

The Honorable Robert S. Lasnik

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

SUSAN SOTO PALMER et al.,

Plaintiffs,

v.

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

Defendants,

and

JOSE TREVINO, ISMAEL G. CAMPOS,
and State Representative ALEX YBARRA,

Intervenor-Defendants.

Case No.: 3:22-cv-5035-RSL

**INTERVENOR-DEFENDANTS’ ANSWER
TO COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

REQUEST FOR THREE JUDGE COURT

Intervenor-Defendants Jose Trevino, Ismael G. Campos and State Representative Alex Ybarra (“Intervenors”) hereby answer Plaintiffs’ Complaint for Declaratory and Injunctive Relief as follows. To the extent an allegation is directed to Defendants Steven Hobbs, Laurie Jinkins or Andy Billig, Intervenors are without sufficient information to form a belief as to the truth of the allegation and therefore deny. To the extent that the Complaint’s headings or subheadings contain factual allegations, they are denied. Intervenors reserve the right to amend this pleading as permitted by this Courts rules and orders, including Fed. R. Civ. P. 15.

INTRODUCTION

1
2 1. This paragraph states a legal conclusion to which no response is required. To the
3 extent a further response is required, denied.

4 2. Intervenors admit that Legislative District 15¹ includes parts of the Yakima Valley
5 and Pasco. The remainder of this paragraph states a legal conclusion to which no response is
6 required. To the extent a further response is required, denied.

7 3. This paragraph states a legal conclusion and contains legal arguments to which no
8 response is required. To the extent a further response is required, denied.

9 4. Admitted.

10 5. Intervenors admit that the cities of Toppenish, Wapato and Mabton, portions of the
11 city of Yakima, and Benton, Grant and Franklin Counties are located within Legislative District
12 15. The remainder of this paragraph states a legal conclusion and contains legal arguments to which
13 no response is required. To the extent a further response is required, denied.

14 6. This paragraph states a legal conclusion and contains legal arguments to which no
15 response is required. To the extent a further response is required, Intervenors are without
16 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
17 therefore deny.

18 7. Intervenors admit that the City of Othello is located in Adams County and in
19 Legislative District 15. Intervenors are without information sufficient to form a belief as to the
20 truth of the allegations in the remainder of this paragraph, and therefore deny.

21 8. This paragraph states a legal conclusion and contains legal arguments to which no
22 response is required. To the extent a further response is required, denied.

23 9. This paragraph states a legal conclusion and contains legal arguments to which no
24 response is required. To the extent a further response is required, Intervenors are without
25

26 ¹ Unless specifically indicated otherwise, all references to “Legislative District 15” contained in this Answer refer to
27 the “new” boundaries of Legislative District 15 as established by the Commission’s legislative redistricting plan
submitted in December 2021 and amended by the Washington State Legislature during its 2022 regular session. *See*
H. Con. Res. 4407, 67th Leg., 2022 Reg. Sess. (Wash. 2022) (adopted).

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

3 10. This paragraph states a legal conclusion and contains legal arguments to which no
4 response is required. To the extent a further response is required, denied.

5 11. This paragraph states a legal conclusion and contains legal arguments to which no
6 response is required. To the extent a further response is required, Intervenor are without
7 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
8 therefore deny.

9 12. This paragraph states a legal conclusion and contains legal arguments to which no
10 response is required. To the extent a further response is required, Intervenor are without
11 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
12 therefore deny.

13 13. This paragraph states a legal conclusion and contains legal arguments to which no
14 response is required. To the extent a further response is required, Intervenor are without
15 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
16 therefore deny.

17 14. This paragraph states a legal conclusion and contains legal arguments to which no
18 response is required. To the extent a further response is required, Intervenor are without
19 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
20 therefore deny.

21 15. This paragraph states a legal conclusion and contains legal arguments to which no
22 response is required. To the extent a further response is required, Intervenor are without
23 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
24 therefore deny.

25 16. This paragraph states a legal conclusion and contains legal arguments to which no
26 response is required. To the extent a further response is required, Intervenor are without
27

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

3 17. This paragraph states a legal conclusion and contains legal arguments to which no
4 response is required. To the extent a further response is required, Intervenors are without
5 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
6 therefore deny.

7 18. This paragraph states a legal conclusion and contains legal arguments to which no
8 response is required. To the extent a further response is required, Intervenors are without
9 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
10 therefore deny.

11 19. Intervenors deny that even-number legislative district elections are held only in
12 presidential election years and odd-numbered legislative district elections are held only in non-
13 presidential years. (Elections for state representative positions are held every two years, in both
14 presidential and non-presidential election years. Elections for state senator positions are held every
15 four years, with elections in 13 odd-numbered districts and 12 even-numbered districts occurring
16 in presidential election years, and elections in 12 odd-numbered districts and 12 even-numbered
17 districts occurring in non-presidential election years.) The remainder of this paragraph states a
18 legal conclusion and contains legal arguments to which no response is required. To the extent a
19 further response is required, Intervenors are without information sufficient to form a belief as to
20 the truth of the allegations in the remainder of this paragraph, and therefore deny.

21 20. Intervenors admit that 15 is an odd-number and that elections for state senator in
22 Legislative District 15 are currently held in non-presidential years. Intervenors deny that “[b]y
23 assigning the district an odd number, the Commission has ensured even lower Latino voter turnout
24 in the district.” As noted in the paragraph above, elections for state representative positions,
25 including those for Legislative District 15, are held every two years, meaning both presidential
26 and non-presidential election years. Elections for state senator positions are held during
27 presidential election years in 13 odd-numbered districts and 12 even-numbered districts, and

1 during non-presidential election years in 12 odd-numbered districts and 12 even-numbered
2 districts.

