

The Honorable Robert S. Lasnik

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

SUSAN SOTO PALMER et al.,

*Plaintiffs,*

v.

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

*Defendants,*

and

JOSE TREVINO et al.,

*Intervenor-Defendants.*

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

**MOTION TO INTERVENE  
OF SENATOR NIKKI TORRES**

**NOTE ON MOTION CALENDAR:  
January 12, 2024**

Proposed Intervenor Senator Nikki Torres respectfully moves for leave to intervene in the above-captioned manner permissively pursuant to Fed. R. Civ. P. 24(b). In accordance with Fed. R. Civ. P. 24(c) and Local Rules W.D. Wash. LCR 7(b)(1), the grounds for intervention and arguments in support thereof are set forth below.<sup>1</sup>

**INTRODUCTION**

On August 10, 2023, this Court determined that the State of Washington’s 2021 redistricting map (the “Enacted Plan”) violated Section 2 of the Voting Rights Act with respect to Legislative District 15 (“LD-15”). (See Dkt. # 218 at 32.) On October 4, 2023, the Court ordered

<sup>1</sup> In satisfaction of Fed. R. Civ. P. 24(c), Proposed Intervenor Senator Torres is also filing her Response In Opposition To Plaintiffs’ Remedial Proposals, accompanying this motion.

1 the parties to meet and confer “with the goal of reaching a consensus on a legislative district map  
 2 that will provide equal electoral opportunities for both White and Latino voters in the Yakima  
 3 Valley regions.” (Dkt. # 230 at 2.) On December 1, 2023, Plaintiffs filed five remedial map  
 4 proposals with the Court. (See Dkt. # 245.) No other parties submitted proposals. The Court  
 5 ordered any responses be submitted by Friday, December 22. (See Dkt. # 230 at 3.)

6 Proposed Intervenor Nikki Torres is the incumbent state senator representing LD-15, first  
 7 elected in 2022 under the Enacted Plan. As the current elected senator for the challenged district,  
 8 and who had already declared her intention to run for reelection to the state senate in 2026,<sup>2</sup> Senator  
 9 Torres has a clear and personal interest at stake in this case. Senator Torres has reviewed the five  
 10 remedial maps proposed by Plaintiffs, and the enactment of any of them would render her  
 11 reelection more difficult—if not impossible. Although Senator Torres expects the Intervenor-  
 12 Defendants to also present arguments in opposition to Plaintiffs’ remedial maps, her interest in this  
 13 case as the only elected state senator from the challenged district is separate and distinct from the  
 14 interests of Intervenor-Defendants, one of whom is a voter (but not elected legislator) in the  
 15 challenged district and another of whom is a state representative in an adjacent district.

### 16 ARGUMENT

17 This Court should grant permissive intervention under Fed. R. Civ. P. 24(b). Rule 24(b)  
 18 permits a district court, “[o]n timely motion,” to “permit anyone to intervene who . . . has a claim  
 19 or defense that shares with the main action a common question of law or fact.” Courts within this  
 20 circuit may grant permissive intervention under Rule 24(b) “where the applicant for intervention  
 21 shows (1) independent grounds for jurisdiction; (2) the motion is timely; and (3) the applicant’s  
 22 claim or defense, and the main action, have a question of law or a question of fact in common.”  
 23 *Nw. Forest Res. Council v. Glickman*, 82 F.3d 825, 839 (9th Cir. 1996).

24  
 25 \_\_\_\_\_  
 26 <sup>2</sup> While declarations of candidacy for state senate races on the 2026 general election ballot may not be filed until “the  
 27 first Monday in May” of 2026, RCW 29A.24.050, Senator Torres has already filed a statement of organization with  
 the state Public Disclosure Commission for her reelection campaign on January 12, 2023, *see* Nikki Torres, Statement  
 of Organization (Form C1) (Jan. 12, 2023), [https://www.pdc.wa.gov/political-disclosure-reporting-data/browse-  
 search-data/candidates/689072](https://www.pdc.wa.gov/political-disclosure-reporting-data/browse-search-data/candidates/689072).

