ of Latino population[.]” The State is
14 without information sufficient to form a belief as to the truth of the remaining allegations in this
15 paragraph, and therefore denies them.

16 130. The State is without information sufficient to form a belief as to the truth of the
17 allegations in this paragraph, and therefore denies them.

18 131. The State is without information sufficient to form a belief as to the truth of the
19 allegations in this paragraph, and therefore denies them.

20 132. The State admits only that the article referenced in this paragraph purports to
21 quote Dr. Barreto. The State is without information sufficient to form a belief as to the truth of
22 the allegations in this paragraph, and therefore denies them.

23 133. The State is without information sufficient to form a belief as to the truth of the
24 allegations in this paragraph, and therefore denies them.

1 134. The State is without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph, and therefore denies them.

3 135. The State is without information sufficient to form a belief as to the truth of the
4 allegations in this paragraph, and therefore denies them.

5 136. The State admits only that slides 22 and 23 of the document referenced in
6 Paragraph 125 of the Amended Complaint included two maps that purport to comply with the
7 Voting Rights Act (VRA). Otherwise, this paragraph states legal conclusions and argument to
8 which no response is required. To the extent a response is required, the State is without
9 information sufficient to form a belief as to the truth of the remaining allegations in this
10 paragraph, and therefore denies them.

11 137. The State admits only that slide 22 of the document referenced in Paragraph 125
12 of the Amended Complaint includes a map entitled VRA Compliant Option-1:
13 Yakima-Columbia River Valley that purports to include a “Latino CVAP 60%.” Otherwise, this
14 paragraph states legal conclusions and argument to which no response is required. To the extent
15 a response is required, the State is without information sufficient to form a belief as to the truth
16 of the remaining allegations in this paragraph, and therefore denies them.

17 138. The State admits only that slide 23 of the document referenced in Paragraph 125
18 of the Amended Complaint includes a map that entitled VRA Compliant Option-2: Yakama
19 Reservation that purports to include a “Latino CVAP 52%.” Otherwise, this paragraph states
20 legal conclusions and argument to which no response is required. To the extent a response is
21 required, the State is without information sufficient to form a belief as to the truth of the
22 remaining allegations in this paragraph, and therefore denies them.

23 139. The State is without information sufficient to form a belief as to the truth of the
24 allegations in this paragraph, and therefore denies them.

1 140. The State admits the quoted language appeared in the document referenced in
2 Paragraph 132 of the Amended Complaint. The State is without information sufficient to form a
3 belief as to the truth of the remaining allegations in this paragraph, and therefore denies them.

4 141. The State admits the website <http://redistricting.wa.gov> includes links to
5 “Revised Map October 25, 2021” with another link to “View Revised Map & Comment Online”
6 under the names of both Commissioner Piñero Walkinshaw and Commissioner Sims. The State
7 is without information sufficient to form a belief as to the truth of the remaining allegations in
8 this paragraph, and therefore denies them.

9 142. The State is without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph, and therefore denies them.

11 143. This paragraph states legal conclusions and argument to which no response is
12 required. To the extent a response is required, the State denies the allegations in this paragraph.

13 144. Denied.

14 145. This paragraph states legal conclusions and argument to which no response is
15 required. To the extent a response is required, the State denies the allegations in this paragraph.

16 146. Denied.

17 147. This paragraph states legal conclusions and argument to which no response is
18 required. To the extent a response is required, the State is without information sufficient to form
19 a belief as to the truth of the allegations in this paragraph, and therefore denies them.

20 148. Admitted.

21 149. Admitted.

22 **D. Elections in the Yakima Valley Region Exhibit Racially Polarized Voting**

23 150. The State is without information sufficient to form a belief as to the truth of the
24 allegations in this paragraph, and therefore denies them.

1 151. The State is without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph, and therefore denies them.

3 152. The State is without information sufficient to form a belief as to the truth of the
4 allegations in this paragraph, and therefore denies them.

5 153. The State is without information sufficient to form a belief as to the truth of the
6 allegations in this paragraph, and therefore denies them.

7 154. The State is without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore denies them.

9 155. The State is without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph, and therefore denies them.

