

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, et al.,
Defendants,
and
JOSE TREVINO, et al.,
Intervenor-Defendants.

NO. 3:22-cv-5035-RSL
DEFENDANT STATE OF
WASHINGTON’S RESPONSE TO
INTERVENOR-DEFENDANTS’
MOTION TO STAY
NOTE FOR MOTION
CALENDAR: October 21, 2022

The State of Washington joins Plaintiffs’ opposition to Intervenor-Defendants’ Motion to Stay. Dkt. 98.¹ Intervenor-Defendants have not shown this is one of the “rare circumstances” in which a stay pending the resolution of an appeal in another case is appropriate. *Landis v. N. Am. Co.*, 299 U.S. 248, 255 (1936).

The State is particularly concerned about the compressed timeframe Intervenor-Defendants’ stay would cause. To be clear, the State’s prior request to extend the case

¹ At the risk of stating the obvious, the State joins Plaintiffs in opposing Intervenor-Defendants’ Motion for Stay, but does not join or endorse Plaintiffs’ characterization of the facts underlying their claims.

1 schedule to account for its late entry into the case affects the case schedule differently from the
2 relief requested by Intervenor-Defendants in the instant motion. The State noted that a
3 four-to-six-month extension of the case schedule would not prejudice Plaintiffs’ ability to seek
4 relief with respect to the 2024 election cycle and beyond. *See* Dkt. 82 at 2–3 (identifying the
5 final week of March 2024 as the final date to finalize a legislative district map without significant
6 disruption to the 2024 primaries). But the same cannot be said with respect to
7 Intervenor-Defendants’ proposed stay of proceedings—which may last seven months until late
8 June 2023 when the current U.S. Supreme Court term ends. Assuming the Court granted the stay
9 request, the parties would need to unfreeze the case and cram the remaining couple of months of
10 written and expert discovery; potentially file dispositive motions; potentially prepare for a bench
11 trial; and potentially craft and set into action a remedial plan in a super-compressed timeframe.
12 In short, the stay proposed by the Intervenor-Defendants would not provide “ample time for the
13 Court to make a final decision on the merits, and if Plaintiffs prevail, for the appropriate
14 governmental entities to develop, approve, and implement a remedial plan before the 2024
15 election cycle.” Dkt. 82 at 2.

16 Finally, as the Court is aware, this case is one of two challenges to the State’s most recent
17 round of legislative redistricting. The other suit, *Garcia v. Hobbs, et al*, Case No. 22-cv-05152-
18 RSL-DGE-LJCV, like this one, turns on the application of the *Gingles* preconditions. As such,
19 it would be manifestly unreasonable to stay this case but not *Garcia*. Consequently, if this Court
20 is inclined to grant Intervenor-Defendants’ stay here, the State hereby gives notice that it will
21 request the same with respect to *Garcia*.

22 The State respectfully requests the Court deny Intervenor-Defendants’ Motion to Stay.
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DATED this 17th day of October, 2022.

ROBERT W. FERGUSON
Attorney General

s/ Cristina Sepe
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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 October 2022, at Seattle, Washington.

s/ Cristina Sepe
CRISTINA SEPE, WSBA No. 53609
Deputy Solicitor General

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