

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

SUSAN SOTO PALMER, *et al.*,

Plaintiffs –
Appellees,

v.

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

Defendants –
Appellees,

and

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

Intervenor-
Defendants –
Appellants.

No. 23-35595

D.C. No. 3:22-cv-
05035-RSL

U.S. District Court for
Western Washington,
Tacoma

**JOINT STATUS
REPORT**

JOINT STATUS REPORT

Pursuant to this Court’s Order entered on Jan. 25, 2024, granting Appellants’ motion to hold briefing in abeyance pending the district court’s adopting a remedial map (DktEntry 59), Intervenor-Defendant-Appellants Jose Trevino et al., Plaintiff-Appellees Susan Soto Palmer et al., and Steven Hobbs, in his official capacity as Secretary of State of Washington, and the State of Washington (collectively “the Parties”), by and through their respective undersigned counsel, hereby submit this joint status report informing this Court of the status of this case.

I. Status of the Case.

This appeal, No. 23-35595, arises out of Plaintiffs’ Section 2 case against the Secretary and the State. On August 10, 2023, the district court found that Washington’s State Legislative map violated Section 2 of the Voting Rights Act and enjoined the map from use. Appellants were permissive intervenor-defendants at the trial stage and appealed the district court’s Section 2 decision. No. 3:22-cv-5035, ECF No. 222. The case subsequently proceeded to the remedial phase.

On January 25, 2024, this Court ordered this appeal held in abeyance pending the district court's order adopting a remedial map. This Court ordered that “[w]ithin 60 days after the date of this order, or within 14 days after the district court's order adopting the new map, whichever occurs first, the parties must file a report on the status of district court proceedings, which may include any motion for appropriate relief.” DktEntry 59 at 1.

The district court issued its order and injunction adopting a remedial map on March 15, 2024. No. 3:22-cv-5035, ECF No. 290. Accordingly, March 25, 60 days after January 25, is the earlier of the two dates. The Parties therefore submit this joint status report on the district court proceedings.

On March 15, Appellants filed a notice of appeal, opening up a separate but related appeal (No. 24-1602) on remedy. No. 3:22-cv-5035, ECF No. 291. On March 18, Appellants filed in this Court a motion for stay of the district court's remedial decision. No. 24-1602, DktEntry 6. After scheduling briefing on the motion, a panel of this Court denied the motion on March 22, noting that the existing briefing schedule in that appeal remains in effect. No. 24-1602, DktEntry 18.

II. Consolidation of the Appeals.

Considering that the appeal on remedy is related to the appeal on Section 2 liability, and the Parties are the same for both appeals, Appellants believe it is appropriate and efficient for this Court to consolidate the appeals Nos. 23-35595 & 24-1602. Appellants notified the other Parties on March 21 of their intent to file a motion to consolidate the appeals.

The State agrees the cases and briefing should be consolidated under one case number.

The Secretary does not oppose a motion to consolidate.

Plaintiffs take no position on consolidation.

Appellants intend to file a motion to consolidate in due course if this Court does not do so on its own.

Respectfully submitted,

s/ Jason B. Torchinsky

Jason B. Torchinsky*

**Counsel of Record*

Phillip M. Gordon

Caleb Acker

HOLTZMAN VOGEL BARAN

TORCHINSKY & JOSEFIAK, PLLC

2300 N Street, NW, Ste 643-A

Washington, DC 20037

Phone: (202) 737-8808

Fax: (540) 341-8809

jtorchinsky@holtzmanvogel.com

pgordon@holtzmanvogel.com

cacker@holtzmanvogel.com

Drew C. Ensign

Dallin B. Holt

Brennan A.R. Bowen

HOLTZMAN VOGEL BARAN

TORCHINSKY & JOSEFIAK, PLLC

2575 E Camelback Road, Ste 860

Phoenix, AZ 85381

Phone: (540) 341-8808

Fax: (540) 341-8809

dholt@holtzmanvogel.com

bbowen@holtzmanvogel.com

Andrew R. Stokesbary

CHALMERS, ADAMS, BACKER &

KAUFMAN, LLC

701 Fifth Avenue, Suite 4200

Seattle, WA 98104

(206) 813-9322 (telephone)

dstokesbary@chalmersadams.com

Counsel for Appellants

/s/ Mark P. Gaber

Mark P. Gaber
Simone Leeper
Aseem Mulji
Benjamin Phillips
CAMPAIGN LEGAL CENTER
1101 14th St. NW, Ste. 400
Washington, DC 20005
T: (202) 736-2200
mgaber@campaignlegal.org
sleeper@campaignlegal.org
amulji@campaignlegal.org
bphillips@campaignlegal.org

Annabelle E. Harless
CAMPAIGN LEGAL CENTER
55 W. Monroe St., Ste. 1925
Chicago, IL 60603
aharless@campaignlegal.org

Thomas A. Saenz
Ernest Herrera
MEXICAN AMERICAN LEGAL
DEFENSE AND EDUCATIONAL
FUND
643 S. Spring St., 11th Fl.
Los Angeles, CA 90014
T: (213) 629-2512
tsaenz@maldef.org
eherrera@maldef.org

Counsel for Plaintiffs

Edwardo Morfin
MORFIN LAW FIRM, PLLC
2602 N. Proctor Street, Suite 205
Tacoma, WA 98407
Telephone: 509-380-9999

Chad W. Dunn
Sonni Waknin
UCLA VOTING RIGHTS
PROJECT
3250 Public Affairs Building
Los Angeles, CA 90095
T: (310) 400-6019
Chad@uclavrp.org
Sonni@uclavrp.org

s/ Cristina Sepe

Andrew R W Hughes

Cristina Sepe

WASHINGTON STATE

ATTORNEY GENERAL'S

OFFICE

800 5th Ave Ste 2000

Seattle, WA 98104-3188

Andrew.Hughes@atg.wa.gov

Cristina.Sepe@atg.wa.gov

*Counsel for Defendant State of
Washington*

s/ Karl D. Smith

Karl D. Smith

Kate S. Worthington

WASHINGTON STATE

ATTORNEY GENERAL'S

OFFICE

1125 Washington Street SE

P.O. Box 40100

Olympia, WA 98504-0100

T: (360) 664-2510

Karl.Smith@atg.wa.gov

Kate.Worthington@atg.wa.gov

*Counsel for Defendant Steven
Hobbs*