,-.!/0102345.!604.27!89!:3;1<±

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON
AT TACOMA

8>8?@!8A,A!B?:CD6!.7!359E

F9

8,DGD@!/AHH8E!<1!-<;!0II<J<35!J3K3J<
3;!8.J2.732L!0I!8737.!0I!M3;-<1N701E!.7!3

31O

PA8D!,6DGQ@AE!Q8C?!R9S?CBA8E!
31O!8737.!6.K2.;.1737<F.!?:DT!UH?66E

9

S3;.!@09V!$\W#X&+$&Y8:

Q@,D6GD@AZ[XDYD@X?@,8

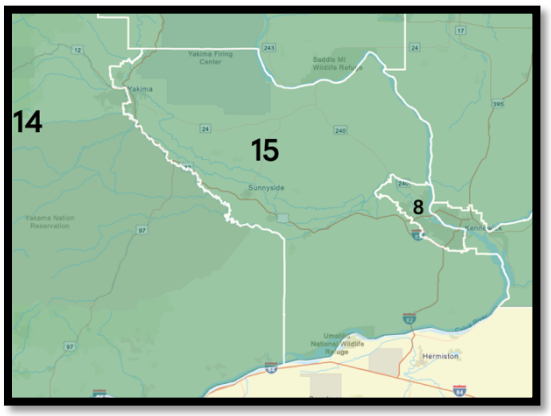
?CD@XDX!?@8MD6!,A! ?CD@XDX!
SACB:?Q@,!YA6!XDS:?6?,A6U!?@X!
Q@P>@S,QGD!6D:QDY

?@X!

S6A88S:?QC!YA6!XDS:?6?,A6U!?@X!
Q@P>@S,QGD!6D:QDY

6D[>D8,!YA6!,/6DD!P>XRD! SA>6,

Q17.2F.102;!I.1O317;!P0;.!,2.F<10E!Q;\3.5R9!S3\K0;!31O!8737.!6.K2.;.1737<F.!?5.]!
U43223!^_Q17.2F.102;!4L!I<5.!7-<;!?\.1O.O!?1;b.2!70B53<17<!?;1O.O!S0\K53<17!02!
X.J5323702L!31O!Q1cd1J7<F.!6!5X=7!e!(+E!31O!Q17.2F.102;fS20;!53<17<!P0;.!,2.F<10!31O!
?5.]! U43223!2.4L!I<5.!7-<;!S20;;J53<!02!X.J5323702L!31O!Q17.2F.!6.5<.!I!3N3<1;7!X.I.1O317;!
87.F.1!/044;!31O!7-.!8737.!0I!M3;-<1N701E!Q17.2F.102;!31;b2!3;!I0550bV!0!7-.!.]7.17!31!
355.N37<01!<;!O<2.J7XO!.7O!317;!87.F.1!/044;!02!7-.!8737.!0I!M3;-<1N701E!Q17.2F.102;!
b<7-0d7!;dII<J<.17!<1I02\37<01!70!I02\!3!4.5<.!I!3;!70!7-.!72d7-!0I!7-.!355.N37<01!31O!7-.2.I02.!O.1



($9! A1!AJ704.2!"*E!#+#"E!7-.!M3;-<1N701!8737.!8.137.!X.\0J237<J!S3dJd;!J<2Jd537.O!
3!K2.;.1737<01!4L!X29!C377!H322.70E!3!K20I.;;02!0I!K05<7<J35!;J<.1J.!31O!S-<J313f0!;7dO<.;!37!>
31O!J0d1O.2!0I!7-.!>S:?!G07<1N!6<N-7;!?J720c.J79! !B2.;.1737<01!4L!C377!H322.70E!?;;.;;\.17!
0I!G07<1N!B377.21;!<1!S.17235fD3;7.21!M3;-<1N701!31O!6.F<.b!0I!7-.!Y.O.235!G07<1N!6<N-7;!?J
8.J7<01! #! Q;;d.;E! ^AJ79! "*E! #+#"aE! -77K;Vff;.137.O.\0J237;9b39N0FfbK
J017.17fdK503O;f#+#"f"+fH32M7?W.O<;72<J7<1!4L!X.2;<019K0I9

(%9 >K01! <1I02\37<01! 31O! 4.5<.IE! X29! H322.70! b3;! -<2.O! 4L! 7-.! M3;-<1N701! 8.137.!
X.\0J237<J!S3dJd;E!107!4L!7-.!S0\\<;;<01E!7-.!8737.!0I!M3;-<1N701!02!7-.!:.N9537d2.