1 Furthermore, “[i]f the trial court determines that the initial conditions for permissive  
2 intervention . . . are met, it is then entitled”—but not required—“to consider other factors in making  
3 its discretionary decision on the issue of permissive intervention.” *Spangler v. Pasadena City Bd.*  
4 *of Educ.*, 552 F.2d 1326, 1329 (9th Cir. 1977). Such factors include “the nature and extent of the  
5 intervenors’ interest, their standing to raise relevant legal issues, the legal position they seek to  
6 advance, and its probable relation to the merits of the case.” *Id.* Other potentially relevant factors  
7 include “whether changes have occurred in the litigation so that intervention that was once denied  
8 should be reexamined” (not relevant here as this is Senator Torres’s first motion); “whether the  
9 intervenors’ interests are adequately represented by other parties” (which is required for  
10 intervention as of right under Rule 24(a), but not for permissive intervention under Rule 24(b));  
11 “whether intervention will prolong or unduly delay the litigation, and whether parties seeking  
12 intervention will significantly contribute to full development of the underlying factual issues in  
13 the suit and to the equitable adjudication of the legal questions presented.” *Id.*

14 The Ninth Circuit “interprets the rule broadly in favor of intervention.” *Forest*  
15 *Conservation Council v. U.S. Forest Serv.*, 66 F.3d 1489, 1493 (9th Cir. 1995).

16 **A. Independent Grounds for Jurisdiction.**

17 Federal courts generally require “independent jurisdictional grounds” to discourage the use  
18 of permissive intervention intended “to gain a federal forum for state-law claims” or “to destroy  
19 complete diversity in state-law actions.” *Freedom From Religion Found v. Geithner*, 644 F.3d  
20 836, 843 (9th Cir. 2011). However, “[w]here the proposed intervenor in a federal-question case  
21 brings no new claims, the jurisdictional concern drops away.” *Id.* at 844 (citing 7C Charles Alan  
22 Wright et al., *Federal Practice Procedure* § 1917 (3d ed. 2010)).

23 This is a federal-question case (*see* Dkt. # 70 ¶ 35 (citing 28 U.S.C. § 1331)) and Senator  
24 Torres does not raise any new claims or defenses. Thus, the “independent jurisdictional grounds”  
25 is thus satisfied or inapplicable.  
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1           **B. Timeliness.**

2           “In determining timeliness under Rule 24(b)(2), we consider precisely the same three  
3 factors—the stage of the proceedings, the prejudice to the existing parties, and the length of and  
4 reason for the delay [as] considered in determining timeliness under Rule 24(a)(2).” *LULAC v.*  
5 *Wilson*, 131 F.3d 1297, 1308 (9th Cir. 1997).

6           These proceedings are certainly at an advanced stage in some senses—a judgment was  
7 entered by the Court in August (*see* Dkt. # 219) and the parties are now engaged in remedial  
8 proceedings (*see, e.g.*, Dkt. # 230). This case is not, however, advanced with regard to those  
9 remedial proceedings and their relation to Senator Torres, whose interests were not definitively  
10 affected by this action until Plaintiffs filed their remedial map proposals on December 1. (*See* Dkt.  
11 # 245.) Given these changed circumstances, and Senator Torres’s prompt attempt to intervene in  
12 light of them, this motion is timely. *See Smith v. Los Angeles Unified Sch. Dist.*, 830 F.3d 843, 854  
13 (9th Cir. 2016) (“Where a change of circumstances occurs, and that change is the ‘major reason’  
14 for the motion to intervene, the stage of proceedings factor should be analyzed by reference to the  
15 change in circumstances, and not the commencement of the litigation.”).

