

The Honorable Robert S. Lasnik

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

SUSAN SOTO PALMER, et. al.,

Plaintiffs,

v.

STEVEN HOBBS, et. al.,

Defendants,

and

JOSE TREVINO, ISMAEL CAMPOS,
and ALEX YBARRA,

Intervenor-Defendants.

Case No.: 3:22-cv-05035-RSL

Judge: Robert S. Lasnik

**PLAINTIFFS' MOTION TO
ENFORCE SUBPOENA OF JIM
TROYER OR
ALTERNATIVELY TO
EXTEND DISCOVERY
DEADLINE FOR
COMPLIANCE AND PERMIT
DEPOSITION**

NOTE FOR MOTION

CALENDAR: January 27, 2023

Plaintiffs respectfully request that the Court enforce the subpoena issued to James Troyer, Chief of Staff for the Republican Caucus, or alternatively extend the discovery deadline for Mr. Troyer to comply with the subpoena. Moreover, Plaintiffs request leave to conduct a deposition of Mr. Troyer. On January 9, 2023, Plaintiffs' counsel met and conferred with Mr. Troyer's counsel but were unable to resolve the matter without this Court's involvement.

BACKGROUND

On December 14, 2022, Plaintiffs sent a document subpoena to counsel for James Troyer, the Chief of Staff for the Senate Republican Caucus, and requested she accept service on his behalf as had been the practice in this case for her legislative clients. Ex. A (Cover Email and Subpoena).

The subpoena provided 19 days for compliance—prior to the then-scheduled discovery cutoff of January 3, 2023.¹ *Id.* Mr. Troyer’s counsel, Jessica Goldman, requested to be provided until January 6, 2023 to comply with the subpoena on account of Mr. Troyer’s vacation schedule and indicated acceptance of service of a subpoena with such a deadline. *Id.* When Plaintiffs subsequently agreed, Ex. B (12/20/22 Amended Subpoena), Ms. Goldman then objected to the date *she requested* because it was after the discovery deadline. Ex. C (12/21/22 Letter). When Plaintiffs then informed Ms. Goldman that this Court had extended the written discovery deadline until January 6, she reiterated her objection and contended the extension did not apply to third party discovery. Ex. D (1/5/23 Email). Despite indicating her representation and authorization to accept service of a subpoena to Mr. Troyer, Ex. A (12/7/22 Email), Ms. Goldman now contends that the subpoena has not, in fact, been served, *see* Ex. C (12/21/22 Letter).

ARGUMENT

I. The Court should enforce the subpoena because it provided a reasonable time to comply.

The Court should enforce the subpoena because it provided a reasonable time period for compliance. Although Rule 45 does not specify what time period is reasonable, it envisions that periods of even less than fourteen days are reasonable. The recipient of a subpoena may serve objections to a subpoena “before the earlier of the time specified for compliance or 14 days after the subpoena is served.” Fed. R. Civ. P. 45(d)(2)(B). Courts in this district have thus recognized that a subpoena provides a reasonable time for compliance if more than ten days are provided. *See*,

¹ Although the scheduling order listed January 1 as the discovery deadline, that was a Sunday and the next day, January 2, was a federal holiday, which made the deadline January 3 according to the Federal Rules. *See* Fed. R. Civ. P. 6(a)(3)(A).

1 *e.g., Anstead v. Va. Mason Med. Ctr.*, No. 2:21-cv-00447-JCC-JRC, 2023 WL 34505, at *2 (W.D.
 2 Wash. Jan. 4, 2023) (“Courts have consistently held that a period of ten days or less is not a
 3 reasonable time to comply with a subpoena and notice of deposition.”).

4 The subpoena in this case provided nineteen days—nearly double the amount courts have
 5 recognized as reasonable under Rule 45—for compliance. The original subpoena, which required
 6 compliance prior to the then-scheduled close of discovery, provided a reasonable period of time
 7 for compliance. Mr. Troyer’s objection that the extended deadline of January 6 that *he requested*
 8 was beyond the discovery deadline is thus irrelevant because the original compliance deadline was
 9 both before the discovery deadline and reasonable as a matter of law. Likewise, Mr. Troyer’s
 10 contention that Plaintiffs should have served the subpoena *earlier* in the discovery period is beside
 11 the point. The question is whether the subpoena provides a reasonable time for compliance, which
 12 it does. And Mr. Troyer’s importance only recently became apparent. *See infra* Part II.

13 **II. The Court should enforce the subpoena because it seeks relevant information.**

14 The Court should enforce the subpoena because it seeks relevant information and is not
 15 burdensome or overbroad. As discovery has proceeded, Mr. Troyer’s role has become increasingly
 16 clear. Among other things, he was involved in recruiting candidates to run for office in Legislative
 17 District 15 and just yesterday, in the deposition of Intervenor Jose Trevino, it was revealed that
 18 Mr. Troyer was also involved in recruiting intervenors to participate in this lawsuit. Ex. E (Trevino
 19 Depo. Tr.) at 16-18. Intervenor have made the 2022 candidacy of Republican Nikki Torres, who
 20 won the District 15 senate seat by a large margin, a centerpiece of their case. But that election
 21 presents special circumstances because, among other reasons, it occurred while this lawsuit was
 22 pending, it involved unusual candidate recruitment linked to the pending litigation, and Sen. Torres
 23
 24
 25
 26

1 was unopposed in the primary beyond a write-in candidate who advanced to the general. *See Ruiz*
2 *v. City of Santa Monica*, 160 F.3d 543, 557 (9th Cir. 1998) (“To invoke the special circumstances
3 doctrine regarding the election that occurred after a Section 2 lawsuit is filed, plaintiffs must show
4 that a particular election was surrounded by unusual circumstances . . . not representative of the
5 typical way in which the electoral process functions.”). For example, Intervenor Jose Trevino
6 testified in his deposition (conducted January 9) that Mr. Troyer called him seeking to recruit him
7 to run for the Legislative District 15 senate seat. Ex. E (Trevino Dep. Tr.) at 16-18. When Mr.
8 Trevino, who is mayor of Granger, declined that suggestion, Mr. Troyer then proceeded to ask Mr.
9 Trevino (during the same phone call) whether he would be willing to intervene in this lawsuit to
10 defend against Plaintiffs’ Section 2 claim. *Id.* The candidate recruitment and the effort to defend
11 against this lawsuit, it appears, were part and parcel. This is precisely the type of facts that show
12 special circumstances elections for purposes of Section 2 litigation.
13

14
15 The subpoena seeks, among other things, documents regarding Mr. Troyer’s role in
16 redistricting, his communications regarding this lawsuit and the *Garcia* case, including with the
17 entities and individuals responsible for coordinating the funding and filing of the various *Shaw*
18 claims and the intervention in this suit, and communications with Nikki Torres. These documents
19 are relevant to Plaintiffs’ special circumstances arguments regarding the 2022 election for
20 Legislative District 15, as well as the genesis of the competing legal claim in this case and their
21 merit. Although Mr. Troyer’s objections include a single contention that the subpoena is
22 “overbroad and unduly burdensome,” Ex. C at 3, no explanation is given for why that is so, beyond
23 the objections to the timing of the subpoena. Given Mr. Troyer’s unique role in this matter and
24 given the targeted nature of the requests (both in their timeframe and subject matter), to the extent
25
26

1 an overbreadth or burden objection is not waived, it is without merit. The Court should enforce the
2 subpoena because it is targeted to relevant documents.

3 **III. Alternatively, the Court should extend the discovery deadline for compliance with the**
4 **subpoena.**

5 Although Ms. Goldman indicated that she was authorized to accept service of a subpoena,
6 *see* Ex. A at 2 (12/7/22 Email) (“We do represent him and I am authorized to receive a subpoena
7 duces tecum for him . . .”), she subsequently contended that she had not in fact done so because
8 the original subpoena provided nineteen (rather than twenty-three) days for compliance, and her
9 preferred compliance date (January 6) was after the original discovery deadline, *see* Ex. C. While
10 this evasion of service appears ineffective given Ms. Goldman’s initial acknowledge that she
11 represents Mr. Troyer and could accept service of a subpoena, to the extent the Court were to
12 conclude that service of the subpoena has not yet been effected, Plaintiffs respectfully request that
13 the discovery deadline with respect to Mr. Troyer be extended to permit either acceptance of
14 service (again) by Ms. Goldman or service by process server if she refuses to accept service.
15

16 **IV. The Court should permit Mr. Troyer’s deposition to be taken.**

17 Moreover, the Court should permit Mr. Troyer’s deposition to be taken. This is especially
18 so because Plaintiffs only learned during the January 9 deposition of Intervenor Mr. Trevino that
19 Mr. Troyer was simultaneously seeking to recruit candidates for Legislative District 15 and also
20 recruit parties to participate in this litigation. This evidence is particularly relevant to the special
21 circumstances matter. Such a deposition should occur after Mr. Troyer has produced documents
22 responsive to the subpoena.
23

24 **CONCLUSION**

25 For the foregoing reasons, Plaintiffs’ motion should be granted.
26

Dated: January 10, 2023

By: /s/ Edwardo Morfin

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 Sonni Waknin*
 UCLA Voting Rights Project
 3250 Public Affairs Building
 Los Angeles, CA 90095
 Telephone: 310-400-6019
 Chad@uclavrp.org
 Sonni@uclavrp.org

Edwardo Morfin
 WSBA No. 47831
 Morfin Law Firm, PLLC
 2602 N. Proctor Street, Suite 205
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 Telephone: 509-380-9999

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 and Educational Fund
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 eherrera@maldef.org
 lsaucedo@maldef.org
 dthrift-viveros@maldef.org

*Admitted pro hac vice

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that all counsel of record were served a copy of the foregoing this 10th day of January, 2023 via the Court's CM/ECF system. In addition, a copy of the foregoing was served by electronic mail to the following counsel for Mr. Troyer:

Jessica Goldman
Jesse Taylor
Summit Law Group
315 Fifth Ave. S, Ste. 1000
Seattle, WA 98104
(206) 676-7000
jessicag@summitlaw.com
jesset@summitlaw.com

Counsel for James Troyer

/s/ Edwardo Morfin

Edwardo Morfin
WSBA No. 47831
Morfin Law Firm, PLLC
2602 N. Proctor Street, Suite 205
Tacoma, WA 98407
Telephone: 509-380-9999

EXHIBIT A



Sonni Waknin <sonni@uclavrp.org>

Subpoena for Documents for James Troyer

9 messages

Sonni Waknin <sonni@uclavrp.org>

Wed, Dec 14, 2022 at 11:38 AM

To: essica Goldman <jessicag@summitlaw.com>, Jesse Taylor <jeset@summitlaw.com>, Tana Daugherty <tanad@summitlaw.com>

Cc: Ernest Herrera <eherrera@maldef.org>, Leticia Saucedo <LSaucedo@maldef.org>, Chad Dunn <chad@uclavrp.org>, Aseem Mulji <amulji@campaignlegalcenter.org>, Annabelle Harless <aharless@campaignlegalcenter.org>, Eddie Morfin <Eddie@morfinlawfirm.com>, Deylin Thrift-Viveros <Dthrift-viveros@maldef.org>, Mark Gaber <MGaber@campaignlegalcenter.org>, Simone Leeper <SLeeper@campaignlegalcenter.org>, Gwen Kelly <gwen@uclavrp.org>

Counsel,

Please see the attached subpoena for documents for James Troyer.