(&9 ,-.!K2.;.1737<01!32Nd.O!7-37!7-.!\K5L!b<7-!8.J7<01!#!0I!7-.!G07<1N!6<N-7!?J7E!3!
\3c 02<7L!SG?B!O<;72<J7!<1!7-.!U3=<\3!G355.L!7-37!F07.O!I02!7-.!X.\0J237<J!B327LZ;!K2.I.22.O
J31O<O37L;!2.gd<2.O9! ! !

('9! ,-.! K2.;.1737<01! <1J5dO.!3!3135L;<;! 0I! F07<1N! K377.21;! I02! cd;7! 7b0! ;737.b<O.!
N.1.235!.5.J7<01;E!7-.!#+"#!>989!8.137.!23J.!4.7b..1!C32<3!S317b.55!31O!C<J-3.5!H3d\N3271.2!
31O!7-.!#+#+!R0F.2102!23J.!4.7b..1!P3L!Q1;5..!31O!:02.1!Sd5K9@.<7-.!3135L;<;!<1J5dO.O!
3!/<;K31<J!J31O<7O9

((9! ,-.!K2.;.1737<01!O<O!107!<1J5dO.!3135L;<;!0I!F07<1N!K377.21;!<1!K2<\32L!.5.J7<01;E
31L!07-.2!3135L;<;!.]K502<1N!b-.7-.2!F07<1N!K377.21;!J0d5O!4.!.]K53<1.O!4L!K327<;31;-<KE!237
7-31!23J.9! ! !

()9! Q\K0273175LE! 7-.! K2.;.1737<01! 35;0! O<O! 107!<1J5dO.!3135L;<;! 0I! F07<1N! K377.21;! 31L! 2d7235!
357.2137<F.;! O.;K<7.! ;-0b<1N! 7-37! 7-.! O<;72<J7;! <1<7<355L! K20K0;.O! 4L! S0\\<;;<01.2;! 8<\;! 31

M35=<1;-3b!b0d5O!-3F.!F07.O!I02!7-.!:37<10!450JZ;!K2.I.22.O!J31O<O37.!0F.2!7-.!\3c02<7L!450JZ

K2.I.22.O!J31O<O37.!<1!7-.!#+#+!B27f<C!J.!B2.;<O.17!23J.9! !

(*9! A15L!7b0!J53<\.O!_G6?!S0\K5<317`!5.N<;537<F.!O<;72<J7!0K7<01;!b.2.!K2.;.17.O9

A1.!O<;72<J7!J0173<1.O!G3?B!0I!3KK20]<\37.5L!r!31O!7-.!07-.2!J0173<1.O!37<10!SG?B!

0I!3KK20]<\37.5&#E!b<7-0d7!31L!.]K53137<01!I02!b-!O<II.2.17!7-2.;-05O!b .2.!J-0;.19! !

!

)+9! X.;K<7.!7-.!42.F<7L!31O!K07.17<35!4<3;!0I!7-.!3135L;<;E!S0\\<;;<01.2!M35=<1;-3b!

<;;d.O!3!;737.\.17!01!AJ704.2!#"E!#+#"E!7b0!O3L;!3I7.2!7-.!K2.;.1737<01E!;737<1N!7-37!-.!31O

S0\\<;;<01.2!8<\;!_b<55!4.!2.5.3;<1N!1!;737.b<O.!5.N<;537<F.!\3K;!.325L!1.]7!b..=9`!B2.;;!

6.5.3;.E!M3;-<1N701!8.137.!X.\0J237;E!

! !

^AJ79! #"E! #"aE! -77K;Vff;.137.O.\0J237;9b39N0Ff450Nf#+#"f"+fK0fI<1<7<V135L;<V;LW

dJ5V07<1N<N-7;K.27W<13V3;-<1N701;737V.N<;537W<53V1d;7 W<1J5dV7230V0\K5<317V

O<;72<V17-.W3=<\3V355.Lf9

)"9! S0\\<;;<01.2!M35=<1;-3b!35;0!;737.O!7-37!_3;!7-.!7<F2!:37<10!J0\\<;;<01.2E!

<7!-3;!4..1!.]72.\.5L!<\K027317!I02!\.!70!5<I7!dK!31O!.5.F37.!/<;K31<J!F07.2;E!31O!d1O0!K377.21;!0I

23J<355L! K0532<k.O! F07<1NE! K327<Jd5325L! <1! 7-.! U3=<\3! G355.L9`! C.5<;;3! 83170;E!

E! S,%""10' ! ^AJ79! #"E! #+#"aE!

