

The Honorable Robert S. Lasnik

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

**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,
*Proposed
Intervenor-Defendants.*

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

MOTION TO INTERVENE

NOTE ON MOTION CALENDAR:
April 15, 2022

Proposed Intervenor-Defendants Jose Trevino, Ismael G. Campos and State Representative Alex Ybarra (“Intervenors”) respectfully move for leave to intervene in the above-captioned matter, as a matter of right pursuant to Fed. R. Civ. P. 24(a) or, in the alternative, permissively pursuant to Fed. R. Civ. P. 24(b). In accordance with Fed. R. Civ. P. 24(c) and Local Rules W.D. Wash. LCR 7(b)(1), the grounds for intervention and arguments in support thereof are set forth below.

1 Counsel for Intervenors have consulted with counsel for Plaintiffs and Defendants.
2 Defendants Hobbs, Jinkins and Billig do not object to intervention, but Plaintiffs have indicated
3 they will oppose the motion.

4 Pursuant to Fed. R. Civ. P. 24(c), Intervenors are filing their Answer to Complaint for
5 Declaratory and Injunctive Relief in conjunction with this motion. Intervenors further provide
6 notice of their intent to submit additional filings, including a response in opposition to Plaintiffs’
7 motion for preliminary injunction¹ and a motion to dismiss. Intervenors do not seek modifications
8 to the Court’s Minute Order Setting Trial Dates and Related Dates (Dkt. # 46).

9 **INTRODUCTION**

10 This action concerns the decennial apportionment of state legislative districts performed
11 by the Washington State Redistricting Commission (the “Commission”). In particular, Plaintiffs
12 have challenged the validity of the Commission’s legislative redistricting plan in the greater
13 Yakima Valley region under Section 2 of the Voting Rights Act (“VRA”). Intervenors strenuously
14 dispute Plaintiffs’ legal claims and political aims. They have chosen to intervene, in part, because
15 the current posture of the case lacks a true “adversarial presentation of the issues.” (Notice That
16 Def. Hobbs Takes No Position, Dkt. # 40 at 2.)

17 Intervenors, all of whom are Hispanic and registered voters in Central Washington, are:

- 18 • Jose Trevino, a resident of Granger,
19 • Ismael Campos, a resident of Kennewick, and
20 • State Representative Alex Ybarra, a resident of Quincy.

21 All three Intervenors are registered to vote in their respective legislative districts and each intends
22 to vote in future elections. As a voter in Legislative District 15,² Mr. Trevino has an obvious stake
23 in this case. Mr. Campos, who resides in Legislative District 8, just beyond the boundaries of
24

25 ¹ In light of significance of the issues presented in this case, Intervenors respectfully request that, if the Court grants
26 this Motion to Intervene and/or Defendant Hobbs’ Motion to Join Required Parties (Dkt. # 53), it also consider
27 extending briefing schedules for responses in opposition to Plaintiffs’ Motion for Preliminary Injunction so that the
Court can benefit from a full adversarial presentation of the issues.

² For clarity, references to the legislative districts of each Intervenor refer to the new versions of legislative districts
under the Commission’s redistricting plan.

1 Legislative District 15, could easily find himself located in a new or significantly redrawn
 2 legislative district if Plaintiffs' claim is successful. And while Representative Ybarra's hometown
 3 of Quincy is unlikely to be drawn into a Yakima Valley-centered district, the boundaries of his
 4 Legislative District 13—where he is currently and actively running for reelection—would almost
 5 certainly shift to accommodate any Court-mandated change to Legislative Districts 14 or 15.
 6 Clearly, Intervenors have a significant interest in this case. But the unusual posture of this case³
 7 means that none of the present parties will adequately protect those interests. Thus, not only do
 8 these factors and others justify intervention as more fully detailed below, but granting this motion
 9 will also ensure full adversarial presentation of the issues.