16           At the time this suit was initiated in January 2022 (*see* Dkt. # 1), and even later when the  
17 Court granted an earlier motion to intervene (*see* Dkt. # 69), Senator Torres was not yet even a  
18 *candidate* for state senate. She filed her declaration of candidacy for state senate on May 20, 2022,  
19 was elected on November 8, 2022, and assumed office on January 9, 2023. Senator Torres had no  
20 reason to seek intervention prior to her election because she had no stake in the contours of a  
21 district that she did not yet represent. Even after her election, it was not clear to her that this action  
22 would affect her interests at all. Although this lawsuit was pending at the time she took office, it  
23 was not obvious that the Court would find a Section 2 violation, considering LD-15 was already a  
24 majority Hispanic citizen voting age population district, nor was it obvious in the event a violation  
25 was found that the remedy implemented would leave Senator Torres in a more precarious electoral  
26 position. However, once Plaintiffs submitted their five proposed remedial maps and no other  
27 parties submitted a proposed remedial map, Senator Torres realized that one of these five maps

1 would likely be the remedy ordered by the Court, and that the enactment of any of these five maps  
2 would render her reelection campaign more difficult.<sup>3</sup>

3 Senator Torres's interest is in the preservation of the existing boundaries of LD-15 (or at  
4 least in minimizing any changes to the geographic and partisan makeup of the district), including  
5 ensuring LD-15 continues to encompass her residence, and that interest did not arise until after  
6 liability had been assessed *and* a remedy proposed. Intervention should be "analyzed in relation to  
7 the current stage of proceedings," and in some cases intervention may only become appropriate at  
8 the remedial stage. *Sagebrush Rebellion, Inc. v. Watt*, 713 F.2d 525, 528 (9th Cir. 1983); *see also*  
9 *Reudiger v. U.S. Forest Serv.*, 2005 U.S. Dist. LEXIS 43019, at \*17 (D. Ore. Feb. 9, 2005)  
10 (applying Ninth Circuit caselaw holding that third-party intervention in NEPA actions is only  
11 permitted at the remedial stage). Hence, Senator Torres's intervention in this case only became  
12 appropriate once it became clear that these remedial proceedings would inevitably impair her  
13 interests by resulting in the enactment of a district map that is less favorable to her.

14 None of the existing parties will suffer prejudice from granting the proposed intervention  
15 either. Senator Torres's objective in seeking leave to intervene is to ensure that whatever remedy  
16 is ultimately ordered by the Court will not adversely affect her interests as the incumbent senator  
17 representing the district in question. Nothing about the Court's adopted schedule for remedial  
18 proceedings (*see* Dkt. # 230 at 3) would be required to change if her intervention was granted.

19 Finally, as discussed above, the relevant delay in this case was, at most, twenty-one days.  
20 There was no reason for Senator Torres to seek intervention before December 1 because it was not  
21 obvious that she would inevitably be harmed until Plaintiffs submitted their five remedial maps,  
22 four of which would render her reelection in LD-15 impossible if adopted by the Court, and any  
23 of which would render her next election campaign more difficult. As soon as Senator Torres  
24 reviewed the proposed maps and realized the implications of their enactment, she moved quickly  
25 to obtain counsel and intervene in defense of her interests.

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27 <sup>3</sup> This remains true after the Court's retention of Karin Mac Donald, who will not propose her own map but rather will assist "in assessing [Plaintiffs'] proposed remedial plans and making modifications." (Dkt. # 243 at 1.)

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

2           To advance the interests of judicial economy, all claims and defenses presented by a Rule  
3 24(b) intervenor must “have a question of law or a question of fact in common” with the main  
4 action. *Nw. Forest Res. Council*, 82 F.3d at 839. Here, this element is clearly satisfied because  
5 Senator Torres seeks to present arguments in opposition to Plaintiffs’ proposed remedial maps in  
6 defense of LD-15 based on her unique perspective as the elected senator representing LD-15.  
7 Those legal and factual arguments could hardly be more connected to the issues presented in these  
8 remedial proceedings.

9           **D. The Nature and Extent of Proposed Intervenor’s Interest.**

10          Moving on to the additional factors that the Ninth Circuit has held trial courts may consider  
11 when granting permissive intervention, Senator Torres’s interest in this case is distinct from the  
12 interests of all existing parties, including existing Intervenor-Defendants. Specifically, Senator  
13 Torres is the incumbent elected senator representing the legislative district that has been ordered  
14 to be changed through these remedial proceedings; none of the existing parties can say the same.