-77K;VffJ20;;Jd79J0\fK05<7<J;f#+#"f"+fK2W0f3O2.O<;72<J7W31<;W3L W<053V07<1N<N-7;

3J9

)#9! A1! AJ704.2! #&E! #+#"E! S0\\<;;<01.2;! 8<\;! 31O! M35=<1;-3b! 2.5.3;.O! 2.F<;.O!

5.N<;537<F.!K531;E!407-!0I!b-<J-!<1J02K0237.O!7-.!_U3=3\3!6.;.2F37<01`!O<;72<J7!0K7<01!I20\!

H322.70Z;!K2.;.1737<01E!b-<J-!3J-<.F.O!3!<1!02<7!SG?B!4L!J0\4<1<1N!:37<10!31O!@37<F.

K0Kd537<01@9! K2.;.1737<01!b3;!\3O2!.F<O.1J.!K20F<O7.07-.!S0\\<;;<01!;-0b<1N!7-37!

:37<10!F07.2;!31O!@37<F.!F07.2;!32.!J0-.;<F.9

)$9! A1! AJ704.2! #'E! #+#"E! 5.;;! 7-31! 7-2..! b..=;! 4.I02.! 7-.! S0\\<;;<01Z;! ;737d702L!

O.3O5<1.E! M3;-<1N701! 8737.! 8.137.! X.\0J237! 3! K2.;;! 2.5.3;.! -05O<1N! 0d7! X22.7-02!

K2.;.1737<01! 3;! _O.I<1<7<F.E`! ;7<Kd537<1N! 7-37! _7-.! I<135! 3O0K7.O! \3K! \d;7! <1J5dO

\3c02<7W<;K31<J!O<;72<J7!<1!7-.!U3=<\3!G355.L9`!B2.;;!6.5.3;.E!M3;-<1N701!8.137.!X.\0J237;E!

! ^AJ79! #'E! #+#"aE!

-77K;Vff;.137.O.\0J237;9b39N0Ff450Nf#+#"f"+f#'fI055Vb<W135L;<V0\\<;;<01.2 W

b35=<1;-3b2.5.3;.;V1.b V5.N<;537<W3K W0\K5<31W<7<W07<1W<N-7W3J71!9

Legislative District 15 under the 2021 Plan

)%9 8-0275L! 402.! \<O1<N-7! 01! @0F.\4.2! "&E! #+#"E! 7-.! S0\\<;;<01! _F07.O!

d131<\0d;5L!70!3KK20F.!3!5.N<;537<F.!2.O<;72<J7<1N!K5319`!A2O.2!6.N32O<1N!7-.!M3;-<1N701

6.O<;72<J7<1N! S0\\<;;<01Z;! :.77.2! 70! 7-.! 8dK2.\.! S0d27! 01! @0F.\4.2! "'EE#!4!O! 7-.!

S0\\<;;<01!S-3<2Z!@0F.\4.2!#"E!#+#"!X.J53237<01!^6.O<;72<J7<1N!A2O.2aE!M@(E!#&(++

#!^M3;-9!X.J9!$E!#+#!'a9

)&9 8-0275L!3I7.2!\<O1<N-7!01!@0F.\4.2!"'E!#+#"E!7-.!S0\\<;;<01!;d4\<77.O!_3!I02\35!

2.;05d7<01!3O0K7<1N!7-.!2.O<;72<J7<1N!K531`!31O!_3!5.77.2!721!31;70!7-.!N!7-;53K52.9!

!

)'9 ! ,-.!:.N<;537d2.!3KK20F.O!\<102!3Ocd;7\.17;!70!7-.!S0\\<;;<01Z;!I<135!K5319!

/9!S019!6.;9!%%+(E!'(7-!:.N9E!#+##!6.N9!8.;;9!^M3;-9!#+##a9

)(9! ,-.!2.O<;72<J7<1N!K531!3KK20F.O!4L!7-.!S0\\<;;<01E!70N.7-.2!b<7-!7-.!:.N<;537d2.Z;!

3\.1O\.17;E! J01;7<7d7.;! M3;-<1N701! ;737.Z;! O<;72<J7<1N! 53b! I02! 5.N<;537<F.! .5.J7<01;E! 4.N<1

b<7-!7-.!dKJ0\<1N!#+##!.5.J7<01;9M !"# 9S%&" 93279!QQE!j!%$^(al!6SM&9%%9^$al! !