10 ARGUMENT

11 Intervention is warranted on multiple grounds.

12 I. Intervention as of Right under Rule 24(a)

13 Intervenors are entitled to intervene as a matter of right in this case. Fed. R. Civ. P. 24(a)
 14 requires that “[o]n timely motion, the court must permit anyone to intervene who . . . claims an
 15 interest relating to the property or transaction that is the subject of the action, and is so situated
 16 that disposing of the action may as a practical matter impair or impede the movant's ability to
 17 protect its interest, unless existing parties adequately represent that interest.” That is, Rule 24(a)
 18 “entitles intervention of right when an applicant: (i) timely moves to intervene; (ii) has a
 19 significantly protectable interest related to the subject of the action; (iii) may have that interest
 20 impaired by the disposition of the action; and (iv) will not be adequately represented by existing
 21 parties.” *Oakland Bulk & Oversized Terminal, LLC v. City of Oakland*, 960 F.3d 603, 620 (9th
 22 Cir. 2020) (citing *Prete v. Bradbury*, 438 F.3d 949, 954 (9th Cir. 2006)). As discussed below, all

23 ³ Plaintiffs chose not to sue the Commission, the “most natural” defendant (Def. Hobbs’ Resp. to Defs. Jinkins and
 24 Billig’s Mot. to Dismiss, Dkt. # 45 at 1), and thus far, the Commission has declined to intervene itself, *see, e.g.*, Jim
 25 Brunner, *WA redistricting commission chair resigns after Democrats refuse to defend new maps*, The Seattle Times,
 26 Mar. 7, 2022, <https://www.seattletimes.com/seattle-news/politics/wa-redistricting-commission-chair-resigns-after-democrats-refuse-to-defend-new-maps/>. Defendants Billig and Jinkins have moved to be dismissed as Defendants (*see*
 27 Mot. to Dismiss Defs. Jinkins and Billig, Dkt. # 37), and Defendant Hobbs has “notifie[d] the Court that he intends to
 take no position on the issue of whether the state legislative redistricting plan violates section 2 of the Voting Rights
 Act” (Notice That Def. Hobbs Takes No Position, Dkt. # 40 at 2; *see also* Def. Hobbs’ Resp. to Pls.’ Mot. for Prelim.
 Inj., Dkt. # 50 at 7-8).

1 four elements are satisfied here. (Intervenors also note that, although they have “the burden to
2 show that these four elements are met, the requirements are broadly interpreted in favor of
3 intervention” *Citizens for Balanced Use v. Mont. Wilderness Ass’n*, 647 F.3d 893, 897 (9th Cir.
4 2011) (citing *Prete*, 438 F.3d at 954)).

5 **A. Timeliness**

6 Intervenor’s application is timely, which is “determined by the totality of the circumstances
7 facing would-be intervenors, with a focus on three primary factors: ‘(1) the stage of the proceeding
8 at which an applicant seeks to intervene; (2) the prejudice to other parties; and (3) the reason for
9 and length of the delay.’” *Smith v. Los Angeles Unified Sch. Dist.*, 830 F.3d 843, 854 (9th Cir.
10 2016) (quoting *United States v. Alisal Water Corp.*, 370 F.3d 915, 921 (9th Cir. 2004)).

11 The proceedings are at a very preliminary stage. Plaintiffs filed their Complaint for
12 Declaratory and Injunctive Relief (Dkt. # 1) on January 19, 2022. Plaintiffs then filed a Motion for
13 Preliminary Injunction (Dkt. # 38) on February 25, which was noted for consideration by the Court
14 on March 25. Given that no oral arguments have been heard, or even (to Intervenor’s knowledge)
15 scheduled, and that the Court has not yet ruled on any substantive motions, a more “preliminary
16 stage” of litigation could hardly exist than the present stage of this case. *Cf. LULAC v. Wilson*, 131
17 F.3d 1297, 1303 (9th Cir. 1997) (denying intervention as of right where “the district court has
18 substantively—and substantially—engaged the issues” involved in the case).