3 21. This paragraph states a legal conclusion and contains legal arguments to which no
4 response is required. To the extent a further response is required, denied.

5 22. This paragraph states a legal conclusion and contains legal arguments to which no
6 response is required. To the extent a further response is required, Intervenor admits only the
7 accuracy of the brief quotation from *LULAC v. Perry*, 548 U.S. 399 (2006). To the extent a further
8 response is required, denied.

9 23. This paragraph states a legal conclusion and contains legal arguments to which no
10 response is required. To the extent a further response is required, denied.

11 24. This paragraph states a legal conclusion and contains legal arguments to which no
12 response is required. To the extent a further response is required, Intervenor is without
13 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
14 therefore deny.

15 25. This paragraph states a legal conclusion and contains legal arguments to which no
16 response is required. To the extent a further response is required, Intervenor is without
17 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
18 therefore deny.

19 26. Intervenor admits that Legislative District 15 as currently constituted encompasses
20 the eastern portion of Yakima County. Intervenor is without information sufficient to form a
21 belief as to the truth of the allegations in the remainder of this paragraph.

22 27. Intervenor admits that, in the November 2018 general election, incumbent United
23 States Senator Maria Cantwell, running for reelection to her fourth term, received 43.27 percent
24 of the total votes (not including write-ins) within current Legislative District 15, and that
25 challenger Bengie Aguilar received 39.41 percent of the total votes (not including write-ins) for
26 the position of Legislative District 15 State Senator, running against a five-term incumbent (who
27 was also elected to two terms in the State House of Representatives from Legislative District 15

1 prior to his election to the State Senate). Intervenor is without information sufficient to form a
2 belief as to the truth of the allegations in the remainder of this paragraph, and therefore deny.

3 28. This paragraph states a legal conclusion and contains legal arguments to which no
4 response is required. To the extent a further response is required, denied.

5 29. Intervenor is without information sufficient to form a belief as to the truth of the
6 allegations in this paragraph, and therefore deny.

7 30. Intervenor is without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore deny.

9 31. Intervenor is without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph, and therefore deny.

11 32. Intervenor admits only that presidential preference primaries conducted pursuant to
12 Wash. Rev. Code ch. 29A.56 require political affiliation. Intervenor denies that any other races or
13 offices require political affiliation. *See* Wash. Rev. Code § 29A.52.112.(4) (“A candidate may
14 choose to express no party preference.”). Intervenor is without information sufficient to form a
15 belief as to the truth of the allegations in the remainder of this paragraph, and therefore deny.

16 33. This paragraph states a legal conclusion and contains legal arguments to which no
17 response is required. To the extent a further response is required, denied.

18 34. This paragraph states a legal conclusion and contains legal arguments to which no
19 response is required. To the extent a further response is required, denied.

20 **JURISDICTION AND VENUE**

21 35. This paragraph states a legal conclusion and contains legal arguments to which no
22 response is required. To the extent a further response is required, denied.

23 36. This paragraph states a legal conclusion and contains legal arguments to which no
24 response is required. To the extent a further response is required, Intervenor admits only that 42
25 U.S.C. § 1988 and 52 U.S.C. § 10310(e) authorize certain courts to award certain fees to certain
26 prevailing parties bringing certain claims under certain statutes in certain situations.

27 37. Admitted.

1 50. Intervenors are without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph.

3 51. Intervenors are without information sufficient to form a belief as to the truth of the
4 allegations in this paragraph.

5 52. Intervenors are without information sufficient to form a belief as to the truth of the
6 allegations in this paragraph.

7 53. Intervenors are without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph.

9 54. Intervenors are without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph.

11 55. This paragraph states a legal conclusion and contains legal arguments to which no
12 response is required. To the extent a further response is required, Intervenors are without
13 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
14 therefore deny.

15 56. Intervenors are without information sufficient to form a belief as to the truth of the
16 allegations in this paragraph, and therefore deny.

17 57. Intervenors are without information sufficient to form a belief as to the truth of the
18 allegations in this paragraph, and therefore deny.

19 58. Intervenors are without information sufficient to form a belief as to the truth of the
20 allegations in this paragraph, and therefore deny.

21 59. Intervenors admit only that the language in quotations in the second sentence of
22 this paragraph accurately quotes a portion of Wash. Rev. Code § 29A.04.230. Intervenors further
23 admit that Wash. Rev. Code § 29A.04.255 provides that the Secretary of State will accept and file
24 certain documents, including some declarations of candidacy. Intervenors admit that the Complaint
25 purports to assert a claim against Defendant Hobbs in his official capacity as the Secretary of State
26 of Washington. Otherwise, this paragraph asserts legal conclusions and contains legal arguments,
27 to which no response is required. To the extent a further response is required, denied.

1 paragraph cites to Section 2(b) of the Voting Rights Act. To the extent a further response is
2 required, denied.

3 67. Intervenor's admit that the majority report of the Senate Committee on the Judiciary
4 accompanying the 1982 bill which amended Section 2 of the Voting Rights Act, S. Rep. No.
5 97-417, at 28-29 (1982), listed seven "typical factors" courts may consider in deciding whether
6 Section 2 has been violated. Intervenor's further admit that this paragraph substantially copies a
7 summary of these factors that the United States Department of Justice maintains on its website. To
8 the extent a further response is required, Intervenor's are without information sufficient to form a
9 belief as to the truth of the allegations in this paragraph, and therefore deny.

10 68. This paragraph states a legal conclusion and contains legal arguments to which no
11 response is required. To the extent a further response is required, Intervenor's admit only that this
12 paragraph cites to two district court opinions. To the extent a further response is required, denied.