11 156. The State is without information sufficient to form a belief as to the truth of the
12 allegations in this paragraph, and therefore denies them.

13 157. The State is without information sufficient to form a belief as to the truth of the
14 allegations in this paragraph, and therefore denies them.

15 158. The State is without information sufficient to form a belief as to the truth of the
16 allegations in this paragraph, and therefore denies them.

17 159. The State admits that David Taylor defeated Pablo Gomez in the 2012 State
18 Representative Election for Legislative District 15. The State is without information sufficient
19 to form a belief as to the truth of the remaining allegations in this paragraph, and therefore denies
20 them.

21 160. The State admits that Jim Honeyford defeated Gabriel Muñoz in the 2014 State
22 Senate Election for Legislative District 15. The State is without information sufficient to form a
23 belief as to the truth of the remaining allegations in this paragraph, and therefore denies them.

24 161. The State admits that David Taylor defeated Teodora Martinez-Chavez in the
25 2014 State Representative Election for Legislative District 15. The State is without information

1 sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and
2 therefore denies them.

3 162. The State admits that Jim Honeyford defeated Evangelina Aguilar in the 2018
4 State Senate Election for Legislative District 15. The State is without information sufficient to
5 form a belief as to the truth of the remaining allegations in this paragraph, and therefore denies
6 them.

7 163. The State is without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore denies them.

9 164. The State is without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph, and therefore denies them.

11 165. Admitted.

12 166. Admitted.

13 167. The State is without information sufficient to form a belief as to the truth of the
14 allegations in this paragraph, and therefore denies them.

15 168. The State is without information sufficient to form a belief as to the truth of the
16 allegations in this paragraph, and therefore denies them.

17 169. The State is without information sufficient to form a belief as to the truth of the
18 allegations in this paragraph, and therefore denies them.

19 170. The State is without information sufficient to form a belief as to the truth of the
20 allegations in this paragraph, and therefore denies them.

21 171. The State admits that in the 2018 State Senate election for Legislative District 15,
22 Evangelina Aguilar received 21.51% of ballots counted in Yakima County Precinct 4616. The
23 State is without information sufficient to form a belief as to the truth of the remaining allegations
24 in this paragraph, and therefore denies them.

1 172. The State admits that in the 2018 State Senate election for Legislative District 15,
2 Evangelina Aguilar received 22% of ballots counted in Yakima County, which is majority white.
3 The State is without information sufficient to form a belief as to the truth of the remaining
4 allegations in this paragraph, and therefore denies them.

5 173. The State admits that elections for the Washington state legislature are partisan
6 and often, but do not always, feature a Republican-declared and Democratic-declared candidate
7 vying for office. The State is without information sufficient to form a belief as to the truth of the
8 remaining allegations in this paragraph, and therefore denies them.

9 174. The State is without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph, and therefore denies them.

11 175. The State is without information sufficient to form a belief as to the truth of the
12 allegations in this paragraph, and therefore denies them.

13 176. The State is without information sufficient to form a belief as to the truth of the
14 allegations in this paragraph, and therefore denies them.

15 177. The State is without information sufficient to form a belief as to the truth of the
16 allegations in this paragraph, and therefore denies them.

17 178. The State is without information sufficient to form a belief as to the truth of the
18 allegations in this paragraph, and therefore denies them.

19 179. The State is without information sufficient to form a belief as to the truth of the
20 allegations in this paragraph, and therefore denies them.

21 180. The State is without information sufficient to form a belief as to the truth of the
22 allegations in this paragraph, and therefore denies them.

23 181. The State is without information sufficient to form a belief as to the truth of the
24 allegations in this paragraph, and therefore denies them.

1 182. This paragraph states legal conclusions and argument to which no response is
2 required. To the extent a further response is required, *Montes v. City of Yakima*, 40 F. Supp. 3d
3 1377 (E.D. Wash. 2014), speaks for itself.

4 183. This paragraph states legal conclusions and argument to which no response is
5 required. To the extent a further response is required, *Aguilar v. Yakima County*,
6 No. 20-2-0018019 (Kittitas Cnty Sup. Ct. July 13, 2020), speaks for itself. The State is without
7 information sufficient to form a belief as to the truth of the remaining allegations in this
8 paragraph, and therefore denies them.