Sincerely,
Sonni Waknin

--
Sonni Waknin
Pronouns: She/Her/Hers
Program Manager of the Voting Rights Project and Voting Rights Counsel
UCLA Voting Rights Project

 **Amended 2022-12-14 Troyer Subpoena FINALpdf.pdf**
401K

Jessica Goldman <jessicag@summitlaw.com>

Wed, Dec 14, 2022 at 1:49 PM

To: Sonni Waknin <sonni@uclavrp.org>, Jesse Taylor <jeset@summitlaw.com>, Tana Daugherty <tanad@summitlaw.com>

Cc: Ernest Herrera <eherrera@maldef.org>, Leticia Saucedo <LSaucedo@maldef.org>, Chad Dunn <chad@uclavrp.org>, Aseem Mulji <amulji@campaignlegalcenter.org>, Annabelle Harless <aharless@campaignlegalcenter.org>, Eddie Morfin <Eddie@morfinlawfirm.com>, Deylin Thrift-Viveros <Dthrift-viveros@maldef.org>, Mark Gaber <MGaber@campaignlegalcenter.org>, Simone Leeper <SLeeper@campaignlegalcenter.org>, Gwen Kelly <gwen@uclavrp.org>, "andrew.hughes@atg.wa.gov" <andrew.hughes@atg.wa.gov>, "Sepe, Cristina (ATG)" <cristina.sepe@atg.wa.gov>, "Franklin, Erica (ATG)" <erica.franklin@atg.wa.gov>

Sonni,

I am not authorized to accept service of today's subpoena. I advised you previously that Mr. Troyer would be out of the office on vacation beginning this week. For your reference, the email is attached. I note that if service were made, we would be objecting to the timing and burdensomeness of the proposed subpoena.

Jessica Goldman · Partner

Pronouns: she/her

206-676-7062

jessicag@SummitLaw.com

LinkedIn · Super Lawyers · Best Lawyers



315 5th Ave S Suite 1000
Seattle, Washington 98104

[Quoted text hidden]

----- Summit Law Group -----

The information contained in this e-mail message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this e-mail message in error, please e-mail the sender at the above e-mail address.

----- Forwarded message -----

From: Jessica Goldman <jessicag@summitlaw.com>
To: Sonni Waknin <sonni@uclavrp.org>
Cc: Jesse Taylor <jeset@summitlaw.com>, Tana Daugherty <tanad@summitlaw.com>
Bcc:
Date: Wed, 7 Dec 2022 22:53:32 +0000
Subject: James Troyer

Hi Sonni,

I am following up on your call Monday regarding Mr. Troyer. We do represent him and I am authorized to receive a subpoena duces tecum for him. He will be on holiday leave beginning next week. Consequently, we will accept service of a subpoena duces tecum with a deadline of January 6 or later. You also asked about his availability for a deposition. He can be available January 10, 11, 12, or 13. Assuming one of those days is selected, I am authorized to accept service for him of a deposition subpoena.

Jessica Goldman · Partner

Pronouns: she/her

206-676-7062

jessicag@SummitLaw.com

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315 5th Ave S Suite 1000
Seattle, Washington 98104

James Troyer.eml
35K

Sonni Waknin <sonni@uclavrp.org>

Tue, Dec 20, 2022 at 2:36 PM

To: Jessica Goldman <jessicag@summitlaw.com>

Cc: Jesse Taylor <jesset@summitlaw.com>, Tana Daugherty <tanad@summitlaw.com>, Ernest Herrera <eherrera@maldef.org>, Leticia Saucedo <LSaucedo@maldef.org>, Chad Dunn <chad@uclavrp.org>, Aseem Mulji <amulji@campaignlegalcenter.org>, Annabelle Harless <aharless@campaignlegalcenter.org>, Eddie Morfin <Eddie@morfinlawfirm.com>, Deylin Thrift-Viveros <Dthrift-viveros@maldef.org>, Mark Gaber <MGaber@campaignlegalcenter.org>, Simone Leeper <SLeeper@campaignlegalcenter.org>, Gwen Kelly <gwen@uclavrp.org>, "andrew.hughes@atg.wa.gov" <andrew.hughes@atg.wa.gov>, "Sepe, Cristina (ATG)" <cristina.sepe@atg.wa.gov>, "Franklin, Erica (ATG)" <erica.franklin@atg.wa.gov>

Hi Jessica,

Please see the attached amended Subpoena with a return date of January 6th per your email.

Sonni

[Quoted text hidden]

2022-12-20 2nd Amended Troyer Subpoena.pdf
443K

Jessica Goldman <jessicag@summitlaw.com>

Tue, Dec 20, 2022 at 2:38 PM

To: Sonni Waknin <sonni@uclavrp.org>

Cc: Jesse Taylor <jesset@summitlaw.com>, Tana Daugherty <tanad@summitlaw.com>, Ernest Herrera <eherrera@maldef.org>, Leticia Saucedo <LSaucedo@maldef.org>, Chad Dunn <chad@uclavrp.org>, Aseem Mulji <amulji@campaignlegalcenter.org>, Annabelle Harless <aharless@campaignlegalcenter.org>, Eddie Morfin <Eddie@morfinlawfirm.com>, Deylin Thrift-Viveros <Dthrift-viveros@maldef.org>, Mark Gaber <MGaber@campaignlegalcenter.org>, Simone Leeper <SLeeper@campaignlegalcenter.org>, Gwen Kelly <gwen@uclavrp.org>, "andrew.hughes@atg.wa.gov" <andrew.hughes@atg.wa.gov>, "Sepe, Cristina (ATG)" <cristina.sepe@atg.wa.gov>, "Franklin, Erica (ATG)" <erica.franklin@atg.wa.gov>

Sonni,

When is the discovery cutoff in this case?

[Quoted text hidden]

Sonni Waknin <sonni@uclavrp.org>
To: Jessica Goldman <jessicag@summitlaw.com>

Tue, Dec 20, 2022 at 2:42 PM

Hi Jessica,

Discovery cutoff is Jan 3

[Quoted text hidden]

Jessica Goldman <jessicag@summitlaw.com>
To: Sonni Waknin <sonni@uclavrp.org>
Cc: Tana Daugherty <tanad@summitlaw.com>

Tue, Dec 20, 2022 at 2:45 PM

Under what authority do you propose to issue a subpoena for after the discovery deadline?

[Quoted text hidden]

Sonni Waknin <sonni@uclavrp.org>
To: Jessica Goldman <jessicag@summitlaw.com>
Cc: Tana Daugherty <tanad@summitlaw.com>

Wed, Dec 21, 2022 at 9:00 AM

Hi Jessica,

The discovery cutoff is after we issued the first subpoena and after we issued the revised subpoena, at your request. I have been tied up in depositions. Let me know if your research shows that I am mistaken. Regardless, thank you for agreeing to accept service and our e-mail agreement on your client's January 6 performance date. The Court, I know, appreciates us working together as we have on this subpoena.

[Quoted text hidden]

Sonni Waknin <sonni@uclavrp.org>
To: Mark Gaber <MGaber@campaignlegalcenter.org>

Mon, Jan 9, 2023 at 2:47 PM

[Quoted text hidden]

----- Forwarded message -----

From: Jessica Goldman <jessicag@summitlaw.com>
To: Sonni Waknin <sonni@uclavrp.org>
Cc: Jesse Taylor <jeset@summitlaw.com>, Tana Daugherty <tanad@summitlaw.com>
Bcc:
Date: Wed, 7 Dec 2022 22:53:32 +0000
Subject: James Troyer

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Jessica Goldman · *Partner*

Pronouns: she/her

206-676-7062

jessicag@SummitLaw.com

[Linkedin](#) · [Super Lawyers](#) · [Best Lawyers](#)



315 5th Ave S Suite 1000
Seattle, Washington 98104

James Troyer.eml
35K

Sonni Waknin <sonni@uclavrp.org>
To: Mark Gaber <MGaber@campaignlegalcenter.org>

Mon, Jan 9, 2023 at 3:23 PM

[Quoted text hidden]

----- Forwarded message -----

From: Jessica Goldman <jessicag@summitlaw.com>
To: Sonni Waknin <sonni@uclavrp.org>
Cc: Jesse Taylor <jesset@summitlaw.com>, Tana Daugherty <tanad@summitlaw.com>
Bcc:
Date: Wed, 7 Dec 2022 22:53:32 +0000
Subject: James Troyer

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Jessica Goldman · *Partner*

Pronouns: she/her

206-676-7062

jessicag@SummitLaw.com

[Linkedin](#) · [Super Lawyers](#) · [Best Lawyers](#)



315 5th Ave S Suite 1000
Seattle, Washington 98104

 **James Troyer.eml**
35K

UNITED STATES DISTRICT COURT

for the

Western District of Washington

SUSAN SOTO PALMER, ET AL.

Plaintiff

v.

STEVEN HOBBS, ET AL.

Defendant

Civil Action No. 3:22-cv-05035-RSL

(If the action is pending in another district, state where:

Western District of Washington)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: James Troyer

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: SEE ATTACHMENT A - SUBPOENA FOR DOCUMENTS AND RECORDS

Place: Morfin Law Firm, PLLC
2602 N Proctor Street, Suite 205
Tacoma, WA 98406

Date and Time:

1/2/2023

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 12/14/2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Edwardo Morfin

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Plfs. Susan Soto Palmer, Alberto Macias Faviola Lopez, Caty Padilla, Evangelina Aguilar, Lizette Parra, Heliodora Morfin, who issues or requests this subpoena, are: Edwardo Morfin, Morfin Law Firm, PLLC, 7325 W.Deschutes Ave., Suite A, Kennewick, WA 99336, 509-380-9999

Civil Action No. 3:22-cv-05035-RSL

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

 _____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
 _____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**(c) Protecting a Person Subject to a Subpoena.**

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

The Honorable Robert S. Lasnik

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

SUSAN SOTO PALMER, et. al.,

Plaintiffs,

v.

STEVEN HOBBS, et. al.,

Defendants.

Case No.: 3:22-cv-05035-RSL

Judge: Robert S. Lasnik

ATTACHMENT A- SUBPOENA FOR DOCUMENTS AND RECORDS

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, you are commanded to produce to Plaintiffs the documents and electronically stored information described below in your possession, custody, or control.

DEFINITIONS AND INSTRUCTIONS

1. “DOCUMENTS” is defined as synonymous in meaning and equal in scope to the usage of the term in Federal Rule of Civil Procedure 34(a), in its broadest sense, and shall mean to include all written, printed, typed, recorded or graphic matter of every kind and description, including COMMUNICATIONS, both originals and copies, and all attachments and appendices thereto, that are in YOUR possession, custody, or control, or in the possession, custody, or control of YOUR attorney. Without limiting the term “control,” a DOCUMENT is deemed to be within YOUR control if YOU have ownership, possession or custody of the DOCUMENT, or the right to secure the DOCUMENT or copy thereof from any persons or public or private entity having physical control thereof.

2. “LEGISLATOR” refers to a past or present elected member of the Washington House of Representatives (“Washington House”) or the Washington Senate, including such members’ past or present employees, legislative office staff, district office staff, committee staff,

caucus staff, campaign staff, all interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member's behalf, subject to the member's control or on behalf of any committee or body of which the elected member is a member.

3. "COMMUNICATION" means any communication, electronic or otherwise, including but not limited to, e-mail (whether from an official or personal account), phone logs, letters, postcards, faxes, text messages, voicemails, recorded conversations, complaints, messages on any internet or phone apps (including Slack, Microsoft Teams, Signal, What's App), whether on a publicly paid device or a personal one if used to discuss redistricting business. Communications also means any electronic calendar invitations and invitations sent regarding phone conversations and electronic meetings (such as invitations to join Zoom or conference calls).

4. "RELATING TO" any given subject matter means, without limitation, anything that, in whole or in part, directly or indirectly, analyzes, comments on, comprises, concerns, constitutes, contains, discusses, embodies, evidences, explains, identifies, manifests, mentions, reflects, refers to, relates to, states, summarizes, or is in any way relevant to the particular subject matter identified.

5. "REDISTRICTING" means any consideration of the alignment of district boundaries for an entire legislative body, a single legislative district, or districts within a geographic area.

6. "WASHINGTON REDISTRICTING COMMISSION" means the constitutional redistricting commission that is comprised of four voting members and one non-voting chair that is responsible for the drafting of district boundaries for congressional and state legislative district seats. This includes individual commissioners: Sarah Augustine, April Sims, Paul Graves, Brady Piñero Walkinshaw, Joe Fain, and all staff.

7. "YOU" shall mean James Troyer, as well as all other persons acting or purporting to act on behalf of James Troyer including but not limited to any attorney, staff, employee, consultant, contractor, advisor, or agent.

8. In responding to these requests, please produce all responsive documents in your possession, custody, or control. You must produce all responsive documents within your actual possession, custody, or control, as well as such documents which you have the legal right to

obtain on demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

9. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person's behalf or subject to the control of such a person. All references in these requests to an entity, governmental entity, or any other type of organization include its past or present officers, executives, directors, employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such an organization or subject to its control.