13 69. This paragraph states a legal conclusion and contains legal arguments to which no
14 response is required. To the extent a further response is required, Intervenor's admit only the
15 accuracy of the quotations from *United States v. Marengo County Commission*, 731 F.2d 1546
16 (11th Cir. 1984). To the extent a further response is required, denied.

17 70. This paragraph states a legal conclusion and contains legal arguments to which no
18 response is required. To the extent a further response is required, Intervenor's are without
19 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
20 therefore deny.

21 71. This paragraph states a legal conclusion and contains legal arguments to which no
22 response is required. To the extent a further response is required, Intervenor's admit only the
23 accuracy of the quotations from *Village of Arlington Heights v. Metropolitan Housing*
24 *Development Corp.*, 429 U.S. 252 (1977) and *North Carolina State Conference of NAACP v.*
25 *McCrorry*. To the extent a further response is required, denied.

26 72. This paragraph states a legal conclusion and contains legal arguments to which no
27 response is required. To the extent a further response is required, Intervenor's admit only the

1 accuracy of the quotation from *North Carolina State Conference of NAACP v. McCrory*. To the
2 extent a further response is required, denied.

3 73. This paragraph states a legal conclusion and contains legal arguments to which no
4 response is required. To the extent a further response is required, Intervenor admits only the
5 accuracy of the quotation from *Hunter v. Underwood*, 471 U.S. 222 (1985). To the extent a further
6 response is required, denied.

7 74. This paragraph states a legal conclusion and contains legal arguments to which no
8 response is required. To the extent a further response is required, Intervenor admits only that this
9 paragraph cites an opinion by a district court in the Fifth Circuit and another opinion from the
10 Sixth Circuit. To the extent a further response is required, denied.

11 75. This paragraph states a legal conclusion and contains legal arguments to which no
12 response is required. To the extent a further response is required, Intervenor admits only the
13 accuracy of the quotation from *LULAC v. Perry*. To the extent a further response is required,
14 denied.

15 76. This paragraph states a legal conclusion and contains legal arguments to which no
16 response is required. To the extent a further response is required, Intervenor admits only that this
17 paragraph cites an opinion by a district court in the Fifth Circuit. To the extent a further response
18 is required, denied.

19 77. This paragraph states a legal conclusion and contains legal arguments to which no
20 response is required. To the extent a further response is required, Intervenor admits only the
21 accuracy of the brief quotations from *LULAC v. Perry* and *Perez v. Abbott*, 250 F. Supp. 3d 123
22 (W.D. Tex. 2017). To the extent a further response is required, denied.

23 **FACTUAL ALLEGATIONS**

24 78. Admitted.

25 79. Intervenor is without information sufficient to form a belief as to the truth of the
26 allegations in this paragraph.

27 80. Admitted.

1 81. Admitted.

2 82. Admitted.

3 83. Admitted.

4 84. Intervenors are without information sufficient to form a belief as to the truth of the
5 allegations in this paragraph.

6 85. Intervenors are without information sufficient to form a belief as to the truth of the
7 allegations in this paragraph.

8 86. Intervenors are without information sufficient to form a belief as to the truth of the
9 allegations in this paragraph.

10 87. Intervenors admit that much of Yakima County, including the cities of Yakima,
11 Toppenish, Sunnyside and Grandview, is part of the “Yakima Valley,” but deny that this paragraph
12 contains an accurate or complete list of the cities and counties within the “Yakima Valley” as
13 typically conceived by residents of the region, and further deny that Benton or Franklin Counties
14 or any of the Tri-Cities are part of the “Yakima Valley.”

15 88. Intervenors are without information sufficient to form a belief as to the truth of the
16 allegations in this paragraph.

17 89. Intervenors are without information sufficient to form a belief as to the truth of the
18 allegations in this paragraph.

19 90. Intervenors are without information sufficient to form a belief as to the truth of the
20 allegations in this paragraph.

21 91. Intervenors are without information sufficient to form a belief as to the truth of the
22 allegations in this paragraph.

23 92. Intervenors are without information sufficient to form a belief as to the truth of the
24 allegations in this paragraph.

25 93. Intervenors are without information sufficient to form a belief as to the truth of the
26 allegations in this paragraph.

27 94. Admitted.

1 95. Admitted.

2 96. Admitted.

3 97. Intervenors admit that, according to the 2020 Census, the total combined population
4 of individuals who identify as Hispanic or Latino in Benton, Franklin and Yakima Counties is
5 231,833. Intervenors deny that Benton and Franklin Counties, or even the entirety of Yakima
6 County, are part of the “Yakima Valley.” Intervenors are without information sufficient to form a
7 belief as to the truth of the allegations in the remainder of this paragraph, and therefore deny.

8 98. This paragraph states a legal conclusion and contains legal arguments to which no
9 response is required. To the extent a further response is required, denied.

10 99. Admitted.

11 100. Admitted.

12 101. Admitted.

13 102. Admitted.

14 103. Admitted.

15 104. Admitted.

16 105. Intervenors admit that upon approval of a redistricting plan by three of the voting
17 members of the Commission, the Commission must submit the plan to the Legislature, but deny
18 that Wash. Rev. Code § 44.05.110 is the authority for this proposition.

19 106. Intervenors admit that after submission of the plan by the Commission, the
20 Legislature has the next thirty days during any regular or special session to amend the
21 Commission’s plan by an affirmative vote in each house of two-thirds of the members elected or
22 appointed thereto, but deny that Wash Rev. Code § 44.05.110 is the authority for this proposition.

23 107. Intervenors admit that if the Legislature amends the Commission’s plan, the
24 legislative amendment may not include more than two percent of the population of any legislative
25 or congressional district, but deny that Wash. Rev. Code § 44.05.110 is the authority for this
26 proposition.