19 In part because the case is at such a preliminary stage, there is no discernable prejudice or
20 delay to either Plaintiffs or Defendants that would result in granting the proposed intervention. As
21 mentioned, the Court has not yet ruled on the pending Motion to Dismiss Defendants Laurie
22 Jinkins and Andrew Billig (Dkt. # 37) or Plaintiffs’ Motion for Preliminary Injunction (Dkt. # 38).
23 Nor do Intervenors seek changes to the dates established in the Court’s Minute Order Setting Trial
24 Dates and Related Dates (Dkt. # 46).

25 Given the early stage of the proceedings, there is hardly a “delay” for Intervenors to justify.
26 But even if there were, “[t]he crucial date for assessing the timeliness of a motion to intervene is
27 when proposed intervenors should have been aware that their interests would not be adequately

1 protected by the existing parties.” *Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999) (citing
2 *Wilson*, 131 F.3d at 1304). For Intervenors, this date was March 21, when Defendants filed their
3 respective Responses to Plaintiffs’ Motion for Preliminary Injunction (Dkts. # 49-50). While
4 Intervenors appreciate Defendant Hobbs’ articulation of the *Purcell* principle and his explanation
5 of all the work his office performs in order to successfully manage Washington’s elections (*see*
6 Dkt. # 50 at 8-16), as well as Defendants Jinkins and Billig’s summary of VRA jurisprudence (*see*
7 Dkt. # 49 at 9-14), neither response brief argues that Plaintiffs’ VRA claim is unlikely to succeed
8 on the merits, or even applies VRA caselaw to Plaintiffs’ allegations. The “delay” to intervene,
9 then, has been one week. It is eminently reasonable for Intervenors to spend a week (a) assessing
10 the potential outcomes of the case given the lack of briefing on the merits of Plaintiffs’ VRA claim,
11 (b) deciding whether to move to intervene as parties themselves and (c) preparing the necessary
12 court filings to do so. *Cf. Smith v. Marsh*, 194 F.3d at 1052 (noting that prospective intervenors’
13 “determin[ation] that their interests were inadequately represented only after reviewing closely the
14 briefs filed . . . could constitute a proper explanation for delay”).

15 Thus, intervention at this early stage is timely because the motion comes just one week
16 after Intervenors became aware that their interests would not be adequately protected by the
17 existing parties and intervention will neither delay the proceedings nor prejudice the other parties.

18 **B. Significantly Protectable Interest**

19 There is no doubt that Intervenors have significantly protectable interests related to the
20 subject matter of this case. “The requirement of a significantly protectable interest is generally
21 satisfied when ‘the interest is protectable under some law, and that there is a relationship between
22 the legally protected interest and the claims at issue.’” *Arakaki v. Cayetano*, 324 F.3d 1078, 1084
23 (9th Cir. 2003) (quoting *Sierra Club v. EPA*, 995 F.2d 1478, 1484 (9th Cir. 1993)). Although “[t]he
24 ‘interest’ test is not a clear-cut or bright-line rule, because ‘no specific legal or equitable interest
25 need be established,’” *United States v. City of Los Angeles*, 288 F.3d 391, 398 (9th Cir. 2002)
26 (quoting *Greene v. United States*, 996 F.2d 973, 976 (9th Cir. 1993)), Intervenors can nonetheless
27 identify several specific interests they have in these proceedings.

1 First, as registered voters in or near Legislative District 15, Intervenor Trevino and
2 Campos have an interest in ensuring that any changes to the boundaries of those districts do not
3 violate their rights to “the equal protection of the laws” under the Fourteenth Amendment to the
4 Constitution of the United States, which, among other things, “forbids . . . intentionally assigning
5 citizens to a district on the basis of race without sufficient justification.” *Abbott v. Perez*, 138 S.
6 Ct. 2305, 2314 (2018) (citing *Shaw v. Reno*, 509 U.S. 630, 641 (1993)). Plaintiffs assert a violation
7 of Section 2 of the VRA, a statute that the Supreme Court has noted “pulls in the opposite
8 direction” of the Equal Protection Clause which “restricts the consideration of race in the
9 districting process.” *Perez*, 138 S. Ct. at 2314. Intervenor Trevino and Campos have an interest
10 in ensuring that Plaintiffs’ VRA claim does not pull so hard it draws them into a district that
11 abridges their right to equal protection under law.