10. In construing these document requests, apply the broadest construction, so as to produce the most comprehensive response. Construe the terms "and" and "or" either disjunctively or conjunctively, as necessary, to bring within the scope of the request all responses that might otherwise be construed to be outside that scope. Words used in the singular shall include the plural. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

11. Documents should be produced in their entirety, without abbreviation, redaction, or expurgation; file folders with tabs or labels identifying documents responsive to these requests should be produced intact with said documents; and documents attached to each other should not be separated. Please produce any electronically stored information ("ESI") in native format files or Bates numbered individual PDF files with a corresponding load file preserving all native metadata. Each document produced should be categorized by the number of the request for which it is produced. No portion of a request may be left unanswered because of an objection raised to another part of that request. If you object to any portion of a document request, you must state with specificity the grounds of the objection. Any ground not stated will be waived.

12. For any document withheld from production on a claim of privilege or work product protection, you must provide a written privilege log identifying each document individually and containing all information required by Rule 45(e)(2)(A) of the Federal Rules of Civil Procedure, including a description of the basis of the claimed privilege and all information

necessary for the United States to assess the claim of privilege.

13. If you contend that it would be unduly burdensome to obtain and provide all of the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking what you contend to be an unduly burdensome request; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

14. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or unless otherwise permitted by court order.

15. In the event that a responsive document has been destroyed or has passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

16. These requests are continuing in nature. Your response must be supplemented, and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

17. **Unless otherwise specified, all document requests concern the period of time from January 1, 2021 to present.**

DOCUMENT REQUESTS

1. Produce any and all communications related to redistricting in Washington from November 1, 2021 to present.
2. Produce any and all documents related to the *Soto Palmer, et al., v. Hobbs, et al.*, litigation within your possession.
3. Produce any and all documents related to the *Soto Palmer, et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including any current or past member of the Washington state legislature.
4. Produce any and all documents related to the *Soto Palmer, et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including any person associated with or employed by the National Republican Redistricting Trust.
5. Produce any and all documents related to the *Soto Palmer, et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including any person associated with or employed by Fair Lines America.
6. Produce any and all documents related to the *Soto Palmer, et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including Adam Kincaid.
7. Produce any and all documents related to the *Soto Palmer, et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including Adam Foltz.
8. Produce any and all documents related to the *Soto Palmer, et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including Joel Ard.
9. Produce any and all documents related to the *Garcia et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including any person employed by the Washington State Republican Party.

10. Produce any and all documents related to the *Garcia et al., v. Hobbs, et al.*, litigation within your possession.
11. Produce any and all documents related to the *Garcia et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including any current or past member of the Washington state legislature.
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13. Produce any and all documents related to the *Garcia et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including Adam Foltz.
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15. Produce any and all documents related to the *Garcia et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including Pablo “Paul” Campos, Anton Grose, or Evan Ridley.
16. Produce any and all documents related to the *Garcia et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including any person employed by the National Republican Redistricting Trust.
17. Produce any and all documents related to the *Garcia et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including any person employed by Fair Lines America.
18. Produce any and all documents related to the *Garcia et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including any person employed by the Washington State Republican Party.

19. Produce any and all documents and communications between YOU and any person who was or currently employed or associated with David Wright Tremaine LLP referencing redistricting in Washington.
20. Produce any and all documents and communications between YOU and any person who was or is currently employed or associated with Holtzman Vogel referencing redistricting in Washington.
21. Produce any and all documents and communications between YOU and any person who was and/or is currently employed or associated with Fair Lines America Foundation referencing redistricting in Washington.
22. Produce any and all documents and communications between You and any person who was and/or is currently employed or associated with Washington State Republican Party referencing redistricting in Washington.
23. All documents and communications, related in any way to the 2021 redistricting processes of Washington's state legislative districts from January 1, 2021, to present with the following:
 - a. Adam Kincaid
 - b. Adam Foltz
 - c. Evan Ridley
 - d. Anton Grose
 - e. Calab Heimlich
 - f. Joe Fain
 - g. Paul Graves
 - h. Robert J. Maguire
 - i. David Nordlinger
 - j. Harry Korrell
 - k. Pablo "Paul" Campos

- l. Jose Trevino
- m. Ismael G. Campos
- n. Alex Ybarra
- o. Dallin Holt
- p. Jason Torchinsky
- q. Brennan Bowen
- r. John Alford
- s. Nikki Torres
- t. Andrew “Drew” Stokesbary
- u. Benancio Garcia
- v. Jim Honeyford
- w. Curtis King
- x. Mark Schoesler
- y. John Braun
- z. J.T. Wilcox

EXHIBIT B

Mark Gaber

From: Sonni Waknin <sonni@uclavrp.org>
Sent: Monday, January 9, 2023 9:51 PM
To: Mark Gaber
Subject: Fwd: Subpoena for Documents for James Troyer
Attachments: 2022-12-20 2nd Amended Troyer Subpoena.pdf

----- Forwarded message -----

From: **Sonni Waknin** <sonni@uclavrp.org>
Date: Tue, Dec 20, 2022 at 2:36 PM
Subject: Re: Subpoena for Documents for James Troyer
To: Jessica Goldman <jessicag@summitlaw.com>
CC: Jesse Taylor <jesset@summitlaw.com>, Tana Daugherty <tanad@summitlaw.com>, Ernest Herrera <eherrera@maldef.org>, Leticia Saucedo <LSaucedo@maldef.org>, Chad Dunn <chad@uclavrp.org>, Aseem Mulji <amulji@campaignlegalcenter.org>, Annabelle Harless <aharless@campaignlegalcenter.org>, Eddie Morfin <Eddie@morfinlawfirm.com>, Deylin Thrift-Viveros <Dthrift-viveros@maldef.org>, Mark Gaber <MGaber@campaignlegalcenter.org>, Simone Leeper <SLeeper@campaignlegalcenter.org>, Gwen Kelly <gwen@uclavrp.org>, andrew.hughes@atg.wa.gov <andrew.hughes@atg.wa.gov>, Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>, Franklin, Erica (ATG) <erica.franklin@atg.wa.gov>

Hi Jessica,

Please see the attached amended Subpoena with a return date of January 6th per your email.

Sonni

On Wed, Dec 14, 2022 at 1:49 PM Jessica Goldman <jessicag@summitlaw.com> wrote:

Sonni,

I am not authorized to accept service of today's subpoena. I advised you previously that Mr. Troyer would be out of the office on vacation beginning this week. For your reference, the email is attached. I note that if service were made, we would be objecting to the timing and burdensomeness of the proposed subpoena.

 **Jessica Goldman** · Partner

Pronouns: she/her

206-676-7062
jessicag@SummitLaw.com

[LinkedIn](#) · [Super Lawyers](#) · [Best Lawyers](#)



315 5th Ave S Suite 1000
Seattle, Washington 98104

From: Sonni Waknin <sonni@uclavrp.org>
Sent: Wednesday, December 14, 2022 11:39 AM
To: Jessica Goldman <jessicag@SummitLaw.com>; Jesse Taylor <jesset@SummitLaw.com>; Tana Daugherty <tanad@SummitLaw.com>
Cc: Ernest Herrera <eherrera@maldef.org>; Leticia Saucedo <LSaucedo@maldef.org>; Chad Dunn <chad@uclavrp.org>; Aseem Mulji <amulji@campaignlegalcenter.org>; Annabelle Harless <aharless@campaignlegalcenter.org>; Eddie Morfin <Eddie@morfinlawfirm.com>; Deylin Thrift-Viveros <Dthrift-viveros@maldef.org>; Mark Gaber <MGaber@campaignlegalcenter.org>; Simone Leeper <SLeeper@campaignlegalcenter.org>; Gwen Kelly <gwen@uclavrp.org>
Subject: Subpoena for Documents for James Troyer

Counsel,

Please see the attached subpoena for documents for James Troyer.

Sincerely,

Sonni Waknin

--

Sonni Waknin

Pronouns: She/Her/Hers

Program Manager of the Voting Rights Project and Voting Rights Counsel

UCLA Voting Rights Project

----- Summit Law Group -----

The information contained in this e-mail message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this e-mail message in error, please e-mail the sender at the above e-mail address.

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Sonni Waknin

Pronouns: She/Her/Hers

Program Manager of the Voting Rights Project and Voting Rights Counsel

UCLA Voting Rights Project

--

Sonni Waknin

Pronouns: She/Her/Hers

Program Manager of the Voting Rights Project and Voting Rights Counsel

UCLA Voting Rights Project

UNITED STATES DISTRICT COURT

for the

Western District of Washington

SUSAN SOTO PALMER, ET AL.

Plaintiff

v.

STEVEN HOBBS, ET AL.

Defendant

Civil Action No. 3:22-cv-05035-RSL

(If the action is pending in another district, state where:

Western District of Washington)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: James Troyer

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: SEE ATTACHMENT A - SUBPOENA FOR DOCUMENTS AND RECORDS

Place: Morfin Law Firm, PLLC
2602 N Proctor Street, Suite 205
Tacoma, WA 98406

Date and Time:

1/6/2023

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 12/20/2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Eduardo Morfin

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Plfs. Susan Soto Palmer, Alberto Macias Faviola Lopez, Caty Padilla, Evangelina Aguilar, Lizette Parra, Heliodora Morfin, who issues or requests this subpoena, are: Eduardo Morfin, Morfin Law Firm, PLLC, 7325 W.Deschutes Ave., Suite A, Kennewick, WA 99336, 509-380-9999

Civil Action No. 3:22-cv-05035-RSL

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

 _____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
 _____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**(c) Protecting a Person Subject to a Subpoena.**

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney’s fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party’s officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party’s officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert’s opinion or information that does not describe specific occurrences in dispute and results from the expert’s study that was not requested by a party; or

(iii) a person who is neither a party nor a party’s officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty’s failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

The Honorable Robert S. Lasnik

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

SUSAN SOTO PALMER, et. al.,

Plaintiffs,

v.

STEVEN HOBBS, et. al.,

Defendants.

Case No.: 3:22-cv-05035-RSL

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2. “LEGISLATOR” refers to a past or present elected member of the Washington House of Representatives (“Washington House”) or the Washington Senate, including such members’ past or present employees, legislative office staff, district office staff, committee staff,

caucus staff, campaign staff, all interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member's behalf, subject to the member's control or on behalf of any committee or body of which the elected member is a member.

3. "COMMUNICATION" means any communication, electronic or otherwise, including but not limited to, e-mail (whether from an official or personal account), phone logs, letters, postcards, faxes, text messages, voicemails, recorded conversations, complaints, messages on any internet or phone apps (including Slack, Microsoft Teams, Signal, What's App), whether on a publicly paid device or a personal one if used to discuss redistricting business. Communications also means any electronic calendar invitations and invitations sent regarding phone conversations and electronic meetings (such as invitations to join Zoom or conference calls).

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7. "YOU" shall mean James Troyer, as well as all other persons acting or purporting to act on behalf of James Troyer including but not limited to any attorney, staff, employee, consultant, contractor, advisor, or agent.

8. In responding to these requests, please produce all responsive documents in your possession, custody, or control. You must produce all responsive documents within your actual possession, custody, or control, as well as such documents which you have the legal right to

obtain on demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

9. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person's behalf or subject to the control of such a person. All references in these requests to an entity, governmental entity, or any other type of organization include its past or present officers, executives, directors, employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such an organization or subject to its control.

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2. Produce any and all documents related to the *Soto Palmer, et al., v. Hobbs, et al.*, litigation within your possession.
3. Produce any and all documents related to the *Soto Palmer, et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including any current or past member of the Washington state legislature.
4. Produce any and all documents related to the *Soto Palmer, et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including any person associated with or employed by the National Republican Redistricting Trust.
5. Produce any and all documents related to the *Soto Palmer, et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including any person associated with or employed by Fair Lines America.
6. Produce any and all documents related to the *Soto Palmer, et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including Adam Kincaid.
7. Produce any and all documents related to the *Soto Palmer, et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including Adam Foltz.
8. Produce any and all documents related to the *Soto Palmer, et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including Joel Ard.
9. Produce any and all documents related to the *Garcia et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including any person employed by the Washington State Republican Party.