27

1 108. This paragraph states a legal conclusion and contains legal arguments to which no
2 response is required. To the extent a further response is required, Intervenor admits only the
3 accuracy of the quotation from subsection (1) of Wash. Rev. Code § 44.05.120. To the extent a
4 further response is required, denied.

5 109. This paragraph states a legal conclusion and contains legal arguments to which no
6 response is required. To the extent a further response is required, Intervenor admits only that
7 redistricting plans must comply with the United States Constitution and deny the allegations in the
8 remainder of this paragraph.

9 110. Admitted.

10 111. Admitted.

11 112. Admitted.

12 113. Admitted.

13 114. Admitted.

14 115. Admitted.

15 116. Intervenor is without information sufficient to form a belief as to the truth of the
16 allegations in this paragraph, and therefore deny.

17 117. Intervenor is without information sufficient to form a belief as to the truth of the
18 allegations in this paragraph.

19 118. Intervenor is without information sufficient to form a belief as to the truth of the
20 allegations in this paragraph, and therefore deny.

21 119. Intervenor is without information sufficient to form a belief as to the truth of the
22 allegations in this paragraph.

23 120. Intervenor is without information sufficient to form a belief as to the truth of the
24 allegations in this paragraph, and therefore deny.

25 121. Intervenor is without information sufficient to form a belief as to the truth of the
26 allegations in this paragraph.
27

1 122. Intervenor s admit that Commissioner Sims’ original proposed map placed the City
2 of Pasco into Legislative District 16, but are otherwise without information sufficient to form a
3 belief as to the truth of the allegations in the remainder of this paragraph.

4 123. Intervenor s are without information sufficient to form a belief as to the truth of the
5 allegations in this paragraph, and therefore deny.

6 124. Intervenor s admit that Commissioner Walkinshaw’s original proposed map placed
7 the City of Pasco into Legislative District 16, but are otherwise without information sufficient to
8 form a belief as to the truth of the allegations in the remainder of this paragraph.

9 125. Intervenor s are without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph.

11 126. Intervenor s admit only that on or about October 19, 2021, the Washington State
12 Senate Democratic Caucus circulated a presentation by Dr. Matt Barreto, a professor of political
13 science and Chicana/o studies at UCLA and co-founder of the UCLA Voting Right Project and
14 that a copy of the presentation slide deck is available at [https://senatedemocrats.wa.gov/wp-](https://senatedemocrats.wa.gov/wp-content/uploads/2021/10/Barreto-WA-Redistricting-Public-Version.pdf)
15 [content/uploads/2021/10/Barreto-WA-Redistricting-Public-Version.pdf](https://senatedemocrats.wa.gov/wp-content/uploads/2021/10/Barreto-WA-Redistricting-Public-Version.pdf). Intervenor s are without
16 information sufficient to form a belief as to the truth of the allegations in the remainder of this
17 paragraph, and therefore deny.

18 127. Intervenor s are without information sufficient to form a belief as to the truth of the
19 allegations in this paragraph and therefore deny.

20 128. Intervenor s are without information sufficient to form a belief as to the truth of the
21 allegations in this paragraph, and therefore deny.

22 129. Intervenor s are without information sufficient to form a belief as to the truth of the
23 allegations in this paragraph, and therefore deny.

24 130. Intervenor s are without information sufficient to form a belief as to the truth of the
25 allegations in this paragraph, and therefore deny.

26 131. Intervenor s are without information sufficient to form a belief as to the truth of the
27 allegations in this paragraph, and therefore deny.

1 132. Intervenor are without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph, and therefore deny.

3 133. Intervenor admit only that several news outlets in Washington published articles
4 regarding Dr. Bareto’s presentation. Intervenor are without information sufficient to form a belief
5 as to the truth of the allegations in the remainder of this paragraph, and therefore deny.

6 134. Intervenor are without information sufficient to form a belief as to the truth of the
7 allegations in this paragraph, and therefore deny.

8 135. Intervenor are without information sufficient to form a belief as to the truth of the
9 allegations in this paragraph, and therefore deny.

10 136. Intervenor are without information sufficient to form a belief as to the truth of the
11 allegations in this paragraph, and therefore deny.

12 137. Intervenor admit only that slides 22 and 23 of the referenced slide deck each
13 contain the phrase “VRA Compliant Option” in large font, depict a noncompact shaded area
14 superimposed on a map of South-Central Washington, and present several numbers in a table.
15 Otherwise, this paragraph states a legal conclusion and contains legal arguments to which no
16 response is required. To the extent a further response is required, Intervenor are without
17 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
18 therefore deny.

19 138. Intervenor admit only that slide 22 of the referenced slide deck contains the phrase
20 “VRA Compliant Option-1: Yakima-Columbia River Valley” in large font, depicts a noncompact
21 shaded area superimposed on a map of South-Central Washington, and presents several numbers
22 in a table. Otherwise, this paragraph states a legal conclusion and contains legal arguments to
23 which no response is required. To the extent a further response is required, Intervenor are without
24 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
25 therefore deny.

26 139. Intervenor admit only that slide 23 of the referenced slide deck contains the phrase
27 “VRA Compliant Option-2: Yakama Reservation” in large font, depicts a noncompact shaded area

1 superimposed on a map of South-Central Washington, and presents a several numbers in a table.
2 Otherwise, this paragraph states a legal conclusion and contains legal arguments to which no
3 response is required. To the extent a further response is required, Intervenors are without
4 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
5 therefore deny.

6 140. Intervenors are without information sufficient to form a belief as to the truth of the
7 allegations in this paragraph, and therefore deny.

8 141. Admitted.