15          The interest of elected officials in redistricting litigation “is different from that of [a State]’s  
16 citizenry at large or its Secretary of State.” *League of Women Voters of Mich. v. Johnson*, 902 F.3d  
17 572, 579 (6th Cir. 2018). While “[t]he contours of [Washington]’s district maps do not affect  
18 [Secretary Hobbs] directly,” the same cannot be said of Senator Torres. *Id.* “In contrast, the  
19 contours of the maps affect the [Senator] directly and substantially by determining which  
20 constituents the [Senator] must court for votes and represent in the legislature.” *Id.* If any of  
21 Plaintiffs’ proposed maps are implemented, Senator Torres would represent a radically different  
22 constituency than the one she was elected to represent one year ago.

23          Likewise, Intervenor-Defendants as Washington voters do not share Senator Torres’s  
24 “representative interest” in “[s]erving constituents and supporting legislation that will benefit the  
25 district.” *Id.* (quoting *McCormick v. United States*, 500 U.S. 257, 272 (1991)). That interest is  
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1 unique to the elected representative of the district, and no representative of LD-15 is currently a  
2 party to this case.<sup>4</sup>

3 **E. Standing to Raise Relevant Legal Issues.**

4 “In general, an applicant for intervention need not establish Article III standing to  
5 intervene” unless they advance claims different from those raised by the existing parties. *Perry v.*  
6 *Schwarzenegger*, 630 F.3d 898, 906 (9th Cir. 2011); *see also Town of Chester v. Laroe Estates,*  
7 *Inc.*, 581 U.S. 433, 440 (2017). Nevertheless, if the Court orders the enactment of one of Plaintiffs’  
8 remedial maps, or a map similar to or that is a modification of one of these proposals, Senator  
9 Torres will clearly experience an injury that is sufficiently particularized to establish her own  
10 independent Article III standing. Senator Torres will be forced to compete for reelection in 2026  
11 in an electoral environment rendered disadvantageous by the court-ordered remedy—a “concrete  
12 and particularized” injury that only she will suffer. *Lujan v. Defenders of Wildlife*, 504 U.S. 555,  
13 560 (1992). That injury will be directly traceable to the remedy ordered in this case, rather than to  
14 this Court’s initial determination of liability. *Id.* And finally, that injury will be redressed by a  
15 favorable decision at this stage of the proceedings. *Id.* It may sound axiomatic, but the enactment  
16 of a remedy map that does not put Senator Torres in a worse-off electoral position will not injure  
17 Senator Torres.

18 It is also worth noting that Senator Torres’s standing as an intervenor is not precluded by  
19 *Va. House of Delegates v. Bethune-Hill*, 139 S. Ct. 1945 (2019), which solely addressed the  
20 question of *institutional* standing for legislative bodies. The *Bethune-Hill* Court specifically  
21 reserved for another day the question whether “harms centered on costlier or more difficult election  
22 campaigns are cognizable,” but explained that if such harms are sufficient for Article III standing,  
23 “those harms would be suffered by *individual legislators or candidates*”—in other words, by  
24 individuals like Senator Torres. *Id.* at 1955–56 (emphasis added).

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26 \_\_\_\_\_  
27 <sup>4</sup> Intervenor-Defendant Alex Ybarra represents an adjacent district in the Washington House of Representatives. While he has a similar “representative interest” as Senator Torres, only “the boundaries of LD 15” were found by the Court to violate Section 2. (Dkt. # 218 at 32.)