10. Produce any and all documents related to the *Garcia et al., v. Hobbs, et al.*, litigation within your possession.
11. Produce any and all documents related to the *Garcia et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including any current or past member of the Washington state legislature.
12. Produce any and all documents related to the *Garcia et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including Adam Kincaid.
13. Produce any and all documents related to the *Garcia et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including Adam Foltz.
14. Produce any and all documents related to the *Garcia, et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including Joel Ard.
15. Produce any and all documents related to the *Garcia et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including Pablo “Paul” Campos, Anton Grose, or Evan Ridley.
16. Produce any and all documents related to the *Garcia et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including any person employed by the National Republican Redistricting Trust.
17. Produce any and all documents related to the *Garcia et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including any person employed by Fair Lines America.
18. Produce any and all documents related to the *Garcia et al., v. Hobbs, et al.*, litigation to, from, shared with, and/or including any person employed by the Washington State Republican Party.

19. Produce any and all documents and communications between YOU and any person who was or currently employed or associated with David Wright Tremaine LLP referencing redistricting in Washington.
20. Produce any and all documents and communications between YOU and any person who was or is currently employed or associated with Holtzman Vogel referencing redistricting in Washington.
21. Produce any and all documents and communications between YOU and any person who was and/or is currently employed or associated with Fair Lines America Foundation referencing redistricting in Washington.
22. Produce any and all documents and communications between You and any person who was and/or is currently employed or associated with Washington State Republican Party referencing redistricting in Washington.
23. All documents and communications, related in any way to the 2021 redistricting processes of Washington's state legislative districts from January 1, 2021, to present with the following:
 - a. Adam Kincaid
 - b. Adam Foltz
 - c. Evan Ridley
 - d. Anton Grose
 - e. Calab Heimlich
 - f. Joe Fain
 - g. Paul Graves
 - h. Robert J. Maguire
 - i. David Nordlinger
 - j. Harry Korrell
 - k. Pablo "Paul" Campos

- l. Jose Trevino
- m. Ismael G. Campos
- n. Alex Ybarra
- o. Dallin Holt
- p. Jason Torchinsky
- q. Brennan Bowen
- r. John Alford
- s. Nikki Torres
- t. Andrew “Drew” Stokesbary
- u. Benancio Garcia
- v. Jim Honeyford
- w. Curtis King
- x. Mark Schoesler
- y. John Braun
- z. J.T. Wilcox

EXHIBIT C



JESSICA L. GOLDMAN
DID: (206) 676-7062
EMAIL: jessicag@summitlaw.com

315 Fifth Ave S Suite 1000
Seattle, Washington 98104
phone - 206.676.7000
fax - 206.676.7001

December 21, 2022

Via Email

Sonni R. Waknin
UCLA VOTING RIGHTS PROJECT
3250 Public Affairs Bldg.
Los Angeles, CA 90065
sonni@uclavrp.org

Re: *Palmer v Hobbs* | Subpoena to James Troyer

Dear Sonni:

Pursuant to FRCP 45, we object to the subpoena duces tecum to James Troyer which you emailed to me yesterday.

As you know, we represent the Washington State legislators and legislative staff who are not parties to the *Palmer v. Hobbs* lawsuit. You and your colleagues on behalf of the Plaintiffs have served approximately 24 subpoenas duces tecum on our clients and five deposition subpoenas. Each of the subpoenas duces tecum has been directed to an individual, by name. None of these individuals controls or has authority to produce records maintained by the Washington State Legislature. Nonetheless, the Legislature has voluntarily produced records responsive to each of the prior subpoenas. The documents requested by your subpoenas have been very broad. Correspondingly, our document production has been massive. We have produced to you more than 428,715 pages. It has required a substantial amount of time from the named witnesses as well as that of the legislative staff who have performed the voluntary searches of the legislative systems.

You emailed your first subpoenas duces tecum to our clients on April 5, 2022. Many of the subpoenas, including those you emailed on April 5, requested: "Any communications, related in any way to the redrawing of Washington's state legislative districts, population or demographic of Latino and/or Hispanic individuals, racial voting patterns, the Voting Rights Act, or Hispanic and/or Latino voters, with the following: ... James D. Troyer" Some of your subpoenas also included a request for: "Any communications, related to the 2022 elections for Washington Legislative Districts 14 and 15 from 2021 to the Present with the following: ... James D. Troyer" Plaintiffs included both of these requests as recently as the subpoenas to Representative Dufault and Senator Braun which you emailed to me on October 27, 2022. We

Sonni R. Waknin
December 21, 2022
Page 2

produced to you records in response to these two subpoenas on November 18, 2022, including records voluntarily provided from the legislative systems.

On December 5, 2022, eight months after we first began receiving your subpoenas to our clients, you called and asked me if we represented James Troyer because you wanted to issue a subpoena duces tecum and a deposition subpoena to him. Mr. Troyer is the Chief of Staff for the Washington State Senate. I returned your call on December 7, 2022 and advised you that we did represent him. I told you that Chief of Staff Troyer would be on holiday leave beginning December 12 and that I was authorized to accept service of a subpoena duces tecum with a deadline of January 6 or later.

Chief of Staff Troyer began his holiday leave on December 12. I heard nothing further from you until December 14. That day you emailed me a subpoena duces tecum with a January 2, 2023 return deadline. I immediately advised you that, per my December 7 email, I was not authorized to accept service of such a subpoena, and I reminded you that Chief of Staff Troyer was now out of the office on vacation.

I heard nothing further from you until yesterday, December 20, when you emailed me a new subpoena to Chief of Staff Troyer with a January 6, 2023 return deadline. In response, I asked you when the discovery deadline is in this case. You informed me that the deadline is January 3, 2023. I have since confirmed that on August 15, 2022, at the request of the parties, the Court ordered that discovery must be completed by January 1, 2023. As is standard, the Court's Order states:

These are firm dates that can be changed only by order of the Court, not by agreement of counsel or the parties. The Court will alter these dates only upon good cause shown; failure to complete discovery within the time allowed is not recognized as good cause.

I asked you yesterday under what authority you proposed to issue a subpoena with a deadline after the discovery cutoff. You responded: "The discovery cutoff is after we issued the first subpoena and after we issued the revised subpoena, at your request." I note that your first subpoena was never served. Your second subpoena is not allowed by the Court's Order authorizing discovery. For these reasons, we object to your subpoena of yesterday.

In addition, we object to the timing of yesterday's subpoena for other reasons. Based on the first subpoenas you emailed to us, you have known about Chief of Staff Troyer's role since April. You have received many records to or from Chief of Staff Troyer in the voluminous document production we already have made in response to your 24 other subpoenas to legislators and legislative staff. Despite knowing his role, you waited until December 5 to inquire about him. You then waited until after he left on his vacation to attempt

Sonni R. Waknin
December 21, 2022
Page 3

service of your various subpoenas on him. Yesterday's subpoena which you emailed to me arrived while Chief of Staff of Troyer remains on holiday vacation. Upon his return to the office on January 3, he will be focusing his full attention on preparing for the legislative session which begins January 9, 2023.

For each of these reasons, we object to yesterday's subpoena. It is overbroad and unduly burdensome, served late, and it imposes an impossible burden on a non-party while you know him to be on vacation.

Sincerely,

SUMMIT LAW GROUP, PLLC

A handwritten signature in blue ink, appearing to read "Jessica L. Goldman", is written over a light blue rectangular background.

Jessica L. Goldman

EXHIBIT D

Mark Gaber

From: Jesse Taylor <jesset@SummitLaw.com>
Sent: Thursday, January 5, 2023 12:23 PM
To: Sonni Waknin; Sharon Hendricks
Cc: Jessica Goldman; Tana Daugherty; Ernest Herrera; Leticia Saucedo; Chad Dunn; Aseem Mulji; Annabelle Harless; Eddie Morfin; Deylin Thrift-Viveros; Mark Gaber; Simone Leeper; Benjamin Phillips; Gwen Kelly
Subject: RE: Palmer v. Hobbs | Ltr re Troyer Subpoena

Sonni,

Jessica is out of the office this week. Please refer to Jessica's December 14, 2022 email and December 21, 2022 letter to you on this subject, which confirm that we are not authorized to accept service of a subpoena with a return date of tomorrow. Additionally, the order attached to your email extends the deadline to respond to "requests for production, requests for admissions, and interrogatories, that are presently served upon the Parties, by other Parties" to January 6, 2023. A subpoena to a non-party would seem to fall outside the scope of the order.

Thanks,

 **Jesse Taylor · Partner**

He/Him
206-676-7027
jesset@summitlaw.com
[LinkedIn](#)



315 5th Ave S Suite 1000
Seattle, Washington 98104

From: Sonni Waknin <sonni@uclavrp.org>
Sent: Wednesday, January 4, 2023 3:18 PM
To: Sharon Hendricks <sharonh@SummitLaw.com>
Cc: Jessica Goldman <jessicag@SummitLaw.com>; Jesse Taylor <jesset@SummitLaw.com>; Tana Daugherty <tanad@SummitLaw.com>; Ernest Herrera <eherrera@maldef.org>; Leticia Saucedo <LSaucedo@maldef.org>; Chad Dunn <chad@uclavrp.org>; Aseem Mulji <amulji@campaignlegalcenter.org>; Annabelle Harless <aharless@campaignlegalcenter.org>; Eddie Morfin <Eddie@morfinlawfirm.com>; Deylin Thrift-Viveros <Dthrift-viveros@maldef.org>; Mark Gaber <MGaber@campaignlegalcenter.org>; Simone Leeper <SLeeper@campaignlegalcenter.org>; Benjamin Phillips <bphillips@campaignlegalcenter.org>; Gwen Kelly <gwen@uclavrp.org>
Subject: Re: Palmer v. Hobbs | Ltr re Troyer Subpoena

Jessica—

As you may know, the Court has extended the deadline for discovery to January 6—the date we agreed to extend for compliance with Mr. Troyer's subpoena. The order is attached.

Since you had already agreed to accept service of a subpoena with that compliance date, and your subsequent objection was that January 6 was past the discovery deadline, I presume this resolves your concern and you will accept service of the subpoena and produce responsive documents? Please advise.

On Wed, Dec 21, 2022 at 12:58 PM Sharon Hendricks <sharonh@summitlaw.com> wrote:

Ms. Waknin,

Please see attached correspondence from Jessica Goldman.

 **Sharon Hendricks** · *Legal Assistant*

206-676-7108
sharonh@SummitLaw.com



315 5th Ave S Suite 1000
Seattle, Washington 98104

----- Summit Law Group -----

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Sonni Waknin

Pronouns: She/Her/Hers

Program Manager of the Voting Rights Project and Voting Rights Counsel

UCLA Voting Rights Project

EXHIBIT E

JOSE TREVINO - 01/09/2023

Page 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

SUSAN SOTO PALMER, et al.,
Plaintiffs,

V

Case No: 3:22-cv-05035-RSL

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

_____/

REMOTE DEPOSITION UPON ORAL EXAMINATION OF

JOSE A. TREVINO

Monday, January 9, 2023

11:00 a.m. to 11:38 a.m.