9 142. Intervenors admit that a page on the Commission’s website, available at
10 <https://www.redistricting.wa.gov/commissioner-proposed-maps>, contains a subheading titled
11 “Revised Map October 25, 2021” below the names of both Commissioner Sims and Commissioner
12 Walkinshaw, and that below each of these subheading are links to legislative district maps in
13 various formats. Otherwise, Intervenors are without information sufficient to form a belief as to
14 the truth of the allegations in the remainder of this paragraph, and therefore deny.

15 143. Intervenors are without information sufficient to form a belief as to the truth of the
16 allegations in this paragraph, and therefore deny.

17 144. This paragraph states a legal conclusion and contains legal arguments to which no
18 response is required. To the extent a further response is required, denied.

19 145. Denied. *See* Order Regarding the Washington State Redistricting Commission’s
20 Letter to the Supreme Court on November 16, 2021 and the Commission Chair’s November 21,
21 2021 Declaration (“Redistricting Order”), No. 25700-B-676, at 2 (Wash. Dec. 3, 2021) (“This
22 dispute was resolved before midnight on November 15, 2021. That night, at 11:59:28 p.m., the
23 Commission voted unanimously to approve a congressional redistricting plan, and, at 11:59:47
24 p.m., voted unanimously to approve a legislative redistricting plan. Taken together, the chair’s
25 sworn declaration and the minutes of the Commission’s November 15, 2021 meeting establish that
26 the Commission approved both redistricting plans by the constitutional deadline established in
27 article II, section 43 of the Washington State Constitution.”).

1 146. Intervenor is without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph, and therefore deny.

3 147. Intervenor admits only that the Commission did not approve “a *letter* transmitting
4 the plan” to the Legislature until shortly after midnight on November 16, 2021. Redistricting Order
5 at 2 (emphasis added); *cf. supra* ¶ 145 (explaining that the redistricting plan itself was approved
6 on November 15). To the extent a further response is required, denied.

7 148. Intervenor is without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore deny.

9 149. Intervenor admits that the Washington Supreme Court “decline[d] to exercise its
10 authority under article II, subsection 43(6) and chapter 44.05 Wash. Rev. Code to adopt a
11 redistricting plan because it concludes that the plan adopted by the Washington State Redistricting
12 Commission met the constitutional deadline and substantially complied with the statutory deadline
13 to transmit the matter to the legislature.” Redistricting Order at 4.

14 150. Admitted.

15 151. This paragraph states a legal conclusion and contains legal arguments to which no
16 response is required. To the extent a further response is required, denied.

17 152. This paragraph states a legal conclusion and contains legal arguments to which no
18 response is required. To the extent a further response is required, Intervenor is without
19 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
20 therefore deny.

21 153. Intervenor is without information sufficient to form a belief as to the truth of the
22 allegations in this paragraph, and therefore deny.

23 154. Intervenor is without information sufficient to form a belief as to the truth of the
24 allegations in this paragraph, and therefore deny.

25 155. This paragraph states a legal conclusion and contains legal arguments to which no
26 response is required. To the extent a further response is required, denied.

27

1 156. This paragraph states a legal conclusion and contains legal arguments to which no
2 response is required. To the extent a further response is required, Intervenor are without
3 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
4 therefore deny.

5 157. This paragraph states a legal conclusion and contains legal arguments to which no
6 response is required. To the extent a further response is required, denied.

7 158. Intervenor are without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore deny.

9 159. Intervenor are without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph, and therefore deny.

11 160. Intervenor admit only that in the November 2012 general election for State
12 Representative, Position 2 in Legislative District 15, then-Representative David Taylor defeated a
13 challenger named Pablo Gonzalez. Otherwise, Intervenor are without information sufficient to
14 form a belief as to the truth of the allegations in this paragraph, and therefore deny.

15 161. Intervenor admit only that in the November 2014 general election for State Senator
16 in Legislative District 15, Senator Jim Honeyford defeated a challenger named Gabriel Muñoz.
17 Otherwise, Intervenor are without information sufficient to form a belief as to the truth of the
18 allegations in this paragraph, and therefore deny.

19 162. Intervenor admit only that in the November 2014 general election for State
20 Representative, Position 2 in Legislative District 15, then-Representative David Taylor defeated a
21 challenger named Teodora Martinez-Chavez. Otherwise, Intervenor are without information
22 sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

23 163. Intervenor admit only that in the November 2018 general election for State Senator
24 in Legislative District 15, Senator Jim Honeyford defeated a challenger named Bengie Aguilar.
25 Otherwise, Intervenor are without information sufficient to form a belief as to the truth of the
26 allegations in this paragraph, and therefore deny.
27

1 164. Intervenor[s] are without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph, and therefore deny.

3 165. Intervenor[s] are without information sufficient to form a belief as to the truth of the
4 allegations in this paragraph, and therefore deny.

5 166. Intervenor[s] are without information sufficient to form a belief as to the truth of the
6 allegations in this paragraph, and therefore deny.

7 167. Intervenor[s] are without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore deny.

9 168. Intervenor[s] are without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph, and therefore deny.

11 169. Intervenor[s] are without information sufficient to form a belief as to the truth of the
12 allegations in this paragraph, and therefore deny.

13 170. This paragraph states a legal conclusion and contains legal arguments to which no
14 response is required. To the extent a further response is required, denied.

15 171. This paragraph states a legal conclusion and contains legal arguments to which no
16 response is required. To the extent a further response is required, denied.

17 172. Intervenor[s] are without information sufficient to form a belief as to the truth of the
18 allegations in this paragraph, and therefore deny.

19 173. Intervenor[s] are without information sufficient to form a belief as to the truth of the
20 allegations in this paragraph, and therefore deny.