1 That makes sense: If redistricting leaves one particular legislator more vulnerable, that  
2 unfavorable treatment constitutes concrete and individualized injury unique to that individual  
3 legislator as opposed to impacting all legislators equally (or the Legislature itself). Another  
4 legislator from the same chamber, for example, could face better reelection chances post-  
5 redistricting. Line-drawing affects each incumbent member's reelection chances differently,  
6 because all districts are different. The Supreme Court has implied that a deprivation of "seats as  
7 Members of [a legislature] after their constituents had elected them" would constitute an Article  
8 III injury to individual legislators. *See Raines v. Byrd*, 521 U.S. 811, 821 (1997) (emphasis  
9 omitted). Reduction in a legislator's reelection chances is a reduction in the chance for that  
10 legislator to keep his or her seat after election. Moreover, being redistricted out of one's seat  
11 entirely by redistricting (meaning the legislator's home address is moved to a different district or  
12 two districts are collapsed into one, forcing a primary between two incumbents) would obviously  
13 qualify as a deprivation of one's seat. Senator Torres faces these situations under the proposed  
14 remedial maps. *See Wittman v. Personhuballah*, 578 U.S. 539, 545 (2016) (looking to "evidence  
15 that an alternative to the Enacted Plan (including the Remedial Plan) will reduce the relevant  
16 intervenors' chances of reelection.").

17 **F. Relevance of Legal Position to Merits of Case.**

18 Understanding that a remedy map will be entered, Senator Torres seeks to ensure that the  
19 map ultimately adopted does not impair her interests as the current elected senator representing  
20 LD-15. Specifically, four of Plaintiffs' proposed remedy maps place Senator Torres's residence  
21 *outside* of LD-15 and inside proposed LD-16, thereby separating her from her current constituents  
22 and forcing her to compete in a primary election against another incumbent senator immediately  
23 in 2024, or requiring her to move a substantial distance to any of the proposed LD-15  
24 configurations (which would only contain a fraction of her current constituents under Plaintiffs  
25 proposals). (*See* Expert Report of Sean P. Trende, Ph.D., Dkt. # 251 at 39, 60.) Even assuming the  
26 correctness of the Section 2 violation finding, it is not necessary to remove Senator Torres from  
27 LD-15 to fix any alleged Section 2 issues inherent in the current design.



1           **G.     Adequacy of Existing Representation.**

2           As an initial matter, inadequacy of representation is only a requirement of Rule 24(a) and  
 3 is not mentioned in Rule 24(b), which may explain why the Ninth Circuit considers it only as a  
 4 third-tier factor for permissive intervention. *See Spangler*, 552 F.2d at 1329. Most importantly,  
 5 Senator Torres offers a unique perspective as an elected official representing the very district that  
 6 is subject to alteration in these remedial proceedings that other parties do not possess. Moreover,  
 7 none of the existing parties share Senator Torres’s interest in running for reelection in the district  
 8 that she currently represents. *See Callahan v. Brookdale Senior Living Cmty., Inc.*, 42 F.4th 1013,  
 9 1020 (9th Cir. 2022) (When assessing the adequacy of representation by existing parties, the Ninth  
 10 Circuit considers “three factors”: “(1) whether the interest of a present party is such that it will  
 11 undoubtedly make all of a proposed intervenor’s arguments; (2) whether the present party is  
 12 capable and willing to make such arguments; and (3) whether a proposed intervenor would offer  
 13 any necessary elements to the proceeding that other parties would neglect.”) (quoting *Arakaki v.*  
 14 *Cayetano*, 324 F.3d 1078, 1086 (9th Cir. 2003)).

15           **H.     Intervention Will Not Prolong This Litigation.**

16           Senator Torres has reviewed the Court’s scheduling order of October 4, 2023 (*see* Dkt. #  
 17 230) and does not object to any of the deadlines contained therein. She is capable of filing  
 18 responses to the remedial proposals by the current deadline of December 22 and hereto attaches  
 19 her [Proposed] Response In Opposition To Plaintiffs’ Remedial Proposals. Thus, granting her  
 20 intervention will not unduly prolong the proceedings.

21           **I.     Intervention Will Contribute to an Equitable Resolution.**

22           Finally, Senator Torres’s intervention in these remedial proceedings “will significantly  
 23 contribute to . . . the just and equitable adjudication of the legal questions presented.” *Spangler*,  
 24 552 F.2d at 1329. Only one contested election has been conducted so far under the current iteration  
 25 of LD-15, and Senator Torres won that election in a landslide. That means that Senator Torres is  
 26 one of only three individuals who currently represent all the citizens of LD-15, and the only one  
 27 who faced a general election opponent under the Enacted Plan, so a change in the boundaries of

1 that district will necessarily result in a change to Senator Torres’s constituency—and, by extension,  
2 to her prospects for reelection.