9 184. The State is without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph, and therefore denies them.

11 185. This paragraph states legal conclusions and argument to which no response is
12 required. To the extent a further response is required, *Glatt v. City of Pasco*,
13 No. 4:16-cv-05108-LRD (E.D. Wash. Jan. 27, 2017), speaks for itself. The State is without
14 information sufficient to form a belief as to the truth of the remaining allegations in this
15 paragraph, and therefore denies them.

16 186. This paragraph states legal conclusions and argument to which no response is
17 required. To the extent a further response is required, *Luna v. Cnty of Kern*, 291 F. Supp. 3d
18 1088 (E.D. Cal. 2018), speaks for itself. The State is without information sufficient to form a
19 belief as to the truth of the remaining allegations in this paragraph, and therefore denies them.

20 187. The State is without information sufficient to form a belief as to the truth of the
21 allegations in this paragraph, and therefore denies them.

22 188. The State is without information sufficient to form a belief as to the truth of the
23 allegations in this paragraph, and therefore denies them.

24 189. The State is without information sufficient to form a belief as to the truth of the
25 allegations in this paragraph, and therefore denies them.

1 **E. The Washington Redistricting Commission’s Approved State Legislative Map**
2 **Dilutes the Strength of Latino Voters in the Yakima Valley Region**

3 190. This paragraph states legal conclusions and argument to which no response is
4 required. To the extent a further response is required, the State is without information sufficient
5 to form a belief as to the truth of the allegations in this paragraph, and therefore denies them.

6 191. This paragraph states legal conclusions and argument to which no response is
7 required. To the extent a further response is required, the State is without information sufficient
8 to form a belief as to the truth of the allegations in this paragraph, and therefore denies them.

9 192. The State is without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph, and therefore denies them.

11 193. Denied.

12 194. Denied.

13 195. The State is without information sufficient to form a belief as to the truth of the
14 allegations in this paragraph, and therefore denies them.

15 196. The State is without information sufficient to form a belief as to the truth of the
16 allegations in this paragraph, and therefore denies them.

17 197. The State admits that the Commission’s approved version of Legislative
18 District 15 does not include the cities of Wapato, Toppenish, or Mabton, as well as portions of
19 the City of Yakima. The State denies that the Commission “intentionally” violated the VRA in
20 any respect. The State is without information sufficient to form a belief as to the truth of the
21 remaining allegations in this Paragraph, and therefore denies.

22 198. The State is without information sufficient to form a belief as to the truth of the
23 allegations in this paragraph, and therefore denies them.

24 199. The State is without information sufficient to form a belief as to the truth of the
25 allegations in this paragraph, and therefore denies them.

1 200. The State admits that the Commission’s version of Legislative District 15
2 includes the city of Othello in Adams County. The State is without information sufficient to form
3 a belief as to the truth of the remaining allegations in this paragraph, and therefore denies them.

4 201. The State is without information sufficient to form a belief as to the truth of the
5 allegations in this paragraph, and therefore denies them.

6 202. The State is without information sufficient to form a belief as to the truth of the
7 allegations in this paragraph, and therefore denies them.

8 203. On information and belief, the State denies that 16,147 Adams County voters are
9 included in Legislative District 15. On information and belief, the State admits that 16,147
10 Adams County *residents* are included the Legislative District 15. The State is without
11 information sufficient to form a belief as to the truth of the remaining allegations in this
12 paragraph, and therefore denies them.

13 204. The State is without information sufficient to form a belief as to the truth of the
14 allegations in this paragraph, and therefore denies them.

15 205. The State is without information sufficient to form a belief as to the truth of the
16 allegations in this paragraph, and therefore denies them.

17 206. On information and belief, the State admits that of the Adams County precincts
18 included in Legislative District 15, former President Trump received 60.73% of ballots counted
19 in 2020. On information and belief, the State admits that President Biden received more votes
20 than former President Trump in three Adams County precincts that are included in Legislative
21 District 15. The State is without information sufficient to form a belief as to the truth of the
22 remaining allegations in this paragraph, and therefore denies them.