21 174. Intervenor[s] admit that, under Washington law, state legislative offices are
22 “[p]artisan office[s] . . . for which a candidate may indicate a political party preference on his or
23 her declaration of candidacy and have that preference appear on the primary and general election
24 ballot in conjunction with his or her name.” Wash. Rev. Code § 29A.04.110. Intervenor[s] further
25 admit that the “Republican” and “Democratic” parties are frequently listed by candidates for state
26 legislative office as their party preference. Otherwise, Intervenor[s] are without information
27 sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

1 175. This paragraph states a legal conclusion and contains legal arguments to which no
2 response is required. To the extent a further response is required, Intervenor are without
3 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
4 therefore deny.

5 176. Intervenor are without information sufficient to form a belief as to the truth of the
6 allegations in this paragraph, and therefore deny.

7 177. Intervenor are without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore deny.

9 178. This paragraph states a legal conclusion and contains legal arguments to which no
10 response is required. To the extent a further response is required, denied.

11 179. This paragraph states a legal conclusion and contains legal arguments to which no
12 response is required. To the extent a further response is required, denied.

13 180. This paragraph states a legal conclusion and contains legal arguments to which no
14 response is required. To the extent a further response is required, Intervenor are without
15 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
16 therefore deny.

17 181. This paragraph states a legal conclusion and contains legal arguments to which no
18 response is required. To the extent a further response is required, Intervenor are without
19 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
20 therefore deny.

21 182. This paragraph states a legal conclusion and contains legal arguments to which no
22 response is required. To the extent a further response is required, Intervenor are without
23 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
24 therefore deny.

25 183. This paragraph states a legal conclusion and contains legal arguments to which no
26 response is required. To the extent a further response is required, Intervenor are without
27

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

3 184. This paragraph states a legal conclusion and contains legal arguments to which no
4 response is required. To the extent a further response is required, Intervenors are without
5 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
6 therefore deny.

7 185. This paragraph states a legal conclusion and contains legal arguments to which no
8 response is required. To the extent a further response is required, Intervenors are without
9 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
10 therefore deny.

11 186. This paragraph states a legal conclusion and contains legal arguments to which no
12 response is required. To the extent a further response is required, Intervenors are without
13 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
14 therefore deny.

15 187. This paragraph states a legal conclusion and contains legal arguments to which no
16 response is required. To the extent a further response is required, Intervenors admit only the
17 accuracy of the quotation from *Luna v. County of Kern*, 291 F. Supp. 3d 1088 (E.D. Cal. 2018).
18 Otherwise, Intervenors are without information sufficient to form a belief as to the truth of the
19 allegations in this paragraph, and therefore deny.

20 188. Intervenors are without information sufficient to form a belief as to the truth of the
21 allegations in this paragraph, and therefore deny.

22 189. Intervenors are without information sufficient to form a belief as to the truth of the
23 allegations in this paragraph, and therefore deny.

24 190. This paragraph states a legal conclusion and contains legal arguments to which no
25 response is required. To the extent a further response is required, denied.

26 191. This paragraph states a legal conclusion and contains legal arguments to which no
27 response is required. To the extent a further response is required, denied.

1 192. This paragraph states a legal conclusion and contains legal arguments to which no
2 response is required. To the extent a further response is required, denied.

3 193. Admitted.

4 194. This paragraph states a legal conclusion and contains legal arguments to which no
5 response is required. To the extent a further response is required, denied.

6 195. This paragraph states a legal conclusion and contains legal arguments to which no
7 response is required. To the extent a further response is required, Intervenor are without
8 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
9 therefore deny.

10 196. Intervenor are without information sufficient to form a belief as to the truth of the
11 allegations in this paragraph, and therefore deny.

12 197. Intervenor are without information sufficient to form a belief as to the truth of the
13 allegations in this paragraph, and therefore deny.

14 198. Intervenor admit that the cities of Wapato, Toppenish and Mabton are not located
15 within Legislative District 15. Intervenor deny that Legislative District 15 excludes the City of
16 Yakima. The remainder of this paragraph states a legal conclusion and contains legal arguments
17 to which no response is required. To the extent a further response is required, Intervenor are
18 without information sufficient to form a belief as to the truth of the allegations in this paragraph,
19 and therefore deny.

20 199. Intervenor admit only that the cities of Wapato, Toppenish and Mabton are not
21 located within Legislative District 15, but are otherwise without information sufficient to form a
22 belief as to the truth of the allegations in the remainder of this paragraph, and therefore deny.

23 200. Intervenor are without information sufficient to form a belief as to the truth of the
24 allegations in this paragraph, and therefore deny.

25 201. Intervenor admit that the City of Othello is located in Adams County and in
26 Legislative District 15. Intervenor are without information sufficient to form a belief as to the
27 truth of the allegations in the remainder of this paragraph, and therefore deny.

1 202. Intervenor are without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph.

3 203. Intervenor are without information sufficient to form a belief as to the truth of the
4 allegations in this paragraph.

5 204. Intervenor are without information sufficient to form a belief as to the truth of the
6 allegations in this paragraph.

7 205. Intervenor are without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph.

9 206. Intervenor are without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph.

11 207. Intervenor are without information sufficient to form a belief as to the truth of the
12 allegations in this paragraph.

13 208. Intervenor are without information sufficient to form a belief as to the truth of the
14 allegations in this paragraph.

15 209. This paragraph states a legal conclusion and contains legal arguments to which no
16 response is required. To the extent a further response is required, denied.

17 210. This paragraph states a legal conclusion and contains legal arguments to which no
18 response is required. To the extent a further response is required, denied.

19 211. This paragraph states a legal conclusion and contains legal arguments to which no
20 response is required. To the extent a further response is required, denied.