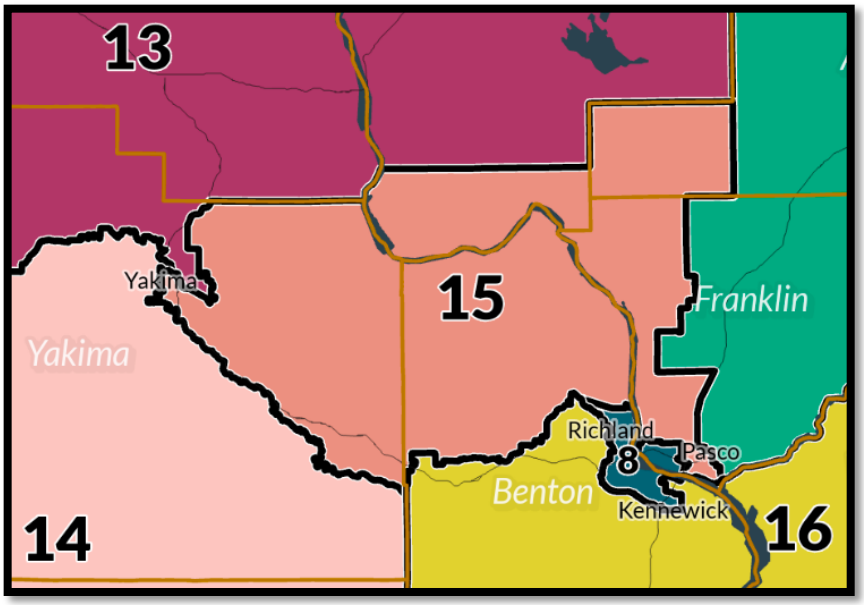
6.O<;72<J7<1N!A2O.2!37!%9

))9! ,-.! \3K! 0I! 7-.! 1.b! :.N<;537<F.! X<;72<J7! "&! 3;! O.I<1.O! 4L! 7-.! S0\\<;;<01Z;!

3KK20F.O!K531!<;!;-0b1!4.50b9!Q7!O<;2.N32O;!723O<7<0135!O<;72<J7<1N!K2<1J<K5.;!;dJ-!3;!J0\K

\3<173<1<1N! J0\\d1<7<.;! 0I! <17.23;7E! 2.;K.J7<1N! K05<7<J35! ;d4O<F<;<01;! 02! N.0N23K-<J35

40d1O32<!;9



)*9! ,-.!;-3K.!0I!:.N<;537<F.!X<;72<J7!"&!<;!;723<1.O!31O!101J0\K3J79!Q7;!1027-b.;7!31O!
;0d7-.3;7! J021.2;! 32.! 13220b! ;5<F.2;! 0I! 531O! 7-37! 2.3J-! <170! 7-.! J<7<.;! 0I! U3=<\3! 31O! B3;J0!
2.;K.J7<F.5L!E!2.!3!;d4;7317<35!\3c02!07!7-.!O<;72<J7Z;!K0Kd537<01!2.;<O.;9!,-.!O<;72<J7!.]7.1O;!
1027-!70!C3773b3!31O!1027-.3;7!70!A7-.550E!43;.O!dK01!<1I02\37<01!31O!4.5<.IE!I02!7-.!;05.!Kd2K
0I! <1J5dO<1N! 7-0;.! J<7<.;Z! ;d4;7317<35! :37<10! K0Kd537<01!7-.! O<;72<J7! <;!
;K32;.5L!K0Kd537.O9

*+9 ,-.!0OO!;-3K.!0I!:.N<;537<F.!X<;72<J7!"&!J31107!4.!.]K53<1.O!4L!K05<7<J35!02!137d23
40d1O32<.;9!Q7!;72.7J-.;!<170!K327;!0I!I<F.!J0d17L9!Q7;!
b.;7.21! 31O! .3;7.21;.J7<01;! 32.! O<F<O.O! 4L! 7-.! U3=<\3! Y<2<1N! S.17.2E! 63775.;13=.! /<55;E! 7-.!
/31I02O!@dJ5.32!8<7.E!31O!7-.!S05d\4<3!6<F.29!X.;K<7.!7-.;.!N.0N23K-<J!40d1O32<.;E!:.N<;537<
X<;72<J7! "&! O0.;! 107! I0550b! \3c02! 7-020dN-I32.;9! ,0! 723F.5! cd;7! I20\! 8d11L;<0F<7! B3;J0
Q17.2;737.!)#!31O!Q17.2;737.!")#!b0d5O!2.gd<2.!J20;;<1N!7-20dN-!407-!:.N<;537<F.!X<;72<J7;!"'!31
4.I02.!2..17.2<1N!:.N<;537<F.!X<;72<J7!"&!<1!B3;J09