23 207. The State is without information sufficient to form a belief as to the truth of the
24 allegations in this paragraph, and therefore denies them.

1 208. The State is without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph, and therefore denies them.

3 209. This paragraph states legal conclusions and argument to which no response is
4 required. To the extent a further response is required, the State denies the allegations in this
5 paragraph.

6 210. The State is without information sufficient to form a belief as to the truth of the
7 allegations in this paragraph, and therefore denies them.

8 **F. The Totality of the Circumstances Demonstrated that Latino Voters in the Yakima**
9 **Valley Region have Less Opportunity than Others to Participate in the Political**
10 **Process and Elect Candidates of Choice**

11 211. This paragraph states legal conclusions and argument to which no response is
12 required. To the extent a further response is required, the State denies the allegations in this
13 paragraph.

14 212. This paragraph states legal conclusions and argument to which no response is
15 required. To the extent a further response is required, the cases cited in this paragraph speak for
16 themselves.

17 213. Admitted.

18 214. The State is without information sufficient to form a belief as to the truth of the
19 allegations in this paragraph, and therefore denies them.

20 215. This paragraph states legal conclusions and argument to which no response is
21 required. To the extent a response is required, *Luna v. City of Kern*, 291 F. Supp. 3d 1088
22 (E.D. Cal. 2018), speaks for itself. To the extent a further response is required, the State is
23 without information sufficient to form a belief as to the truth of the allegations in this paragraph,
24 and therefore denies them.

25 216. The State is without information sufficient to form a belief as to the truth of the
26 allegations in this paragraph, and therefore denies them.

1 217. The State is without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph, and therefore denies them.

3 218. The State admits that the paragraph substantially accurately quotes the article
4 referenced in this paragraph. The State is without information sufficient to form a belief as to
5 the truth of the allegations in this paragraph, and therefore denies them.

6 219. The State is without information sufficient to form a belief as to the truth of the
7 allegations in this paragraph, and therefore denies them.

8 220. On information and belief, the State admits that on February 10, 2015,
9 Antonio Zambrano-Montes was killed in Pasco by Pasco Police Department officers, after he
10 was allegedly throwing rocks at cars and people. The State is without information sufficient to
11 form a belief as to the truth of the remaining allegations in this paragraph, and therefore denies
12 them.

13 221. The State is without information sufficient to form a belief as to the truth of the
14 allegations in this paragraph, and therefore denies them.

15 222. On information and belief, the State admits that U.S. Census data show racial
16 disparities between white and Latino communities in the Yakima Valley area. The State is
17 without information sufficient to form a belief as to the truth of the remaining allegations in this
18 paragraph, and therefore denies them.

19 223. The State is without information sufficient to form a belief as to the truth of the
20 allegations in this paragraph, and therefore denies them.

21 224. The State is without information sufficient to form a belief as to the truth of the
22 allegations in this paragraph, and therefore denies them.

23 225. The State is without information sufficient to form a belief as to the truth of the
24 allegations in this paragraph, and therefore denies them.

1 226. The State is without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph, and therefore denies them.

3 227. The State is without information sufficient to form a belief as to the truth of the
4 allegations in this paragraph, and therefore denies them.

5 228. The State is without information sufficient to form a belief as to the truth of the
6 allegations in this paragraph, and therefore denies them.

7 229. The State is without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore denies them.

9 230. The State is without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph, and therefore denies them.

11 231. The State is without information sufficient to form a belief as to the truth of the
12 allegations in this paragraph, and therefore denies them.

13 232. The State is without information sufficient to form a belief as to the truth of the
14 allegations in this paragraph, and therefore denies them.

15 233. The State is without information sufficient to form a belief as to the truth of the
16 allegations in this paragraph, and therefore denies them.

17 234. The State is without information sufficient to form a belief as to the truth of the
18 allegations in this paragraph, and therefore denies them.

19 235. The State is without information sufficient to form a belief as to the truth of the
20 allegations in this paragraph, and therefore denies them.