21 212. This paragraph states a legal conclusion and contains legal arguments to which no
22 response is required. To the extent a further response is required, denied.

23 213. This paragraph states a legal conclusion and contains legal arguments to which no
24 response is required. To the extent a further response is required, denied.

25 214. This paragraph states a legal conclusion and contains legal arguments to which no
26 response is required. To the extent a further response is required, Intervenor are without
27

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

3 215. This paragraph states a legal conclusion and contains legal arguments to which no
4 response is required. To the extent a further response is required, denied.

5 216. This paragraph states a legal conclusion and contains legal arguments to which no
6 response is required. To the extent a further response is required, Intervenor admits only the
7 accuracy of the quotation from *Luna v. County of Kern*. To the extent a further response is required,
8 denied.

9 217. Intervenor is without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph, and therefore deny.

11 218. Intervenor is without information sufficient to form a belief as to the truth of the
12 allegations in this paragraph, and therefore deny.

13 219. Intervenor admits only the accuracy of the quotation from the article cited in this
14 paragraph. To the extent a further response is required, Intervenor is without information
15 sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

16 220. Intervenor is without information sufficient to form a belief as to the truth of the
17 allegations in this paragraph, and therefore deny.

18 221. Intervenor admits that, according to contemporaneous news coverage, Mr.
19 Zambrano-Montes was shot and killed by police, but is otherwise without information sufficient
20 to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

21 222. Intervenor is without information sufficient to form a belief as to the truth of the
22 allegations in this paragraph, and therefore deny.

23 223. Intervenor is without information sufficient to form a belief as to the truth of the
24 allegations in this paragraph, and therefore deny.

25 224. Intervenor is without information sufficient to form a belief as to the truth of the
26 allegations in this paragraph, and therefore deny.

27

1 225. Intervenor are without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph, and therefore deny.

3 226. Intervenor are without information sufficient to form a belief as to the truth of the
4 allegations in this paragraph, and therefore deny.

5 227. Intervenor are without information sufficient to form a belief as to the truth of the
6 allegations in this paragraph, and therefore deny.

7 228. Intervenor are without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore deny.

9 229. Intervenor are without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph, and therefore deny.

11 230. Intervenor are without information sufficient to form a belief as to the truth of the
12 allegations in this paragraph, and therefore deny.

13 231. Intervenor are without information sufficient to form a belief as to the truth of the
14 allegations in this paragraph, and therefore deny.

15 232. Intervenor are without information sufficient to form a belief as to the truth of the
16 allegations in this paragraph, and therefore deny.

17 233. Intervenor are without information sufficient to form a belief as to the truth of the
18 allegations in this paragraph, and therefore deny.

19 234. Intervenor are without information sufficient to form a belief as to the truth of the
20 allegations in this paragraph, and therefore deny.

21 235. Intervenor are without information sufficient to form a belief as to the truth of the
22 allegations in this paragraph, and therefore deny.

23 236. Intervenor are without information sufficient to form a belief as to the truth of the
24 allegations in this paragraph, and therefore deny.

25 237. Intervenor are without information sufficient to form a belief as to the truth of the
26 allegations in this paragraph, and therefore deny.

27

1 238. Intervenor are without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph, and therefore deny.

3 239. Intervenor are without information sufficient to form a belief as to the truth of the
4 allegations in this paragraph, and therefore deny.

5 240. Intervenor are without information sufficient to form a belief as to the truth of the
6 allegations in this paragraph, and therefore deny.

7 241. Intervenor are without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore deny.

9 242. Intervenor are without information sufficient to form a belief as to the truth of the
10 allegations in this paragraph, and therefore deny.

11 243. Intervenor are without information sufficient to form a belief as to the truth of the
12 allegations in this paragraph, and therefore deny.

13 244. Intervenor are without information sufficient to form a belief as to the truth of the
14 allegations in this paragraph, and therefore deny.

15 245. Intervenor are without information sufficient to form a belief as to the truth of the
16 allegations in this paragraph, and therefore deny.

17 246. Intervenor are without information sufficient to form a belief as to the truth of the
18 allegations in this paragraph, and therefore deny.

19 247. Intervenor are without information sufficient to form a belief as to the truth of the
20 allegations in this paragraph, and therefore deny.

21 248. Intervenor are without information sufficient to form a belief as to the truth of the
22 allegations in this paragraph, and therefore deny.

23 249. Intervenor admit that Melissa Reyes, an individual, League of United Latin
24 American Citizens, a Texas nonprofit corporation, and Latino Community Fund of Washington
25 State, a Washington nonprofit corporation, are plaintiffs in the case *Reyes v. Chilton*, No.
26 4:21-cv-05075 (E.D. Wash. filed May 7, 2021). Otherwise, Intervenor are without information
27 sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

1 250. Intervenor are without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph, and therefore deny.

3 251. Intervenor are without information sufficient to form a belief as to the truth of the
4 allegations in this paragraph, and therefore deny.

5 252. Intervenor are without information sufficient to form a belief as to the truth of the
6 allegations in this paragraph, and therefore deny.

7 253. Intervenor are without information sufficient to form a belief as to the truth of the
8 allegations in this paragraph, and therefore deny.

9 254. Intervenor admit that Jose Trevino is the Mayor of the City of Granger, but are
10 otherwise without information sufficient to form a belief as to the truth of the allegations in the
11 remainder of this paragraph, and therefore deny.

12 255. Intervenor are without information sufficient to form a belief as to the truth of the
13 allegations in this paragraph, and therefore deny.

14 256. Intervenor are without information sufficient to form a belief as to the truth of the
15 allegations in this paragraph, and therefore deny.

16 257. Admitted.