12 Second, as a state legislator running for reelection in a district that borders Legislative
13 District 15, Intervenor Representative Ybarra has a heightened interest in not only the orderly
14 administration of elections, but also in knowing which voters will be included in his district. Any
15 stay of elections in the region would disrupt this interest, as would any alteration to the boundaries
16 of Legislative District 15 since such a change would almost certainly result in corresponding
17 changes his own legislative districts.

18 Lastly, all three Intervenor—like the eight individual Plaintiffs—are registered voters in
19 either Legislative District 15 or a neighboring district and intend to vote in future elections. (*See*
20 *Compl.*, Dkt. # 1 at 8-10.) Intervenor have just as strong of an interest as these Plaintiffs in
21 ensuring that Legislative District 15 and its adjoining districts are drawn in a manner that complies
22 with state and federal law. And as registered voters, Intervenor also have an interest in orderly,
23 well-run elections that avoid chaos or delay.

24 These interests are clearly related to the present case. “The relationship requirement is met
25 ‘if the resolution of the plaintiff’s claims actually will affect the applicant,’” *United States v. City*
26 *of L.A.*, 288 F.3d 391 at 398 (quoting *Donnelly v. Glickman*, 159 F.3d 405, 409 (9th Cir. 1998)).
27 As noted above, the resolution of this case will affect Intervenor because Plaintiffs’ VRA claim

1 “pulls in the opposite direction” of their Fourteenth Amendment right to not be assigned “to a
2 district on the basis of race without sufficient justification.” *Perez*, 138 S. Ct. at 2314. The outcome
3 of this case will also affect the boundaries of the legislative districts in which each of the
4 Intervenors are registered and intend to vote and where Representative Ybarra is actively running
5 for reelection. Clearly, Intervenors possess a significantly protectable interest in this case.

6 C. Practical Impairment

7 Intervenors also “must show that they are so situated that the disposition of the action
8 without [them] may as a practical matter impair or impede their ability to safeguard their
9 protectable interest.” *Smith v. L.A. Unified Sch. Dist.*, 830 F.3d at 862. And critically, “the relevant
10 inquiry is whether [the absence of a party seeking intervention] ‘may’ impair rights ‘as a practical
11 matter’ rather than whether [such absence] will ‘necessarily’ impair them.” *United States v. City
12 of L.A.*, 288 F.3d 391 at 401 (quoting Fed. R. Civ. P 24(a)(2)).

13 For reasons similar to those described above, this “practical impairment” element is
14 satisfied here as well. Indeed, the existence of an intervenor’s significantly protectable interest
15 often goes hand-in-hand with the potential for impairment of that interest. *See, e.g., California ex
16 rel. Lockyer v. United States*, 450 F.3d 436, 442 (9th Cir. 2006) (“Having found that appellants
17 have a significant protectable interest, we have little difficulty concluding that the disposition of
18 this case may, as a practical matter, affect it.” (citing *Sw. Ctr. for Biological Diversity v. Berg*, 268
19 F.3d 810, 822 (9th Cir. 2001))).

20 Intervenors’ ability to safeguard their Fourteenth Amendment interests may be impaired
21 by their absence from this case. Representative Ybarra’s ability to safeguard his interest in
22 knowing who his voters will be and when the election will occur may be impaired by his absence.
23 And the ability for all Intervenors to safeguard their interest in the orderly conduct of elections
24 (which Plaintiffs seek to enjoin) and in the design of Central Washington legislative districts
25 (which Plaintiffs seek to redraw) as current and future voters in those districts may be impaired by
26 being excluded from this case. Thus, Intervenors’ interests will be impaired if this litigation goes
27 forward without them.