21 236. The State is without information sufficient to form a belief as to the truth of the
22 allegations in this paragraph, and therefore denies them.

23 237. The State is without information sufficient to form a belief as to the truth of the
24 allegations in this paragraph, and therefore denies them.

1 238. The State is without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph, and therefore denies them.

3 239. The State is without information sufficient to form a belief as to the truth of the
4 allegations in this paragraph, and therefore denies them.

5 240. The State is without information sufficient to form a belief as to the truth of the
6 allegations in this paragraph, and therefore denies them.

7 241. The State is without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore denies them.

9 242. The State is without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph, and therefore denies them.

11 243. The State is without information sufficient to form a belief as to the truth of the
12 allegations in this paragraph, and therefore denies them.

13 244. On information and belief, this paragraph accurately reflects the contents of the
14 website linked in footnote 3. That website speaks for itself. To the extent a further answer is
15 required, the State is without information sufficient to form a belief as to the truth of the
16 allegations in this paragraph, and therefore denies them.

17 245. The State is without information sufficient to form a belief as to the truth of the
18 allegations in this paragraph, and therefore denies them.

19 246. The article cited in this paragraph speaks for itself. The State is without
20 information sufficient to form a belief as to the truth of the remaining allegations in this
21 paragraph, and therefore denies them.

22 247. The article cited in this paragraph speaks for itself. The State is without
23 information sufficient to form a belief as to the truth of the remaining allegations in this
24 paragraph, and therefore denies them.

1 248. Denied. The State admits only that, according to PACER, an individual named
2 Marissa Reyes, along with the League of United Latin American Citizens, and the Latino
3 Community Fund, filed *Reyes v. Chilton*, Case No. 4:21-cv-05075, in U.S. District Court for the
4 Eastern District of Washington, against certain officials and canvassing review board members
5 from Benton, Yakima, and Chelan Counties, alleging that the signature matching procedures
6 employed by those counties discriminated against Latino voters.

7 249. The State is without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore denies them.

9 250. The State admits that Gabriel Muñoz was a State Senate candidate in the former
10 Legislative District 15 in 2014. The State is without information sufficient to form a belief as to
11 the truth of the remaining allegations in this paragraph, and therefore denies them.

12 251. The State admits that Ron Anderson was a candidate for Yakima County Board
13 of Commissioners in 2016. The State is without information sufficient to form a belief as to the
14 truth of the remaining allegations in this paragraph, and therefore denies them.

15 252. The State admits that Dulce Gutierrez was a candidate for Yakima City Council
16 in 2015. The State is without information sufficient to form a belief as to the truth of the
17 remaining allegations in this paragraph, and therefore denies them.

18 253. The State admits that Jose Trevino was a candidate for mayor for the City of
19 Granger in 2015. The State is without information sufficient to form a belief as to the truth of
20 the allegations in this paragraph, and therefore denies them.

21 254. The State admits that Jose Trevino was a candidate for Yakima County Clerk in
22 2014 and Yakima County Commissioner District 3 in 2018. The State is without information
23 sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies
24 them.

1 255. The State is without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph, and therefore denies them.

3 256. Admitted.

4 257. The State is without information sufficient to form a belief as to the truth of the
5 allegations in this paragraph, and therefore denies them.

6 258. The State is without information sufficient to form a belief as to the truth of the
7 allegations in this paragraph, and therefore denies them.

8 259. The State is without information sufficient to form a belief as to the truth of the
9 allegations in this paragraph, and therefore denies them.

10 260. The State admits that Pablo Gonzalez, Teodora Martinez-Chavez, and
11 Bengie Aguilar have run unsuccessfully for state legislative positions in the former Legislative
12 District 15. The State is without information sufficient to form a belief as to the truth of the
13 remaining allegations in this paragraph, and therefore denies them.

14 261. The State admits that Legislative District 15 is currently represented by
15 Bruce Chandler and Jeremie Dufault in the State House and Jim Honeyford in the State Senate.
16 The State is without information sufficient to form a belief as to the truth of the remaining
17 allegations in this paragraph, and therefore denies them.

18 262. The State is without information sufficient to form a belief as to the truth of the
19 allegations in this paragraph, and therefore denies them.