3 No one is better situated to explain how specific changes to LD-15 will affect her  
4 representation of her constituents than is Senator Torres, and none of the existing parties to this  
5 action can offer the Court similar expertise. Her intervention should be granted if for no other  
6 reason than to allow a complete judicial evaluation of the impact of those changes and thereby  
7 avoid the enactment of a remedial map that leaves the citizens of LD-15 worse off.

8 **CONCLUSION**

9 For the foregoing reasons, Proposed Intervenor Senator Torres respectfully requests that  
10 this Court enter an order granting her Motion to Intervene in this action.

11  
12 \* \* \*

1 DATED this 22<sup>nd</sup> day of December, 2023.

2 Respectfully submitted,

3 s/ Andrew R. Stokesbary

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*Counsel for Proposed Intervenor Sen. Torres*

I certify that this memorandum contains 3,243 words, in compliance with the Local Civil Rules.

**CERTIFICATE OF SERVICE**

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

DATED this 22<sup>nd</sup> day of December, 2023.

Respectfully submitted,

*s/ Andrew R. Stokesbary* \_\_\_\_\_  
Andrew R. Stokesbary, WSBA No. 46097

*Counsel for Proposed Intervenor Sen. Torres*

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The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT  
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STEVEN HOBBS, in his official capacity  
as Secretary of State of Washington, et al.,

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JOSE TREVINO et al.,

*Intervenor-Defendants.*

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

[PROPOSED] INTERVENOR  
SENATOR NIKKI TORRES’S  
[PROPOSED] RESPONSE  
IN OPPOSITION TO  
PLAINTIFFS’ REMEDIAL PROPOSALS

Proposed Intervenor Nikki Torres respectfully submits the following Proposed Response in Opposition to Plaintiffs’ Remedial Proposals (*see* Dkt. # 245), along with her Motion to Intervene in the above-captioned manner permissively pursuant to Fed. R. Civ. P. 24(b) (*see* Dkt. # 253).

**FACTUAL BACKGROUND**

On August 10, 2023, this Court determined that the State of Washington’s 2021 redistricting map (the “Enacted Plan”) constituted a violation of Section 2 of the Voting Rights Act with respect to Legislative District 15 (“LD-15”). (*See* Dkt. # 218 at 32.) On October 4, 2023, the Court ordered the parties to meet and confer “with the goal of reaching a consensus on a

1 legislative district map that will provide equal electoral opportunities for both white and Latino  
2 voters in the Yakima Valley regions.” (Dkt. # 230 at 2.) On December 1, 2023, Plaintiffs filed five  
3 remedial map proposals with the Court. (See Dkt. # 245.) No other parties submitted proposals.  
4 The Court ordered any responses be submitted by Friday, December 22. (See Dkt. # 230 at 3.)

5 When Senator Torres realized no other party submitted a remedial map, and that it was  
6 highly likely that one of Plaintiffs’ five proposed remedial maps could be chosen by this Court,  
7 she decided to intervene (see Dkt. # 253) and prepare this response to speak on her own behalf.

8 **ARGUMENT**

9 Proposed Intervenor Nikki Torres is the incumbent state senator representing LD-15, first  
10 elected in 2022 under the enjoined map. As the current elected senator from the district in question  
11 who had already declared her intention to run for reelection in 2026,<sup>1</sup> Senator Torres has a personal  
12 interest at stake in this case. Senator Torres has reviewed the five remedial maps proposed by  
13 Plaintiffs, and the enactment of any of them would render her reelection in LD-15 more difficult—  
14 if not impossible.