1 **D. Adequate Representation**

2 None of the present parties can adequately protect Intervenor’s interests in this case. The
3 adequacy of a prospective intervenor’s representation by existing parties is based on “(1) whether
4 the interest of a present party is such that it will undoubtedly make all of a proposed intervenor’s
5 arguments; (2) whether the present party is capable and willing to make such arguments; and (3)
6 whether a proposed intervenor would offer any necessary elements to the proceeding that other
7 parties would neglect.” *Arakaki*, 324 F.3d at 1086 (citing *California v. Tahoe Reg’l Planning*
8 *Agency*, 702 F.2d 775, 778 (9th Cir. 1986)). This requirement “is satisfied if the applicant shows
9 that representation of his interest ‘may be’ inadequate; and the burden of making that showing
10 should be treated as minimal.” *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n.10 (1972)
11 (quoting 3B James Moore, *Federal Practice* § 24.09-1[4] (2d ed. 1969)).

12 Certainly the Plaintiffs do not represent Intervenor’s interest. As noted above, Plaintiffs’
13 VRA claim “pulls in the opposite direction” of Intervenor’s Fourteenth Amendment rights to not
14 be assigned “to a district on the basis of race without sufficient justification.” *Perez*, 138 S. Ct.
15 at 2314. And Plaintiffs’ requested relief of “enjoin[ing] Defendants from administering, enforcing,
16 preparing for, or in any way permitting the nomination or election of members of the Washington
17 State Legislature” would interfere with Representative Ybarra’s interest in maintaining a
18 consistent schedule of elections. (Compl., Dkt. #1 at 41.)

19 As for the Defendants, not only do none of the present Defendants have an interest such
20 that they will “undoubtedly” make “all” of Intervenor’s arguments, but the record already contains
21 evidence that these Defendants are unwilling to make such arguments. Defendant Hobbs has
22 “notifie[d] the Court that he intends to take no position on the issue of whether the state legislative
23 redistricting plan violates section 2 of the Voting Rights Act.” (Notice That Def. Hobbs Takes No
24 Position, Dkt. # 40 at 2; *see also* Def. Hobbs’ Resp. to Pls.’ Mot. for Prelim. Inj., Dkt. # 50 at 7-8.)
25 Defendants Billig and Jinkins have moved to be dismissed as defendants. (Mot. to Dismiss Defs.
26 Jinkins and Billig, Dkt. # 37.) Of course, if such motion is granted, they would no longer be present
27 to make any arguments in this case. But even if the Court denies their motion, they do not have

1 the same interests as any of the Intervenors, so cannot be expected to make Intervenors' arguments.
2 Nor do they appear willing to do so. For example, in their Response to Plaintiffs' Motion for
3 Preliminary Injunction (Dkt. # 49), Defendants Billig and Jinkins admit that "neither [of them] is
4 in a position to support or oppose the merits of Plaintiffs' vote dilution claim." (Dkt. # 49 at 9.)
5 And while their Response briefs the Court on some of the "legal standards" applicable to VRA
6 cases, it does not present any arguments as to why Plaintiffs' claim fails to meet those standards.
7 (See Dkt. # 49 at 9-14.) In contrast, Intervenors wish to vigorously oppose Plaintiffs' VRA claim
8 on the merits.

9 Intervenors would also offer additional "elements to the proceeding that other parties
10 would neglect." *Arakaki*, 324 F.3d at 1086. As alluded to above, Intervenors can offer this Court
11 a perspective regarding the tension between the VRA and the Equal Protection Clause. As a state
12 representative who lists "Republican" as his party preference on the ballot and who is a member
13 of the House Republican Caucus in the Legislature, Representative Ybarra can offer the Court a
14 valuable perspective on the close interaction between race and partisanship, a perspective currently
15 missing since all three present Defendants list the "Democratic" as their party preference on the
16 ballot and are current or former members of Democratic caucuses in the Legislature. *See, e.g.,*
17 *Perez*, 138 S.Ct. at 2314 ("[B]ecause a voter's race sometimes correlates closely with political
18 party preference, it may be very difficult for a court to determine whether a districting decision
19 was based on race or party preference." (internal citations omitted)); *Easley v. Cromartie*, 532 U.S.
20 234, 242 (2001) ("Caution is especially appropriate in this case, where the State has articulated a
21 legitimate political explanation for its districting decision, and the voting population is one in
22 which race and political affiliation are highly correlated.").