REPORTED BY: Tamika Burnette, RPR, WA CCR No. 21002053

JOSE TREVINO – 01/09/2023

<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 FOR PLAINTIFFS:</p> <p>4 MR. MARK GABER</p> <p>5 Attorney At Law</p> <p>6 CAMPAIGN LEGAL CENTER</p> <p>7 55 West Monroe Street, Suite 1925</p> <p>8 Chicago, Illinois 60603</p> <p>9 Mgaber@campaignlegalcenter.org</p> <p>10 FOR INTERVENOR-DEFENDANTS:</p> <p>11 MR. DALLIN HOLT</p> <p>12 Attorney At Law</p> <p>13 HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIK, PLLC</p> <p>14 2575 East Camelback Road, Suite 860</p> <p>15 Phoenix, Arizona 85016</p> <p>16 (540) 341-8808</p> <p>17 Dholt@holtzmanvogel.com</p> <p>18 FOR DEFENDANT STATE OF WASHINGTON, et al:</p> <p>19 MR. ANDREW R.W. HUGHES</p> <p>20 Attorney At Law</p> <p>21 ASSISTANT ATTORNEYS GENERAL</p> <p>22 800 Fifth Avenue, Suite 2000</p> <p>23 Seattle, Washington 98104</p> <p>24 (206) 464-7744</p> <p>25 Andrew.hughes@atg.wa.gov</p>	<p>4</p> <p>1 Monday, January 9, 2023</p> <p>2 9:00 a.m.</p> <p>3 * * *</p> <p>4 JOSE A. TREVINO,</p> <p>5 The witness herein, after having been first</p> <p>6 duly sworn to tell the truth, was examined and</p> <p>7 testified as follows:</p> <p>8 EXAMINATION</p> <p>9 BY MR. GABER:</p> <p>10 Q. Good morning. My name is Mark Gaber, and I'm</p> <p>11 one of the plaintiffs -- or the attorneys -- I'm one of</p> <p>12 the attorneys for the plaintiffs in this case, and I'll</p> <p>13 be taking your deposition.</p> <p>14 Could you please state your name for the</p> <p>15 record?</p> <p>16 A. Jose A. Trevino.</p> <p>17 Q. Have you been deposed before?</p> <p>18 A. Yes.</p> <p>19 Q. How many times?</p> <p>20 A. Two for sure, possibly three.</p> <p>21 Q. And I'm familiar with one of those, the lawsuit</p> <p>22 involving the Washington Voting Rights Act in the Yakima</p> <p>23 County Board of Commissioners.</p> <p>24 What were the other cases?</p> <p>25 A. The other ones were when I was a police</p>
<p>3</p> <p>1 EXAMINATION INDEX</p> <p>2 * * *</p> <p>3</p> <p>4 WITNESS: PAGE:</p> <p>5 JOSE A. TREVINO</p> <p>6 By Mr. Gaber 4</p> <p>7 By Mr. Holt 35</p> <p>8</p> <p>9 EXHIBITS</p> <p>10</p> <p>11 NUMBER: DESCRIPTION: PAGE:</p> <p>12 (NONE WERE MARKED.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>5</p> <p>1 officer, and the one that I know for a fact was on a</p> <p>2 lawsuit that was filed.</p> <p>3 Q. Were you a party in that lawsuit?</p> <p>4 A. Yes.</p> <p>5 Q. And what was the nature of that lawsuit?</p> <p>6 A. It was a use of force.</p> <p>7 Q. Was it involving your use of force as a police</p> <p>8 officer?</p> <p>9 A. Yes.</p> <p>10 Q. And when was that lawsuit?</p> <p>11 A. That was when I was a police officer. I'm</p> <p>12 going to say probably -- well, I've been out of that for</p> <p>13 over 15 and a half years, so it's been about 20 years.</p> <p>14 I don't recall.</p> <p>15 Q. Well, the reason I asked is to see what your</p> <p>16 familiarity was about how depositions work, so I'm not</p> <p>17 too interested in the substance of that lawsuit.</p> <p>18 Basically, the four things to remember is</p> <p>19 that the court reporter is transcribing what we're</p> <p>20 saying, so it's important that we not talk over each</p> <p>21 other, and that we aim to talk a little slower than we</p> <p>22 might otherwise do, and that will help her get an</p> <p>23 accurate record. Are you okay with that?</p> <p>24 A. Yes.</p> <p>25 Q. And then another is that even though it might</p>

JOSE TREVINO - 01/09/2023

<p>6</p> <p>1 not be natural at all times, we do need a verbal 2 response to each question. So nodding your head and the 3 like, the reporter can't take down, so please do -- and 4 I'll try to remind you, if you don't do that. But 5 please do try to answer with a yes or no or explain as 6 needed. Okay?</p> <p>7 A. Yes.</p> <p>8 Q. And then I will assume that you understand my 9 question, unless you tell me otherwise. So -- and I'm 10 sure I will ask you a question that makes no sense at 11 some point, so please tell me. But otherwise, we'll 12 assume, on the record, that you're -- you understood the 13 question as it was asked. Does that make sense?</p> <p>14 A. Yes.</p> <p>15 Q. I don't anticipate taking a whole lot of your 16 time today, but, you know, if you do -- if you need to 17 take a break, please let me know and we can do that. I 18 would just ask that if there's a question that's 19 pending, that you answer that question, and then we can 20 go ahead and break. Does that make sense?</p> <p>21 A. Yes.</p> <p>22 Q. Now, one of the -- your attorney or Mr. Hughes 23 might give an objection when I ask questions. Unless 24 you're instructed otherwise, you should just answer my 25 question after that objection has been stated on the</p>	<p>8</p> <p>1 A. I don't know what pleadings -- what you mean by 2 pleadings, but I did look at some of the paperwork that 3 was filed by our behalf.</p> <p>4 Q. Okay. And do you recall which documents that 5 was?</p> <p>6 A. No. I would have to look at the -- look at the 7 -- whatever it's identified as because I don't recall.</p> <p>8 Q. Do you have any of those documents there with 9 you?</p> <p>10 A. No.</p> <p>11 Q. Do you have any documents with you today?</p> <p>12 A. No.</p> <p>13 Q. And I know you have your phone with you for 14 medical reasons, but beyond that, do you have any other 15 apps or e-mails opened on your computer screen?</p> <p>16 A. Actually, I do, because I was trying to fix it. 17 So I got like the web opened and my e-mail address, and 18 then I have the calendar because I had to get the link.</p> <p>19 Q. If you don't mind closing your e-mail, I would 20 prefer that; the rest of it should still work fine.</p> <p>21 A. Okay. It's closed. And other than that, I do 22 have my cell phone, but it's way over here on the table, 23 and that's because I have to check my blood sugar here 24 in about less than an hour.</p> <p>25 Q. Yes. That's good with me.</p>
<p>7</p> <p>1 record. Okay?</p> <p>2 A. Yes.</p> <p>3 Q. Is there any reason that you can't answer my 4 questions fully and truthfully today?</p> <p>5 A. No.</p> <p>6 Q. Did you do anything to prepare for this 7 deposition?</p> <p>8 A. I got my coffee ready and tried to get the 9 laptop working.</p> <p>10 Q. Did you review any documents in preparation for 11 today?</p> <p>12 A. Yes, I kind of did, but not really.</p> <p>13 Q. What documents were those?</p> <p>14 A. The lawsuits.</p> <p>15 Q. And what do you mean by that?</p> <p>16 A. Whatever paperwork you -- we had filed with the 17 court.</p> <p>18 Q. Okay. So is that -- did you read the complaint 19 that the plaintiffs had filed in the case?</p> <p>20 A. I can't -- I don't know. I don't know which 21 one it was.</p> <p>22 Q. Okay. So you looked at some of the pleadings 23 from the case --</p> <p>24 A. Yes.</p> <p>25 Q. -- is that correct?</p>	<p>9</p> <p>1 Did you -- in addition to reviewing some of 2 the documents that were filed with the court, did you 3 meet with your attorneys --</p> <p>4 A. Yes.</p> <p>5 Q. -- in preparation for today?</p> <p>6 A. Sorry. Yes, I did.</p> <p>7 Q. And when did you meet with them?</p> <p>8 A. Yesterday -- no, I'm sorry. It was on Friday.</p> <p>9 Q. And I know we've -- we sort of requested your 10 deposition a while ago, and after we did that, we worked 11 out the scheduling to do this a little later. Was there 12 any other meetings that you had with the attorneys 13 before Friday?</p> <p>14 A. No.</p> <p>15 Q. And then prior to learning that we were going 16 to be taking your deposition, when was the last time you 17 met with your attorneys to talk about this case?</p> <p>18 A. I have to be honest. I don't recall.</p> <p>19 Q. Okay. Would you say December, November, or was 20 it earlier than that?</p> <p>21 A. I can say that I didn't meet with them like a 22 phone call or a conference, but I have received e-mails 23 with documents that were going to be filed with the 24 court for me to review and then respond, and then there 25 was also -- like, I had to search for certain things on</p>

JOSE TREVINO – 01/09/2023

<p>10</p> <p>1 my laptop, and then I had to --</p> <p>2 Q. I just want to make sure I'm clear. I don't</p> <p>3 want you to tell me the substance of what you discussed</p> <p>4 with your attorneys, but I just wanted to know when --</p> <p>5 when that was.</p> <p>6 A. Yes. I don't recall, but it was through</p> <p>7 e-mail.</p> <p>8 Q. Okay. Did you talk with anyone other than your</p> <p>9 attorneys in preparation for your deposition?</p> <p>10 A. No.</p> <p>11 Q. Where do you live?</p> <p>12 A. As in the city, I live in Granger, Washington.</p> <p>13 Q. And how long have you lived in Granger?</p> <p>14 A. I've been here for 12 years now, over 12 years.</p> <p>15 Q. And you're within the city limits?</p> <p>16 A. That's correct.</p> <p>17 Q. And you are the mayor of Granger; is that</p> <p>18 right?</p> <p>19 A. That's correct.</p> <p>20 Q. And how long have you held that position?</p> <p>21 A. I'm on -- in my seventh year as mayor.</p> <p>22 Q. Is the -- the term runs through this year; is</p> <p>23 that right?</p> <p>24 A. That's correct.</p> <p>25 Q. Are you a candidate for reelection?</p>	<p>12</p> <p>1 that I didn't have time, and I was doing a disservice to</p> <p>2 them.</p> <p>3 Q. And before you were vice chair, what was your</p> <p>4 position?</p> <p>5 A. I was the District 3 director.</p> <p>6 Q. What does District 3 refer to?</p> <p>7 A. It refers -- so we're -- it's broken up by</p> <p>8 county commissioner districts. So we have three county</p> <p>9 commissioners, one, two, and three, and I was in the</p> <p>10 third, which is the lower valley.</p> <p>11 Q. Other than with the Okanogan County or</p> <p>12 Republican Party, have you held any other positions with</p> <p>13 political organizations?</p> <p>14 A. No.</p> <p>15 Q. Now, you mentioned that there had been a</p> <p>16 request for document productions that you've received.</p> <p>17 What did you do to comply with that request?</p> <p>18 A. I searched my laptop using the names provided,</p> <p>19 the organizations that were provided, Legislative</p> <p>20 District 15 as a search, and I believe that was it.</p> <p>21 Q. Did you look through your phone for text</p> <p>22 messages?</p> <p>23 A. Yes, but I have -- yes.</p> <p>24 Q. And did you find any?</p> <p>25 A. No.</p>
<p>11</p> <p>1 A. Not yet.</p> <p>2 Q. Is it -- do you intend to run for reelection?</p> <p>3 A. Yes.</p> <p>4 Q. And are you -- do you reside in the 15th</p> <p>5 legislative district?</p> <p>6 A. Yes.</p> <p>7 Q. Do you have any second homes or residences</p> <p>8 elsewhere?</p> <p>9 A. No.</p> <p>10 Q. And do you hold any positions with a political</p> <p>11 party?</p> <p>12 A. No.</p> <p>13 Q. Have you ever?</p> <p>14 A. Yes.</p> <p>15 Q. Which party?</p> <p>16 A. It was the republic. It was the Republican</p> <p>17 Party Central Committee here in Okanogan County.</p> <p>18 Q. And what was your position?</p> <p>19 A. All of them or just the most recent one?</p> <p>20 Q. Let's start with the most recent?</p> <p>21 A. I was a vice chair.</p> <p>22 Q. And when was that?</p> <p>23 A. I resigned last year sometime. I don't recall.</p> <p>24 Q. Why did you resign?</p> <p>25 A. I just have so many things going on in my life</p>	<p>13</p> <p>1 Q. And when you say you searched your laptop, did</p> <p>2 you also look through your e-mails?</p> <p>3 A. Yes.</p> <p>4 Q. Which e-mail addresses did you search?</p> <p>5 A. My personal e-mail and I also searched the</p> <p>6 City's, even though I don't get personal stuff on my</p> <p>7 City.</p> <p>8 Q. And did you look through any paper documents?</p> <p>9 A. I don't understand the question.</p> <p>10 Q. Like, rather than electronic e-mails or text or</p> <p>11 whatnot, do you have any papers --</p> <p>12 A. No.</p> <p>13 Q. Do you -- are there paper documents that you're</p> <p>14 aware of that would relate to the topic of robust?</p> <p>15 A. No.</p> <p>16 Q. Did you have any involvement in the 2021</p> <p>17 districting process? So before, you know, before the</p> <p>18 map was adopted, but as it was being considered by the</p> <p>19 Commission, did you get involved at all in anyway?</p> <p>20 A. No.</p> <p>21 Q. Did you submit any comments to the Commission?</p> <p>22 A. No.</p> <p>23 Q. You didn't propose any plans to the Commission?</p> <p>24 A. No.</p> <p>25 Q. Was there requests that you received to give</p>

