

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-LCJV

DECLARATION OF KARL D.  
SMITH IN SUPPORT OF  
MOTION TO EXTEND TIME

NOTE ON MOTION CALENDAR:  
July 15, 2022

I, Karl D. Smith, hereby declare the following:

1. I am a Deputy Solicitor General with the Office of the Attorney General of Washington, representing Defendant Secretary of State Steven Hobbs in this matter.

2. On June 10, 2022, our office calendared the deadline for the answer to the amended complaint as June 23, 2022.

3. On June 16, 2022, I prepared a draft answer to Plaintiff's amended complaint and shared the draft with my co-counsel. That same day, my co-counsel approved the draft amended complaint.

4. Beginning June 23, 2022, I was out of state on a planned vacation. In the weeks leading up to this vacation, I had an unusually large number of professional and personal

1 responsibilities, including filings in the Ninth Circuit Court of Appeals and the Washington State  
2 Supreme Court, as well as end-of-school-year events for my children.

3 5. At the time that I left for vacation, I erroneously believed that the answer to the  
4 amended complaint had been filed.

5 6. I returned to the office on July 5, 2022. That afternoon, I discovered that I had  
6 not filed the answer to the amended complaint. In reviewing my emails, I discovered that I had  
7 neglected to communicate to professional staff that the answer was ready to be finalized and  
8 filed. After discovering the error, I promptly prepared this declaration and the accompanying  
9 motion.

10 7. On July 6, 2022, I emailed counsel for Plaintiff and Defendant State of  
11 Washington addressing the issue and asking whether we had permission to represent that they  
12 do not oppose the extension. Counsel for both parties responded stating that they do not oppose  
13 this motion.

14  
15 I declare under penalty of perjury under the laws of the State of Washington and the  
16 United States that the foregoing is true and correct.

17 SIGNED this 7th day of July 2022, at Olympia, Washington.

18  
19  
20 *s/ Karl D. Smith*  
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