23 The present Defendants have also acknowledged the problematic posture of this case.
24 Defendants Billig and Jinkins noted that "this case currently lacks a proper party to defend the
25 redistricting plan on its merits" (Reply in Supp. of Mot. to Dismiss Defs. Jinkins and Billig, Dkt.
26 # 47 at 6) and that "[t]he current structure of the case . . . will not lead to a full and fair adjudication
27 on the merits" (Def. Jinkins and Billig's Resp. to Pls.' Mot. for Prelim. Inj., Dkt. # 49 at 2).

1 Defendant Hobbs stated that “[p]articipation by other interested intervenors may also ensure that
 2 the Court can promptly and clearly resolve” this case (Notice That Def. Hobbs Takes No Position,
 3 Dkt. # 40 at 2) and that he “continues to believe this litigation must include additional proper
 4 parties, whether through intervention or involuntary joinder, to allow thorough consideration of
 5 the issues and complete relief” (Def. Hobbs’ Resp. to Pls.’ Mot. for Prelim. Inj., Dkt. # 50 at 8).⁴

6 For these reasons, Intervenors will not be adequately represented by any of the existing
 7 parties, and their intervention will ensure a more complete adversarial presentation of the issues.

8 * * *

9 Therefore, Intervenors are entitled to intervene as a matter of right pursuant to Fed. R. Civ.
 10 P. 24(a). They have moved to intervene in a timely fashion, they have multiple significantly
 11 protectable interests related to the subject of the action, those interests may be impaired by the
 12 disposition of this case, and their position will not be adequately represented by existing parties.
 13 The Court should thus grant their motion.

14 **II. Permissive Intervention under Rule 24(b)**

15 Even if the criteria for intervention of right were not satisfied, the Court should grant
 16 permissive intervention under Fed. R. Civ. P. 24(b), pursuant to which, “[o]n timely motion, the
 17 court may permit anyone to intervene who . . . has a claim or defense that shares with the main
 18 action a common question of law or fact.” Courts may grant permissive intervention under Rule
 19 24(b) “where the applicant for intervention shows (1) independent grounds for jurisdiction; (2) the
 20 motion is timely; and (3) the applicant’s claim or defense, and the main action, have a question of
 21 law or a question of fact in common.” *Nw. Forest Res. Council v. Glickman*, 82 F.3d 825, 839 (9th
 22 Cir. 1996) (citing *Greene*, 996 F.2d at 978).

23
 24 ⁴ As this motion was being drafted, but shortly before it was filed, Defendant Hobbs filed a Motion to Join Required
 25 Parties (Dkt. # 53), requesting that the Court “join the Redistricting Commission, members of the Redistricting
 26 Commission in their official capacities, and/or the State of Washington” pursuant to Fed. R. Civ. P. 19(a)(2). (Dkt.
 27 # 53 at 1.) Intervenors do not oppose this motion, but neither do they believe their right to intervene under Fed. R.
 Civ. P. 24(a) is diminished by joinder of any of those parties. Intervenors do not believe that (a) the interest of the
 State, the Commission, or the Commissioners is such that they will undoubtedly make all of Intervenors’ arguments,
 (b) such additional parties are capable and willing to make such arguments, or (c) such additional parties would offer
 the same elements to the case that Intervenors can offer but that the present parties are neglecting.