JOSE TREVINO – 01/09/2023

<p>14</p> <p>1 such input?</p> <p>2 A. No.</p> <p>3 Q. Did you follow the redistricting process as it</p> <p>4 was happening?</p> <p>5 A. A little bit, whatever was reported in the</p> <p>6 news.</p> <p>7 Q. What was your impressions of what the</p> <p>8 commissions were?</p> <p>9 A. I think everything should have been left the</p> <p>10 way it was, in my opinion.</p> <p>11 Q. What do you mean by that?</p> <p>12 A. The way it was districted. The way the</p> <p>13 district was already set up, it should have been just</p> <p>14 left alone.</p> <p>15 Q. Now, the districts were -- the populations</p> <p>16 didn't match the census, right? So do you think it</p> <p>17 should have stayed exactly the same as it was or --</p> <p>18 A. Yes.</p> <p>19 MR. HOLT: Objection to form.</p> <p>20 Q. (By Mr. Gaber) So in your view, it should have</p> <p>21 stayed the way it was prior to the last census?</p> <p>22 A. Yes.</p> <p>23 Q. What district did you live in in the last</p> <p>24 decade's plan?</p> <p>25 A. You're talking about legislative or --</p>	<p>16</p> <p>1 A. No.</p> <p>2 Q. Do you know Alex Ybarra?</p> <p>3 A. Yes.</p> <p>4 Q. Did you and Representative Ybarra discuss</p> <p>5 redistricting at any point?</p> <p>6 A. No.</p> <p>7 Q. How long have you known Representative Ybarra?</p> <p>8 A. I don't recall exactly when we met, but it was</p> <p>9 when he was on the school board, I think, or something</p> <p>10 to do with the schools. Yes, during like a dinner that</p> <p>11 we went to.</p> <p>12 Q. Have you discussed redistricting for the state</p> <p>13 legislative plan with Benancio Garcia?</p> <p>14 A. No.</p> <p>15 Q. Do you know Benancio Garcia?</p> <p>16 A. Yes.</p> <p>17 Q. How so?</p> <p>18 A. We went to school together, and he's come to</p> <p>19 visit me at City Hall. That's how I know him. I've</p> <p>20 known him for many, many years.</p> <p>21 Q. Where does he live?</p> <p>22 A. I don't know. I'm thinking either Sunny Side</p> <p>23 or Greenville. I don't know.</p> <p>24 Q. How did you become involved in this case?</p> <p>25 A. So Jim Troyer called me about a senate seat --</p>
<p>15</p> <p>1 Q. Legislative?</p> <p>2 A. Fifteen.</p> <p>3 Q. Do you know any of the commissioners</p> <p>4 personally?</p> <p>5 A. Which ones?</p> <p>6 Q. The redistricting commissioners. Do you know</p> <p>7 Paul Graves?</p> <p>8 A. No.</p> <p>9 Q. What about Joe Fain?</p> <p>10 A. No.</p> <p>11 Q. April Simons?</p> <p>12 A. No.</p> <p>13 Q. Or Brady Walkinshaw?</p> <p>14 A. No.</p> <p>15 Q. I gather you've not spoken to any of them?</p> <p>16 A. No.</p> <p>17 Q. Did you have any conversations with any</p> <p>18 legislatures about the redistricting process as it was</p> <p>19 unfolding?</p> <p>20 A. Not that I can recall. No.</p> <p>21 Q. Why didn't you give any input?</p> <p>22 MR. HOLT: Objection. Form.</p> <p>23 THE WITNESS: I didn't know -- I don't know</p> <p>24 how to do that. I don't know the process.</p> <p>25 Q. (By Mr. Gaber) Do you know Paul Campos?</p>	<p>17</p> <p>1 and I don't remember specifically how this came up --</p> <p>2 but through that conversation this came up, and he asked</p> <p>3 if I would participate in it, and I told him yes. I</p> <p>4 wanted to be a voice.</p> <p>5 Q. When Jim -- when did Jim Troyer call you?</p> <p>6 A. I don't remember that. Last year sometime for</p> <p>7 the senate thing.</p> <p>8 Q. And when he was calling you, was it in relation</p> <p>9 to being a potential candidate for the senate?</p> <p>10 A. Yes.</p> <p>11 Q. And what -- what did you talk about with him</p> <p>12 about that?</p> <p>13 A. I just told him I wasn't interested at this</p> <p>14 time. I was happy as mayor.</p> <p>15 Q. Is there any other reason you -- did you give</p> <p>16 some thought as to whether you might run for the state</p> <p>17 senate?</p> <p>18 A. I had, but I'm happy where I'm at. I like</p> <p>19 being mayor.</p> <p>20 Q. And before Mr. Troyer called you, had you</p> <p>21 considered the possibility of running for the state</p> <p>22 legislature?</p> <p>23 A. Yes and no.</p> <p>24 Q. What do you mean by that?</p> <p>25 A. Well, I thought about it, but I -- there's -- I</p>


JOSE TREVINO – 01/09/2023

<p>18</p> <p>1 have -- you have to have name recognition. You have to 2 be -- have some successes. You have to -- you just got 3 to do more than just throw your name in the hat, I guess 4 is what -- is the best way I can describe it. 5 Q. Did you tell him that you weren't interested 6 right away on that phone call? Was it just one phone 7 call? 8 MR. HOLT: Objection. Form. 9 THE WITNESS: That was two questions, I'm 10 sorry. I didn't get the last one. 11 Q. (By Mr. Gaber) Sure. We'll just start 12 over. So did -- how many phone calls, with Mr. Troyer, 13 did you have at that time? 14 A. I'm going to say one because I don't recall any 15 others, but there could be others. 16 Q. So is it your recollection that he raised the 17 idea of running, and then in that same phone call, you 18 told him that you would not be interested in being a 19 candidate for the district? 20 A. That's correct. 21 Q. And then in that same phone call, did Mr. 22 Troyer then ask whether you would be interested in being 23 an intervenor for in the litigation that's pending? 24 A. Yes. 25 Q. And what did he say to you about the focus or</p>	<p>20</p> <p>1 Q. Did you and he exchange any other 2 communications, e-mails or text or the like? 3 A. No. 4 Q. And at that point, what did you understand your 5 role would be in the lawsuit? 6 A. As an intervenor. 7 Q. And that would be to defend the map that was 8 enacted that was a challenge to it? 9 A. Yes. 10 Q. And were you -- you were comfortable defending 11 the map that was enacted by the commission? 12 A. Yes. 13 Q. And why is that? 14 A. Because I already felt it shouldn't have been 15 changed, so it's already been changed, so I feel that -- 16 that it should be set right there. And to keep changing 17 it to fit one party or one group of people isn't fair. 18 Q. So you were -- you're okay with the map as it's 19 -- sorry. I'll start over. 20 You were okay with the map as it was 21 enacted. You were fine defending that and keeping that 22 map in place; is that fair? 23 A. Yes -- 24 MR. HOLT: Object to form. 25 THE WITNESS: Yes.</p>
<p>19</p> <p>1 reason behind collecting intervenors for the lawsuit? 2 A. I guess I'm going to have to say I don't 3 recall, because at some point I knew what it was about, 4 but I don't know who told me; he could have. 5 Q. Before Mr. Troyer reached out to you, had 6 anyone else reached out to you about potentially being 7 involved in the lawsuit? 8 A. No. 9 Q. And then after Mr. Troyer and you spoke, how 10 long was it before you had contact with another person 11 to talk about being involved in the lawsuit? 12 A. I don't know. I honestly don't recall. 13 Q. Who was the next person that you had spoke to 14 about being involved in the lawsuit? 15 A. I'm going to have to say Drew, but I don't know 16 for what representative it was. 17 Q. And that's Drew Stokesbary? 18 A. Yes. 19 Q. And he represents Yakama -- 20 A. That's correct. 21 Q. -- in this case? 22 A. Yes. 23 Q. Did Mr. Troyer explain why he thought you would 24 be a good person to be involved in the lawsuit? 25 A. He probably did, but I don't recall.</p>	<p>21</p> <p>1 Q. (By Mr. Gaber) And sitting here today, is that 2 still true, you're okay with the map as it was enacted 3 by the commission staying in place? 4 A. Yes. 5 Q. And would it be your goal that the map, in 6 fact, not change as a result of this litigation? 7 A. Yes. 8 Q. And so do you see yourself as your primary goal 9 here as to defend the map and have it remain the same? 10 MR. HOLT: Objection. Form. 11 THE WITNESS: Yes. 12 Q. (By Mr. Gaber) When you spoke with Jim Troyer, 13 did he ask you for suggestions for other candidates who 14 could run for the new LD 15? 15 MR. HOLT: Objection. Form. 16 THE WITNESS: I don't know -- I guess I 17 can't say yes because I don't know that he did, but I 18 know that I did offer him one name. 19 Q. (By Mr. Gaber) And what name was that? 20 A. That is Elpidia Saavedra. 21 Q. Could you spell that for the court reporter? 22 A. I don't know how to spell it, sorry. 23 Q. Could you say it more slowly for me? 24 A. Sure. It's Elpidia, and I'm thinking it's 25 E-L-P-I-D-I-A, and I don't know how to spell that.</p>

JOSE TREVINO - 01/09/2023

<p style="text-align: right;">22</p> <p>1 Q. And is that a C?</p> <p>2 A. Saavedra I believe is with an S.</p> <p>3 Q. All right. Who is this person?</p> <p>4 A. She is the current mayor of the City of</p> <p>5 Toppenish.</p> <p>6 Q. Okay. And why did you recognize her as a</p> <p>7 candidate?</p> <p>8 A. Because I met with her. I think she holds good</p> <p>9 values. I like her policies. I like her politics.</p> <p>10 Q. Is she a republican?</p> <p>11 A. I don't know that.</p> <p>12 Q. And did you and Mr. Troyer discuss any other</p> <p>13 potential candidates?</p> <p>14 A. I don't recall talking about any other</p> <p>15 candidates.</p> <p>16 Q. Do you know Nicki Torres?</p> <p>17 A. I know her now, but I didn't know her.</p> <p>18 Q. And when did you first -- I mean, do you know</p> <p>19 her personally? Have you met her?</p> <p>20 A. No. I have never met her.</p> <p>21 Q. Okay. When did you first become aware of her?</p> <p>22 A. When her name was announced as a candidate.</p> <p>23 Q. And were there any other candidates that you</p> <p>24 were interested in having run, other than the person</p> <p>25 whose name I'm not going to be able to pronounce?</p>	<p style="text-align: right;">24</p> <p>1 Q. Did you vote for the republican candidates?</p> <p>2 A. Yes.</p> <p>3 Q. Were there any candidates or races that you</p> <p>4 didn't vote in?</p> <p>5 A. I don't understand the question.</p> <p>6 Q. Were there any offices on the ballot where you</p> <p>7 didn't cast a ballot in that election?</p> <p>8 A. I guess I don't really understand the question.</p> <p>9 If you're asking -- what exactly are you asking?</p> <p>10 Q. Like, was there -- maybe there was -- for</p> <p>11 example, if there was mayoral election or if there was a</p> <p>12 state representative election or any other office where</p> <p>13 you left that race blank on the ballot.</p> <p>14 A. I can't think of ever doing that.</p> <p>15 Q. Have you spoken with Jim Troyer since the</p> <p>16 initial call back --</p> <p>17 A. No.</p> <p>18 Q. -- last year?</p> <p>19 A. No.</p> <p>20 Q. And other than your attorneys, have you</p> <p>21 discussed this case with anyone?</p> <p>22 A. No.</p> <p>23 MR. GABER: Well, I have no further</p> <p>24 questions for you, Mr. Trevino. Thank you for your</p> <p>25 time. Mr. Hughes may have some questions.</p>
<p style="text-align: right;">23</p> <p>1 A. No. I can't recall of anybody else.</p> <p>2 Q. Did Ms. Torres campaign in your community?</p> <p>3 A. I don't know.</p> <p>4 Q. Did you attend any events that she held?</p> <p>5 A. No. I never met her.</p> <p>6 Q. Is that -- as the major of a town in the</p> <p>7 district, is that unusual?</p> <p>8 MR. HOLT: Objection. Form.</p> <p>9 THE WITNESS: Well, she's in Pasco, so</p> <p>10 that's quite a ways out. So that's not unusual, I</p> <p>11 wouldn't think. The locals, yes, they usually do come</p> <p>12 visit the electives here.</p> <p>13 Q. (By Mr. Gaber) Are the -- the two new state</p> <p>14 representatives, who are they?</p> <p>15 A. Two new elective representatives where?</p> <p>16 Q. In District 15.</p> <p>17 A. I think it's -- well, it's Brian Sanders or</p> <p>18 Sanderson, and I don't know who the other one is. I</p> <p>19 can't think of the other one.</p> <p>20 Q. Do you know those individuals?</p> <p>21 A. No. Well, I don't know who the other one is.</p> <p>22 I might, but I don't recall off the top of my head who</p> <p>23 the other one is.</p> <p>24 Q. Did you vote in the November 2022 election?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">25</p> <p>1 THE WITNESS: Thank you.</p> <p>2 MR. HUGHES: No questions. Thanks.</p> <p>3 MR. HOLT: I've got just a couple real</p> <p>4 fast, Jose.</p> <p>5 THE WITNESS: Okay.</p> <p>6 EXAMINATION</p> <p>7 BY MR. HOLT:</p> <p>8 Q. You mentioned, when Mr. Gaber asked you about</p> <p>9 why you wanted to become involved in this litigation,</p> <p>10 you said, "I wanted to be a voice." What did you mean</p> <p>11 by that?</p> <p>12 A. Well, there's quite a bit of stuff that I could</p> <p>13 say, but I'll just leave it to this, that: I don't</p> <p>14 believe that two or three people are the entire voice</p> <p>15 for a race of people, and that's kind of what this feels</p> <p>16 to me when they're suing and saying they're the voice of</p> <p>17 the Latinos or representing the Latinos. So I feel this</p> <p>18 way. I'm a voice for us other Latinos that are sitting</p> <p>19 here going, "We don't believe in your politics or your</p> <p>20 positions," and so we all need to be represented and be</p> <p>21 a voice in a fair -- in a fair way, I guess.</p> <p>22 And then the other one is that it just</p> <p>23 seems really, really unfair to me that -- because people</p> <p>24 can't win because their politics don't match what the</p> <p>25 majority of people here believe, that they have to</p>