15 **A. Plaintiffs’ Remedial Proposals 1, 2, 3 and 4.**

16 Based upon the analysis of expert Dr. Sean Trende (see Dkt. # 251), Senator Torres  
17 examined Plaintiffs’ Remedial Proposals 1 through 4 and concluded the following were true of all  
18 four of those proposals:

- 19 i. Senator Torres is redistricted out of her own district and moved from LD-15 in the  
20 Enacted Plan to District 16 (“LD-16”) in remedial Proposals 1-4.
- 21 ii. Only a small number of Senator Torres’s current constituents in LD-15 of the Enacted  
22 Plan would reside in LD-16 in remedial Proposals 1-4:
- 23 a. Remedial Proposals 1 and 2: Sen. Torres retains **9.9%** of the voting age population.  
24 (Expert Report of Sean P. Trende, Ph.D. (Trende Report), Dkt. # 251 at 40.)

25 <sup>1</sup> While declarations of candidacy for state senate races on the 2026 general election ballot may not be filed until “the  
26 first Monday in May” of 2026, RCW 29A.24.050, Senator Torres has already filed a statement of organization with  
27 the state Public Disclosure Commission for her reelection campaign on January 12, 2023, see Nikki Torres, Statement  
of Organization (Form C1) (Jan. 12, 2023), <https://www.pdc.wa.gov/political-disclosure-reporting-data/browse-search-data/candidates/689072>.

1           b. Remedial Proposals 3 and 4: Sen. Torres retains **7.4%** of the voting age population.  
2           (Trende Report, Dkt. # 251 at 59.)

3           iii. Under Washington law, “[t]he name of a candidate for an office shall not appear on a  
4           ballot for that office unless . . . the candidate is, at the time the candidate’s declaration  
5           of candidacy is filed, properly registered to vote in the geographic area represented by  
6           the office.” RCW 29A.24.075(3). Thus, in order to remain in the state senate, Senator  
7           Torres is forced to choose one of four options:

8           a. Remain in LD-16: Run in the August 6, 2024 primary in LD-16 against fellow  
9           Republican and incumbent senator from that district, Perry Dozier, with filing  
10           deadline of May 10, 2024, because LD-16’s senate election is on the presidential-  
11           year cycle;

12           b. Move to LD-15: Finish her term as a Senator without a constituency pursuant to  
13           Washington law<sup>2</sup> and then move forty minutes away to proposed LD-15, where  
14           only a fraction of her current constituents would reside, to run for election in that  
15           proposed district in 2026;

16           c. Move to District 14 (“LD-14”): Move to nearby LD-14 and finish in the “top two”  
17           of either a 2024 or 2028 primary in order to compete in a general election in a  
18           district that has been redrawn to lean heavily Democrat, (*see* Trende Report, Dkt.  
19           # 251 at 33, 55); or

20           d. Move to District 8 (“LD-8”): Move across the Columbia River to Richland or  
21           Kennewick and run in a primary against incumbent Senator Boehnke in a district  
22           containing none of her current constituents.

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25 <sup>2</sup> 1981 Wash. Sess. Laws ch. 288 § 64 provided that state senators then “serving the four-year terms to which they  
26 were elected . . . may continue to serve out their full terms in the newly created senatorial districts.” Each successive  
27 legislative redistricting plan, from 1991 through the Enacted Plan, stipulated that “existing state law shall continue to  
govern . . . the status of ‘hold-over’ senators.” RCW 44.07C Section 10 (1991 redistricting plan), *superseded by* RCW  
44.07D; RCW 44.07D Section 8 (2001 redistricting plan), *superseded by* RCW 44.07E; RCW 44.07E Article 6 (2011  
redistricting plan), *superseded by* RCW 44.07F; RCW 44.07F Article 6 (Enacted Plan).