20 263. The two articles cited in footnote 4 speak for themselves. The State is without
21 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
22 therefore denies them.

23 264. The State admits that Susan Soto Palmer ran unsuccessfully for State
24 Representative in Legislative District 14 in 2016. The State is without information sufficient to
25

1 form a belief as to the truth of the remaining allegations in this paragraph, and therefore
2 denies them.

3 265. The State admits that Legislative District 14 is currently represented by
4 Chris Corry and Gina Mosbrucker in the State House and Curtis King in the State Senate. The
5 State is without information sufficient to form a belief as to the truth of the remaining allegations
6 in this paragraph, and therefore denies them.

7 266. The State is without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore denies them.

9 267. The State admits that Jesse Palacios was elected to the Yakima County Board of
10 Commissioners in 2002. The State is without information sufficient to form a belief as to the
11 truth of the remaining allegations in this paragraph, and therefore denies them.

12 268. The State is without information sufficient to form a belief as to the truth of the
13 allegations in this paragraph, and therefore denies them.

14 269. The State is without information sufficient to form a belief as to the truth of the
15 allegations in this paragraph, and therefore denies them.

16 270. This paragraph states legal conclusions and argument to which no response is
17 required. To the extent a further response is required, the State denies the allegations in this
18 paragraph.

19 271. This paragraph states legal conclusions and argument to which no response is
20 required. To the extent a further response is required, the State denies the allegations in this
21 paragraph.

22 ///

VI. CLAIMS FOR RELIEF

Count 1

**Race and Language Minority Discrimination,
Discriminatory Results in Violation of Section 2 of the Voting Rights Act
52 U.S.C. § 10301**

272. The State restates and reincorporates by references its responses to the foregoing allegations.

273. This paragraph states legal conclusions and argument to which no response is required. To the extent a further response is required, 52 U.S.C. § 10301(a) speaks for itself.

274. This paragraph states legal conclusions and argument to which no response is required. To the extent a further response is required, the State denies the allegations in this paragraph.

275. This paragraph states legal conclusions and argument to which no response is required. To the extent a further response is required, the State denies the allegations in this paragraph.

276. This paragraph states legal conclusions and argument to which no response is required. To the extent a further response is required, the State is without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies them.

277. This paragraph states legal conclusions and argument to which no response is required. To the extent a further response is required, the State is without information sufficient to form a belief as to the truth of the allegations in this paragraph that “Latino voters in the Yakima Valley region are politically cohesive, and elections in the area demonstrate a pattern of racially polarized voting that allows a bloc of white voters usually to defeat Latino voters’ preferred candidates,” and therefore denies them. The State denies the remaining allegations in this paragraph.

1 and issue other than those on which they have the burden of proof as a matter of law. The State
2 reserves the right to supplement these defenses.

- 3 1. One or more Plaintiffs lack individual or associational standing.
- 4 2. Plaintiffs sued the wrong parties.
- 5 3. Plaintiffs have failed to join all necessary parties.
- 6 4. Plaintiffs' claims are barred by sovereign immunity.
- 7 5. Plaintiffs have failed to allege sufficient facts that would entitle them to relief.
- 8 6. Some or all of the relief sought by Plaintiffs is barred by the doctrine of laches.
- 9 7. Plaintiffs' claims are not ripe because the scheduled 2022 election for Legislative

10 District 15 is uncontested.

11 **IX. DEFENDANT STATE OF WASHINGTON'S REQUEST FOR RELIEF**

12 Wherefore, the State prays that the Court:

- 13 1. Dismiss Plaintiffs' Amended Complaint with prejudice;
- 14 2. Deny all relief that Plaintiffs request; and
- 15 3. Grant the State such other and further relief as the Court may deem just and

16 proper.

17 DATED this 17th day of June, 2022.

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19 Attorney General

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DECLARATION OF SERVICE

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court’s CM/ECF System which will serve a copy of this document upon all counsel of record.

DATED this 17th day of June 2022, at Seattle, Washington.

s/ Andrew Hughes
ANDREW R.W. HUGHES, WSBA No. 49515
Assistant Attorney General