1 **A. Independent Grounds for Jurisdiction**

2 Federal courts generally require “independent jurisdictional grounds” to prevent
3 permissive intervention from being used “to gain a federal forum for state-law claims” or “to
4 destroy complete diversity in state-law actions.” *Freedom From Religion Found. v. Geithner*, 644
5 F.3d 836, 843 (9th Cir. 2011). But “[w]here the proposed intervenor in a federal-question case
6 brings no new claims, the jurisdictional concern drops away.” *Id.* at 844 (citing 7C Charles Alan
7 Wright et al., *Federal Practice Procedure* § 1917 (3d ed. 2010)). In their Answer to Complaint
8 filed in conjunction with this motion, Intervenors assert several affirmative defenses and ask the
9 Court for certain relief (convening a court of three judges pursuant to 28 U.S.C. § 2284(a),
10 dismissing Plaintiffs’ Complaint, awarding Intervenors’ reasonable attorneys’ fees, and granting
11 other relief the Court deems just and proper) but are not raising new claims in any of their pleadings
12 or motions filed today. Thus, the “independent jurisdictional grounds requirement” does not apply,
13 because this is a “federal-question case” where the Intervenors “are not raising new claims.” *Id.*

14 **B. Timeliness**

15 “In determining timeliness under Rule 24(b)(2), we consider precisely the same three
16 factors—the stage of the proceedings, the prejudice to existing parties, and the length of and reason
17 for the delay [as] considered in determining timeliness under Rule 24(a)(2).” *Wilson*, 131 F.3d at
18 1308 (citing *County of Orange v. Air California*, 799 F.2d 535, 539 (9th Cir. 1986)). Thus, a
19 motion for permissive intervention is timely for the same reasons explained with respect to
20 intervention as of right in Part A.1 above.

21 **C. Common Questions of Law or Fact**

22 Out of concerns for judicial economy, the claims and defenses of a Rule 24(b) intervenor
23 must “have a question of law or a question of fact in common” with the main action. *Nw. Forest*
24 *Res. Council*, 82 F.3d at 839. This element is plainly satisfied because, as set forth in their Answer
25 to Complaint filed in conjunction with this motion, Intervenors seek to assert affirmative defenses
26 that squarely address the factual and legal premise of Plaintiffs’ claims, including but not limited
27 to whether Plaintiffs’ Complaint states a claim upon which relief can be granted, whether Plaintiffs

1 have standing, whether this Court has subject matter jurisdiction over Plaintiffs' VRA claim,
2 whether Defendants have any lawful remedy and whether any Defendants can even grant Plaintiffs
3 the relief they request.

4 **D. Undue Delay or Prejudice**

5 Fed. R. Civ. P. 24(b)(3) cautions that "[i]n exercising its discretion, the court must consider
6 whether the intervention will unduly delay or prejudice the adjudication of the original parties'
7 rights." As noted above, the Court has not yet ruled on the pending motions to dismiss (*see* Dkt. #
8 37) or for preliminary injunction (*see* Dkt. # 38), nor do Intervenors seek to change to the Court's
9 current scheduling order (*see* Dkt. # 46) (which they have communicated to the other parties
10 through respective counsel). Thus, there is no discernable prejudice or delay to any of the present
11 parties that would result in granting intervention.

12 * * *

13 Therefore, even if Court determines Intervenors are not entitled to intervene as a matter of
14 right, the Court should exercise its broad discretion to grant permissive intervention.

15 **CONCLUSION**

16 For the foregoing reasons, Intervenors respectfully requests that this Court enter an order
17 granting their Motion to Intervene in this action.

18 DATED this 29th day of March, 2022.

19 Respectfully submitted,

20 s/ Andrew R. Stokesbary
21 Andrew R. Stokesbary, WSBA #46097
22 STOKESBARY PLLC
23 1003 Main Street, Suite 5
24 Sumner, WA 98390
25 T: (206) 486-0795
26 dstokesbary@stokesbarypllc.com

27 *Counsel for Proposed Intervenor-Defendants*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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 29th day of March, 2022.

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

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

[PROPOSED]
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 38. 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, Intervenors admit only that venue
3 is proper in this judicial district.

4 **PARTIES**

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

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

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

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

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

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

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

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

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

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

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

27

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's admit 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's admit 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's admit 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's admit 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's admit 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's are 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-
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, Intervenor 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. Intervenor 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. Intervenor 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, Intervenor 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. Intervenor 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 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 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 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 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 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 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 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 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 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 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 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 is 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 is without information sufficient to form a belief as to the truth of the
6 allegations in this paragraph, and therefore deny.