17 258. Intervenor are without information sufficient to form a belief as to the truth of the
18 allegations in this paragraph, and therefore deny.

19 259. Intervenor are without information sufficient to form a belief as to the truth of the
20 allegations in this paragraph, and therefore deny.

21 260. Intervenor are without information sufficient to form a belief as to the truth of the
22 allegations in this paragraph, and therefore deny.

23 261. Intervenor admit that Pablo Gonzalez, Teodora Martinez-Chavez and Bengie
24 Aguilar have been unsuccessful candidates for state legislative offices in Legislative District 15
25 during the past decade. Otherwise, Intervenor are without information sufficient to form a belief
26 as to the truth of the allegations in the remainder of this paragraph, and therefore deny.

27

1 262. Intervenor admit that Representatives Bruce Chandler and Jeremie Dufault
2 currently serve as State Representatives from Legislative District 15 and that Senator Jim
3 Honeyford currently serves as State Senator from Legislative District 15. Otherwise, Intervenor
4 are without information sufficient to form a belief as to the truth of the allegations in the remainder
5 of this paragraph, and therefore deny.

6 263. Intervenor are without information sufficient to form a belief as to the truth of the
7 allegations in this paragraph, and therefore deny.

8 264. Intervenor are without information sufficient to form a belief as to the truth of the
9 allegations in this paragraph, and therefore deny.

10 265. Intervenor admit only that in the November 2016 general election for State
11 Representative, Position 1 in Legislative District 14, then-Representative Norm Johnson defeated
12 a challenger named Susan Soto Palmer. Otherwise, Intervenor are without information sufficient
13 to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

14 266. Intervenor admit that Representatives Gina Mosbrucker and Chris Corry currently
15 serve as State Representatives from Legislative District 14 and that Senator Curtis King currently
16 serves as State Senator from Legislative District 14. Otherwise, Intervenor are without
17 information sufficient to form a belief as to the truth of the allegations in this paragraph, and
18 therefore deny.

19 267. Intervenor are without information sufficient to form a belief as to the truth of the
20 allegations in this paragraph, and therefore deny.

21 268. Intervenor admit that former Commissioner Jesse Palacios was elected to the
22 Yakima County Board of Commissioners in 2002. Otherwise, Intervenor are without information
23 sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

24 269. Intervenor are without information sufficient to form a belief as to the truth of the
25 allegations in this paragraph, and therefore deny.

26 270. Denied. Intervenor Trevino, who is Hispanic and resides in the Yakima Valley in
27 Legislative Districts 15, believes that his state legislators and other elected officials in the region

1 are responsive to his needs and those of other Hispanic/Latino residents. Intervenor Campos, who
2 is Hispanic and resides in Kennewick in Legislative District 8, denies that the Tri-Cities are part
3 of the Yakima Valley but also believes that his state legislators and other elected officials in the
4 Tri-Cities are responsive to his needs and those of other Hispanic/Latino residents there. Intervenor
5 Representative Ybarra, who is Hispanic and represents Legislative District 13 in the State House
6 of Representatives, believes he is responsive to the needs of his Hispanic/Latino constituents.

7 271. This paragraph states a legal conclusion and contains legal arguments to which no
8 response is required. To the extent a further response is required, denied.

9 272. This paragraph states a legal conclusion and contains legal arguments to which no
10 response is required. To the extent a further response is required, denied.

11 **CLAIMS FOR RELIEF**

12 273. Intervenor repeat and incorporate by reference their responses to all allegations in
13 the Complaint.

14 274. This paragraph states a legal conclusion and contains legal arguments to which no
15 response is required. To the extent a further response is required, denied.

16 275. This paragraph states a legal conclusion and contains legal arguments to which no
17 response is required. To the extent a further response is required, denied.

18 276. This paragraph states a legal conclusion and contains legal arguments to which no
19 response is required. To the extent a further response is required, denied.

20 277. This paragraph states a legal conclusion and contains legal arguments to which no
21 response is required. To the extent a further response is required, denied.

22 278. This paragraph states a legal conclusion and contains legal arguments to which no
23 response is required. To the extent a further response is required, denied.

24 279. This paragraph states a legal conclusion and contains legal arguments to which no
25 response is required. To the extent a further response is required, denied.

26 280. This paragraph states a legal conclusion and contains legal arguments to which no
27 response is required. To the extent a further response is required, denied.

1 8. Plaintiffs are unable to establish the elements required for injunctive relief.

2 9. Plaintiffs seek inappropriate relief, including relief that is not within Intervenors or
3 any of the present Defendants' authority to accomplish.

4 **INTERVENOR-DEFENDANTS' PRAYER FOR RELIEF**

5 Intervenors respectfully ask the Court for the following relief:

6 1. Convene a court of three judges pursuant to 28 U.S.C. § 2284(a);

7 2. Dismiss the Plaintiffs' Complaint in its entirety and with prejudice;

8 3. Award Intervenors' reasonable attorneys' fees and costs incurred in this action in
9 accordance with 42 U.S.C. § 1988, 52 U.S.C. § 10310(e) and any other applicable law or rule; and

10 4. Grant such other and further relief as the Court deems just and proper.

11
12 DATED this 13th day of May, 2022.

13 Respectfully submitted,

14 s/ Andrew R. Stokesbary
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21 *Counsel for Intervenor-Defendants*

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CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing document with the Clerk of the Court of the United States District Court for the Western District of Washington through the Court’s CM/ECF System, which will serve a copy of this document upon all counsel of record.

DATED this 13th day of May, 2022.

Respectfully submitted,
s/ Andrew R. Stokesbary
Andrew R. Stokesbary, WSBA #46097
Counsel for Intervenor-Defendants