JOSE TREVINO - 01/09/2023

<p style="text-align: right;">26</p> <p>1 change the rules to make it easier for them to win, and 2 I think it should be just a fair process and you win by 3 merit. You don't win by the color of your skin. So 4 I'll leave it at that. That's the short answer. 5 Q. Did you believe there's a single group that 6 represents all Latino and Hispanic voters in the Yakima 7 Valley? 8 MR. GABER: Object to form. 9 THE WITNESS: I'm sorry, Dallin, I didn't 10 understand the question. I couldn't really hear you. 11 Q. (By Mr. Holt) I'm sorry. Do you believe, 12 Jose, that there is a single group or entity that speaks 13 for and represents all of the Hispanic and Latino voters 14 in Yakima Valley? 15 A. No. I believe there's a group that thinks they 16 do, but they don't. 17 Q. And what are some examples of issues that you 18 disagree with that those groups on? 19 MR. GABER: Object to form. 20 THE WITNESS: Well, I would say, first of 21 all, the politics -- their politics. The reality is our 22 area here is a largely conservative area, and so when 23 you have this group that goes out and says we're the 24 voice of the Latino people and everything is about 25 representing the Latinos, when we know that is not</p>	<p style="text-align: right;">28</p> <p>1 CERTIFICATE. 2 3 STATE OF WASHINGTON) 4) SS 5 County of King) 6 7 I, the undersigned Washington Certified Court 8 Reporter, pursuant to RCW 5.28.010 authorized to 9 5 administer oaths and affirmations in and for the State 10 of Washington, do hereby certify: That the annexed and 11 foregoing deposition of the Witness named herein was 12 taken stenographically before me and reduced to 13 typewritten form under my direction. 14 I further certify that the witness examined 15 will be given an opportunity to review and sign their 16 deposition after the same is transcribed, unless 17 indicated in the record that the parties and witness 18 waived the signing. 19 I further certify that all objections made at 20 the time of said examination to my qualifications or the 21 Manner of taking the deposition or to the conduct of any 22 party have been noted by me upon the deposition. I 23 further certify that I am not a relative or an employee 24 or attorney or counsel of any of the parties to 25 Said action, or a relative or employee of any such</p>
<p style="text-align: right;">27</p> <p>1 realistic. So that's what I mean by that. 2 MR. HOLT: Okay. Nothing further. 3 MR. GABER: I have no more. 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">29</p> <p>1 Attorney or counsel, and that I am not financially 2 Interested in the said action or the outcome thereof. 3 I further certify that the witness before 4 examination was by me duly sworn to testify the truth, 5 the whole truth, and nothing but the truth. I further 6 certify that the deposition, as transcribed, is a full, 7 true and correct transcript of the testimony, including 8 questions and answers and all objections, motions and 9 exceptions of counsel made and taken at the time of the 10 foregoing examination and was prepared pursuant to 11 Washington Administrative Code 308-14-135, the 12 transcript preparation format guideline. 13 IN WITNESS WHEREOF, I have hereunto set my 14 hand this 9th day of January, 2023. 15 16 17  18 Tamika M. Burnette RPR, CCR 19 Registered Professional Reporter 20 Washington CCR No. 21002053 21 22 23 24 25</p>

JOSE TREVINO – 01/09/2023

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<p style="text-align: right;">31</p> <p>1 CASE: SOTO PALMER, et al. vs HOBBS, et al.</p> <p>CASE NO.: 3:22-cv-05035-RSL</p> <p>2 NAME OF WITNESS: JOSE TREVINO</p> <p>DATE TAKEN: 01/09/2023</p> <p>3</p> <p>4 I, JOSE TREVINO, do hereby declare under</p> <p>5 penalty of perjury that I have read the foregoing</p> <p>6 transcript of my deposition; that I have made such</p> <p>7 changes/corrections as noted herein, in ink, initialled</p> <p>8 by me or attached hereto; that my testimony contained</p> <p>9 herein, as corrected, is true and correct.</p> <p>10 EXECUTED this _____ day of _____,</p> <p>11 2023, at _____ (City), _____ (State).</p> <p>12 _____</p> <p>13 JOSE TREVINO</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">33</p> <p>1 CASE: SOTO PALMER, et al. vs HOBBS, et al.</p> <p>CASE NO.: 3:22-cv-05035-RSL</p> <p>2 NAME OF WITNESS: JOSE TREVINO</p> <p>DATE TAKEN: 01/09/2023</p> <p>3</p> <p>4 I, JOSE TREVINO, do hereby declare under</p> <p>5 penalty of perjury that I have read the foregoing</p> <p>6 transcript of my deposition; that I have made such</p> <p>7 changes/corrections as noted herein, in ink, initialled</p> <p>8 by me or attached hereto; that my testimony contained</p> <p>9 herein, as corrected, is true and correct.</p> <p>10 EXECUTED this _____ day of _____,</p> <p>11 2023, at _____ (City), _____ (State).</p> <p>12 _____</p> <p>13 JOSE TREVINO</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>																																																																																										

JOSE TREVINO - 01/09/2023

Index: 1..d

<div>1</div>	<div>adopted 13:18 affirmations 28:9 ahead 6:20 aim 5:21 Alex 16:2 annexed 28:10 announced 22:22 anticipate 6:15 apps 8:15 April 15:11 area 26:22 assume 6:8,12 attend 23:4 attorney 6:22 28:24 attorneys 4:11, 12 9:3,12,17 10:4,9 24:20 authorized 28:8 aware 13:14 22:21</div>	<div>Brian 23:17 broken 12:7</div> <div>C</div> <div>calendar 8:18 call 9:22 17:5 18:6,7,17,21 24:16 called 16:25 17:20 calling 17:8 calls 18:12 campaign 23:2 Campos 15:25 candidate 10:25 17:9 18:19 22:7, 22 candidates 21:13 22:13,15,23 24:1,3 case 4:12 7:19,23 9:17 16:24 19:21 24:21 cases 4:24 cast 24:7 cell 8:22 census 14:16,21 Central 11:17 Certified 28:7 certify 28:10,14, 19,23 chair 11:21 12:3 challenge 20:8 change 21:6 26:1 changed 20:15 changing 20:16 check 8:23</div>	<div>city 10:12,15 13:7 16:19 22:4 City's 13:6 clear 10:2 closed 8:21 closing 8:19 coffee 7:8 collecting 19:1 color 26:3 comfortable 20:10 comments 13:21 commission 13:19,21,23 20:11 21:3 commissioner 12:8 commissioners 4:23 12:9 15:3,6 commissions 14:8 Committee 11:17 communications 20:2 community 23:2 complaint 7:18 comply 12:17 computer 8:15 conduct 28:21 conference 9:22 conservative 26:22 considered 13:18 17:21 contact 19:10 conversation 17:2 conversations</div>	<div>15:17 correct 7:25 10:16,19,24 18:20 19:20 counsel 28:24 county 4:23 11:17 12:8,11 28:5 couple 25:3 court 5:19 7:17 9:2,24 21:21 28:7 current 22:4</div> <div>D</div> <div>Dallin 26:9 decade's 14:24 December 9:19 defend 20:7 21:9 defending 20:10, 21 deposed 4:17 deposition 4:13 7:7 9:10,16 10:9 28:11,16,21,22 depositions 5:16 describe 18:4 dinner 16:10 direction 28:13 director 12:5 disagree 26:18 discuss 16:4 22:12 discussed 10:3 16:12 24:21 disservice 12:1 district 11:5 12:5,6,20 14:13,</div>
<div>12 10:14 15 5:13 12:20 21:14 23:16 15th 11:4</div> <div>2</div> <div>20 5:13 2021 13:16 2022 23:24 2023 4:1</div> <div>3</div> <div>3 12:5,6</div> <div>5</div> <div>5 28:9 5.28.010 28:8</div> <div>9</div> <div>9 4:1 9:00 4:2</div> <div>A</div> <div>a.m. 4:2 accurate 5:23 Act 4:22 action 28:25 addition 9:1 address 8:17 addresses 13:4 administer 28:9</div>	<div>back 24:16 ballot 24:6,7,13 Basically 5:18 behalf 8:3 Benancio 16:13, 15 bit 14:5 25:12 blank 24:13 blood 8:23 board 4:23 16:9 Brady 15:13 break 6:17,20</div>			