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

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

22 189. Intervenor 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. Intervenors are without information sufficient to form a belief as to the truth of the
2 allegations in this paragraph.

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

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

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

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

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

13 208. Intervenors 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, Intervenors 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.

1 281. 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.

3 282. Intervenor's repeat and incorporate by reference their responses to all allegations in
4 the Complaint.

5 283. 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 **PRAYER FOR RELIEF**

8 Intervenor's deny that Plaintiffs are entitled to any relief.

9 **GENERAL DENIAL**

10 Intervenor's deny each and every allegation in Plaintiffs' Complaint that is not expressly
11 admitted above.

12 **INTERVENOR'S AFFIRMATIVE DEFENSES**

13 Intervenor's affirmative defenses to the Complaint are set forth below. By setting forth the
14 following defenses, Intervenor's do not assume the burden of proof on the matter and issue other
15 than those in which they have the burden of proof as a matter of law. Intervenor's reserve the right
16 to supplement these defenses.

17 1. Plaintiffs have failed to file "a short and plain statement of the claim showing that
18 that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2).

19 2. Plaintiffs' Complaint includes multiple conclusory allegations without supporting
20 factual allegations showing an entitlement to relief.

21 3. Plaintiffs fail to state a claim upon which relief can be granted pursuant to Fed. R.
22 Civ. P. 12(b)(6).

23 4. This Court lacks subject-matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1).

24 5. Plaintiffs lack standing to bring their claims and request relief.

25 6. "[Section] 2 of the Voting Rights Act of 1965 does not apply to redistricting."
26 *Abbott v. Perez*, 138 S. Ct. 2305, 2335 (2018) (Thomas, J. concurring).

27 7. Plaintiffs have no lawful remedy.

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 Intervenor's or
3 any of the present Defendants' authority to accomplish.

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

5 Intervenor 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 Intervenor's 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 29th day of March, 2022.

13 Respectfully submitted,

14 s/ Andrew R. Stokesbary

15 Andrew R. Stokesbary, WSBA #46097

16 STOKESBARY PLLC

17 1003 Main Street, Suite 5

18 Sumner, WA 98390

19 T: (206) 486-0795

20 dstokesbary@stokesbarypllc.com

21 *Counsel for Intervenor-Defendants*

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 29th day of March, 2022.

Respectfully submitted,

s/ Andrew R. Stokesbary
Andrew R. Stokesbary, WSBA #46097

Counsel for Intervenor-Defendants

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

The Honorable Robert S. Lasnik

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

**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

[PROPOSED] ORDER GRANTING
INTERVENOR-DEFENDANTS'
MOTION TO INTERVENE

THIS MATTER, having come before the Court upon Intervenor-Defendants' Motion to Intervene, having read and considered all briefs and other matters presented to the Court, and upon any hearing in this matter, the Court finds that the Intervenor-Defendants are entitled to intervene in this action pursuant to Fed. R. Civ. P. 24 and, therefore, IT IS HEREBY ORDERED that:

Intervenor-Defendants' Motion to Intervene is GRANTED. Jose Trevino, Ismael G. Campos and Alex Ybarra shall each be made an Intervenor-Defendant in this action.

The Answer attached to the Motion to Intervene shall stand as the Answer in this action.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

IT IS SO ORDERED.

DATED this _____ day of _____, 2022.

The Honorable Robert S. Lasnik
United States District Judge

Presented by:

s/ Andrew R. Stokesbary
Andrew R. Stokesbary, WSBA #46097
STOKESBARY PLLC
1003 Main Street, Suite 5
Sumner, WA 98390
T: (206) 486-0795
dstokesbary@stokesbarypllc.com

Counsel for Intervenor-Defendants

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 29th day of March, 2022.

Respectfully submitted,

s/ Andrew R. Stokesbary
Andrew R. Stokesbary, WSBA #46097

Counsel for Intervenor-Defendants

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27