1           These facts about the four remedial proposals impair Senator Torres’s personal interests in  
2 a variety of ways:

- 3           i.       Senator Torres has an obvious interest in not being redistricted out of her own district  
4               and in not losing most of her own constituency.
- 5           ii.     The adoption of these remedial proposals force her into four options, each one of which  
6               harms Senator Torres in an individual and particular way:
- 7               a.     Senator Torres must compete in a primary in a district with a small number of her  
8               current constituents in which she would not need to compete but for this Court’s  
9               Section 2 holding and adoption of one of these proposals;
- 10              b.     Senator Torres must lose most of her own constituency and must move a very long  
11              distance from her home in order to continue representing LD-15 in 2026, which  
12              would not be required of her but for this Court’s Section 2 holding and adoption of  
13              one of these proposals;
- 14              c.     Senator Torres must move to LD-14, which would entail costlier and more difficult  
15              primary and general elections that would not occur but for this Court’s Section 2  
16              holding and adoption of one of these proposals; or
- 17              d.     Senator Torres must move to LD-8, lose all of her own constituency, and compete  
18              in a primary would entail a primary election in which she would not need to  
19              compete but for this Court’s Section 2 holding and adoption of one of these  
20              proposals.

21           There are no other options (except moving even further away from her home and current  
22 district, into a new district with another incumbent and without any of her current constituents).

23           **B.     Plaintiffs’ Remedial Proposal 5.**

24           Proposal 5, meanwhile, is an insult to Senator Torres’s district, lowering the HCVAP in  
25 Legislative District 15 all the way to 25% while not substantially changing the partisan makeup of  
26 the district. (*See* Trende Report, Dkt. # 251 at 66.) Senator Torres was proud to win a 35-point  
27 victory in a district of majority Hispanic voters and become the first Latina to represent central



1 Washington in the state senate. She wishes to continue to represent them in such a district.  
2 Considering the context of this case, it is especially egregious for the federal courts to remake  
3 Senator Torres's district and dilute the number of Hispanic voters in the district.

4 **CONCLUSION**

5 For the foregoing reasons, Proposed Intervenor Senator Torres respectfully requests that  
6 this Court reject all five of Plaintiffs' proposed remedial maps and, instead, direct a special master  
7 to avoid drawing legislative district boundaries that would cause any of the same harms as  
8 Plaintiffs' proposed remedial maps.

9  
10 \* \* \*

1 DATED this 22<sup>nd</sup> day of December, 2023.

2 Respectfully submitted,

3 s/ Andrew R. Stokesbary

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*Counsel for Proposed Intervenor Sen. Torres*

I certify that this memorandum contains 1,286 words, in compliance with the Local Civil Rules.

**CERTIFICATE OF SERVICE**

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

DATED this 22<sup>nd</sup> day of December, 2023.

Respectfully submitted,

*s/ Andrew R. Stokesbary* \_\_\_\_\_  
Andrew R. Stokesbary, WSBA No. 46097

*Counsel for Proposed Intervenor Sen. Torres*

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The Honorable Robert S. Lasnik

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

SUSAN SOTO PALMER et al.,

*Plaintiffs,*

v.

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

*Defendants,*

and

JOSE TREVINO et al.,

*Intervenor-Defendants.*

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

**[PROPOSED] ORDER  
GRANTING MOTION TO INTERVENE  
OF SENATOR NIKKI TORRES**

THIS MATTER, having come before the Court upon Motion to Intervene of Senator Nikki Torres, having read and considered all briefs and other matters presented to the Court, and upon any hearing in this matter, the Court finds that Senator Nikki Torres is entitled to intervene in this action pursuant to Fed. R. Civ. P. 24(b) and, therefore, IT IS HEREBY ORDERED that:

Motion to Intervene of Senator Nikki Torres (*see* Dkt. # 253) is GRANTED. Senator Nikki Torres shall be made an Intervenor in this action.

Senator Nikki Torres’s Proposed Response In Opposition to Plaintiffs’ Remedial Proposals (*see* Dkt. # 253-1) shall stand as a “pleading” in satisfaction of Fed. R. Civ. P. 24(c).

IT IS SO ORDERED.

1 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

2  
3  
4 The Honorable Robert S. Lasnik  
United States District Judge

5  
6 Presented by:

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DATED this 22<sup>nd</sup> day of December, 2023.

Respectfully submitted,

s/ Andrew R. Stokesbary  
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*Counsel for Intervenor Sen. Torres*

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