JOSE TREVINO - 01/09/2023

Index: d..1

23 18:19 23:7,16 districted 14:12 districting 13:17 districts 12:8 14:15 document 12:16 documents 7:10, 13 8:4,8,11 9:2, 23 13:8,13 Drew 19:15,17 duly 4:6 <hr/> E <hr/> E-L-P-I-D-I-A 21:25 e-mail 8:17,19 10:7 13:4,5 e-mails 8:15 9:22 13:2,10 20:2 earlier 9:20 easier 26:1 election 23:24 24:7,11,12 elective 23:15 electives 23:12 electronic 13:10 Elpidia 21:20,24 employee 28:23, 25 enacted 20:8,11, 21 21:2 entire 25:14 entity 26:12 events 23:4 examination 4:8 25:6 28:20 examined 4:6 28:14	examples 26:17 exchange 20:1 explain 6:5 19:23 <hr/> F <hr/> fact 5:1 21:6 Fain 15:9 fair 20:17,22 25:21 26:2 familiar 4:21 familiarity 5:16 fast 25:4 feel 20:15 25:17 feels 25:15 felt 20:14 Fifteen 15:2 filed 5:2 7:16,19 8:3 9:2,23 find 12:24 fine 8:20 20:21 fit 20:17 fix 8:16 focus 18:25 follow 14:3 force 5:6,7 foregoing 28:11 form 14:19 15:22 18:8 20:24 21:10,15 23:8 26:8,19 28:13 Friday 9:8,13 fully 7:4 <hr/> G <hr/> Gaber 4:9,10 14:20 15:25 18:11 21:1,12,19	23:13 24:23 25:8 26:8,19 27:3 Garcia 16:13,15 gather 15:15 give 6:23 13:25 15:21 17:15 goal 21:5,8 good 4:10 8:25 19:24 22:8 Granger 10:12, 13,17 Graves 15:7 Greenville 16:23 group 20:17 26:5,12,15,23 groups 26:18 guess 18:3 19:2 21:16 24:8 25:21 <hr/> H <hr/> half 5:13 Hall 16:19 happening 14:4 happy 17:14,18 hat 18:3 head 6:2 23:22 hear 26:10 held 10:20 12:12 23:4 Hispanic 26:6,13 hold 11:10 holds 22:8 Holt 14:19 15:22 18:8 20:24 21:10,15 23:8 25:3,7 26:11 27:2	homes 11:7 honest 9:18 honestly 19:12 hour 8:24 Hughes 6:22 24:25 25:2 <hr/> I <hr/> idea 18:17 identified 8:7 important 5:20 impressions 14:7 individuals 23:20 initial 24:16 input 14:1 15:21 instructed 6:24 intend 11:2 interested 5:17 17:13 18:5,18,22 22:24 intervenor 18:23 20:6 intervenor 19:1 involved 13:19 16:24 19:7,11, 14,24 25:9 involvement 13:16 involving 4:22 5:7 issues 26:17 <hr/> J <hr/> January 4:1 Jim 16:25 17:5 21:12 24:15	Joe 15:9 Jose 4:4,16 25:4 26:12 <hr/> K <hr/> keeping 20:21 kind 7:12 25:15 King 28:5 knew 19:3 <hr/> L <hr/> laptop 7:9 10:1 12:18 13:1 largely 26:22 Latino 26:6,13, 24 Latinos 25:17,18 26:25 lawsuit 4:21 5:2, 3,5,10,17 19:1,7, 11,14,24 20:5 lawsuits 7:14 LD 21:14 learning 9:15 leave 25:13 26:4 left 14:9,14 24:13 legislative 11:5 12:19 14:25 15:1 16:13 legislature 17:22 legislatures 15:18 life 11:25 limits 10:15 link 8:18 litigation 18:23 21:6 25:9
---	--	--	---	--

JOSE TREVINO - 01/09/2023

Index: l..r

live 10:11,12 14:23 16:21 lived 10:13 locals 23:11 long 10:13,20 16:7 19:10 looked 7:22 lot 6:15 lower 12:10 <hr/> M <hr/> made 28:19 major 23:6 majority 25:25 make 6:13,20 10:2 26:1 makes 6:10 Manner 28:21 map 13:18 20:7, 11,18,20,22 21:2,5,9 Mark 4:10 match 14:16 25:24 mayor 10:17,21 17:14,19 22:4 mayoral 24:11 medical 8:14 meet 9:3,7,21 meetings 9:12 mentioned 12:15 25:8 merit 26:3 messages 12:22 met 9:17 16:8 22:8,19,20 23:5 mind 8:19	Monday 4:1 morning 4:10 <hr/> N <hr/> named 28:11 names 12:18 natural 6:1 nature 5:5 needed 6:6 news 14:6 Nicki 22:16 nodding 6:2 noted 28:22 November 9:19 23:24 <hr/> O <hr/> oaths 28:9 Object 20:24 26:8,19 objection 6:23,25 14:19 15:22 18:8 21:10,15 23:8 objections 28:19 offer 21:18 office 24:12 officer 5:1,8,11 offices 24:6 Okanogan 11:17 12:11 opened 8:15,17 opinion 14:10 opportunity 28:15 organizations 12:13,19	<hr/> P <hr/> paper 13:8,13 papers 13:11 paperwork 7:16 8:2 participate 17:3 parties 28:17,24 party 5:3 11:11, 15,17 12:12 20:17 28:22 Pasco 23:9 Paul 15:7,25 pending 6:19 18:23 people 20:17 25:14,15,23,25 26:24 person 19:10,13, 24 22:3,24 personal 13:5,6 personally 15:4 22:19 phone 8:13,22 9:22 12:21 18:6, 12,17,21 place 20:22 21:3 plaintiffs 4:11,12 7:19 plan 14:24 16:13 plans 13:23 pleadings 7:22 8:1,2 point 6:11 16:5 19:3 20:4 police 4:25 5:7, 11	policies 22:9 political 11:10 12:13 politics 22:9 25:19,24 26:21 populations 14:15 position 10:20 11:18 12:4 positions 11:10 12:12 25:20 possibility 17:21 possibly 4:20 potential 17:9 22:13 potentially 19:6 prefer 8:20 preparation 7:10 9:5 10:9 prepare 7:6 primary 21:8 prior 9:15 14:21 process 13:17 14:3 15:18,24 26:2 productions 12:16 pronounce 22:25 propose 13:23 provided 12:18, 19 pursuant 28:8 <hr/> Q <hr/> qualifications 28:20 question 6:2,9, 10,13,18,19,25	13:9 24:5,8 26:10 questions 6:23 7:4 18:9 24:24, 25 25:2 <hr/> R <hr/> race 24:13 25:15 races 24:3 raised 18:16 RCW 28:8 reached 19:5,6 read 7:18 ready 7:8 real 25:3 realistic 27:1 reality 26:21 reason 5:15 7:3 17:15 19:1 reasons 8:14 recall 5:14 8:4,7 9:18 10:6 11:23 15:20 16:8 18:14 19:3,12,25 22:14 23:1,22 received 9:22 12:16 13:25 recent 11:19,20 recognition 18:1 recognize 22:6 recollection 18:16 record 4:15 5:23 6:12 7:1 28:17 redistricting 14:3 15:6,18 16:5,12
--	---	---	--	---

JOSE TREVINO - 01/09/2023

Index: r..v

reduced 28:12 reelection 10:25 11:2 refer 12:6 refers 12:7 relate 13:14 relation 17:8 relative 28:23,25 remain 21:9 remember 5:18 17:1,6 remind 6:4 reported 14:5 reporter 5:19 6:3 21:21 28:8 representative 16:4,7 19:16 24:12 representatives 23:14,15 represented 25:20 representing 25:17 26:25 represents 19:19 26:6,13 republic 11:16 republican 11:16 12:12 22:10 24:1 request 12:16,17 requested 9:9 requests 13:25 reside 11:4 residences 11:7 resign 11:24 resigned 11:23 respond 9:24	response 6:2 rest 8:20 result 21:6 review 7:10 9:24 28:15 reviewing 9:1 Rights 4:22 robust 13:14 role 20:5 rules 26:1 run 11:2 17:16 21:14 22:24 running 17:21 18:17 runs 10:22 <hr/> <p style="text-align: center;">S</p> <hr/> Saavedra 21:20 22:2 Sanders 23:17 Sanderson 23:18 scheduling 9:11 school 16:9,18 schools 16:10 screen 8:15 search 9:25 12:20 13:4 searched 12:18 13:1,5 seat 16:25 senate 16:25 17:7,9,17 sense 6:10,13,20 set 14:13 20:16 seventh 10:21 short 26:4 Side 16:22	sign 28:15 signing 28:18 Simons 15:11 single 26:5,12 sitting 21:1 25:18 skin 26:3 slower 5:21 slowly 21:23 sort 9:9 speaks 26:12 specifically 17:1 spell 21:21,22,25 spoke 19:9,13 21:12 spoken 15:15 24:15 SS 28:4 start 11:20 18:11 20:19 state 4:14 16:12 17:16,21 23:13 24:12 28:3,9 stated 6:25 stayed 14:17,21 staying 21:3 stenographically 28:12 Stokesbary 19:17 stuff 13:6 25:12 submit 13:21 substance 5:17 10:3 successes 18:2 sugar 8:23 suggestions 21:13	suing 25:16 Sunny 16:22 sworn 4:6 <hr/> <p style="text-align: center;">T</p> <hr/> table 8:22 taking 4:13 6:15 9:16 28:21 talk 5:20,21 9:17 10:8 17:11 19:11 talking 14:25 22:14 term 10:22 testified 4:7 text 12:21 13:10 20:2 thing 17:7 things 5:18 9:25 11:25 thinking 16:22 21:24 thinks 26:15 thought 17:16,25 19:23 throw 18:3 time 6:16 9:16 12:1 17:14 18:13 24:25 28:20 times 4:19 6:1 today 6:16 7:4,11 8:11 9:5 21:1 told 17:3,13 18:18 19:4 top 23:22 topic 13:14 Toppenish 22:5 Torres 22:16 23:2	town 23:6 transcribed 28:16 transcribing 5:19 Trevino 4:4,16 24:24 Troyer 16:25 17:5,20 18:12,22 19:5,9,23 21:12 22:12 24:15 true 21:2 truth 4:6 truthfully 7:4 typewritten 28:13 <hr/> <p style="text-align: center;">U</p> <hr/> undersigned 28:7 understand 6:8 13:9 20:4 24:5,8 26:10 understood 6:12 unfair 25:23 unfolding 15:19 unusual 23:7,10 <hr/> <p style="text-align: center;">V</p> <hr/> valley 12:10 26:7,14 values 22:9 verbal 6:1 vice 11:21 12:3 view 14:20 visit 16:19 23:12
--	--	---	---	--

JOSE TREVINO - 01/09/2023

Index: v..Y

voice 17:4 25:10,
14,16,18,21
26:24
vote 23:24 24:1,4
voters 26:6,13
Voting 4:22

W

waived 28:18
Walkinshaw
15:13
wanted 10:4 17:4
25:9,10
Washington 4:22
10:12 28:3,7,10
ways 23:10
web 8:17
whatnot 13:11
win 25:24 26:1,2,
3
work 5:16 8:20
worked 9:10
working 7:9

Y

Yakama 19:19
Yakima 4:22
26:6,14
Ybarra 16:2,4,7
year 10:21,22
11:23 17:6 24:18
years 5:13 10:14
16:20
Yesterday 9:8

The Honorable Robert S. Lasnik

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

SUSAN SOTO PALMER, et. al.,

Plaintiffs,

v.

STEVEN HOBBS, et. al.,

Defendants,

and

JOSE TREVINO, ISMAEL CAMPOS,
and ALEX YBARRA,

Intervenor-Defendants.

Case No.: 3:22-cv-05035-RSL

Judge: Robert S. Lasnik

**[PROPOSED] ORDER
GRANTING PLAINTIFFS'
MOTION TO ENFORCE
SUBPOENA OF JIM TROYER
OR ALTERNATIVELY TO
EXTEND DISCOVERY
DEADLINE FOR
COMPLIANCE AND PERMIT
DEPOSITION**

This matter came before the Court on Plaintiffs' Motion to Enforce Subpoena of Jim Troyer or Alternatively to Extend Discovery Deadline for Compliance and Permit Deposition. The Court has reviewed and considered all briefing and any supporting papers presented to the Court, as well as any hearing in this matter.

Based on the foregoing, it is hereby ORDERED that Plaintiffs' Motion is GRANTED. The documents responsive to the subpoena should be produced within FIVE DAYS of this Order and Plaintiffs are granted leave to subsequently take Mr. Troyer's deposition.

IT IS SO ORDERED.

DATED this ____ day of _____, 2023.

PROPOSED ORDER GRANTING PLAINTIFFS'
MOTION TO ENFORCE SUBPOENA OF
JIM TROYER OR ALTERNATIVELY TO EXTEND
DISCOVERY DEADLINE FOR COMPLIANCE AND
PERMIT DEPOSITION

/s/
The Honorable Robert S. Lasnik
U.S. District Judge

By: /s/ Edwardo Morfin

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PROPOSED ORDER GRANTING PLAINTIFFS'
MOTION TO ENFORCE SUBPOENA OF
JIM TROYER OR ALTERNATIVELY TO EXTEND
DISCOVERY DEADLINE FOR COMPLIANCE AND
PERMIT DEPOSITION

CERTIFICATE OF SERVICE

I certify that all counsel of record were served a copy of the foregoing this 10th day of January, 2023 via the Court's CM/ECF system. In addition, a copy of the foregoing was served by electronic mail to the following counsel for Mr. Troyer:

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