*"9! ,-.!S0\\<;;<01!<N102.O!J0\\d1<7<.;!0I!<17.2.;7!<1!J2.37<1N!:.N<;537<F.!X<;72<J7!
"&9! ,-.! O<;72<J7!40d1O32<.;! 107! 015L! ;K5<7! dK! d2431! J0\\d1<7<.;! 5<=.! U3=<\3! 31O! B3;J0E! 4d7!
;\355.2!J<7<.;!5<=.!R231OF<.bE!C0]..!31O!>1<01!R3K9!?1O!b-<5.!:.N<;537<F.!X<;72<J7!"&!O<F<O
J0\\d1<7<.;! 0I! ;-32.O! <17.2.;7E! <7! 35;0! N20dK;! 70N.7-.2! J0\\d1<7<.;! b<7-! O<;72<J7!5L! O<II

!"#$%&$'"% ()$*$")+"#,- .+/$")$) . ;<. !"#$%&'()*)+,# %()--!)
+",1$%.#'. +/$")$). 2'/34+!" #. . !"'"#$%&'($)*+,,*-$).'*,$#
+"). 2%',, 24+!/ . .).0(,+-$1&23'(4*5($67#6$
"'5.6788(9:(;<6; (%,4. PHONE 8$9:";<$= >#6:"

"++9 ,-.!S0\\<;;<01!O<O!107!K.2I02\!;dII<J<.!7!3135L;<;!0I!23J.!d7235!357.2137<F.;E! <1J5dO<1NE! I02! .]3\K5.E! b-37! K.2J.173N.! 0I! :37<10! F07.2;! b0d5O! 4.! 1.J.;;32L! 70! -3F.! 7-.! 0KK027d1<7L!70!.5.J7!7-.<2!J31O<O37.;!0I!J-0<J.9

CROSSCLAIM

(Violation of the Equal Protection Clause of the United States Constitution)

"+"9 !S20;;\B53<17<I!;355.N.!31O!<1J02K0237.!4L!2.I!7-!355.N37<01;!<1!740F.! K323N23K-;9

"+#9 8.J7<01!"!0I!7-.!Y0d27..17-!?\.1O\.17!70!7-.!>989!S01;7<7d7<01!K20F<O.;!7-37!_h1i0! 8737.!;-355!\3=02!.1I02J.!31L!53b!b-<J-!;-355!342<ON.!7-.!K2<F<5.N.;!02!<\\d1<7<.;!0I!J<7<k.1;!0I! 7-.!>1<7.O!8737.;I!102!;-355!31L!8737.!O.K2<F.!31L!K.2;01!0I!5<I.E!5<4.27LE!02!K20K.27LE!b<7-0d K20J.;;!0I!53bI!102!O.1L!70!31L!K.2;01!b<7-<1!<7;!cd2<;O<J7<0K27.!J7<35!0I!7-.!53b;9`

"+$9 63J.!b3;!7-.!K2.O0\<1317!I3J702!\07<F37<1N!7-.!S0\\<;;<01Z;!O.J<;<01!70!O23b! 7-.!5<1.;!.1J0\K3;;<1N!:.N<;537<F.!X<;72<J7!"&

"+%9 ,-.!G07<1N!6<N-7;!?J7!O0.;!107!2.gd<2.!3!/<;K31<J!\3W02<L7L!O<;72<J7!<1!7-.! U3=<\3!G355.L9

"+&9 ,-.!S0 \\<;;<01Z;!23J.W3;.O!;027<1N!0I!F07.2;!<1!:.N<;537<F.!X<;72<J7!"&!1.<7-.2! ;.2F.O!3!J0\K.55<1N!;737.!<17.2.;7!102!b3;!13220b5L!73<502.O!70!7-37!.1O9

"+'9! Q7!O<O!107!;.2F.!3!J0\K.55<1N!<17.2.;7!47J36;!107!2.gd<2.O!I02!J0\K5<31J.! b<7-!8.J7<01!#!0I!7-.!G6E!31O!7-.!02.!7-.!S0\\<;;<01!-3O!10!07-.2!J0\K.55<1N!<17.2.;7!I02! ;027<1N!F07.2;!43;.O!01!23J.

"+(9! DF.1!<!7!b32.gd<2.O!I02!J0\K5<31J.!b<7-!7-.!G67!53;!107!13220b5L!73<502.O! 4.J3d;. !7-.!S0\\<;;<01!O<O!107!J01;<O.2!2.d7235!357.2137<F.!I02!G6K5<31J.!9

"+)9! ,-.2.I02.E! :.N<;537<F.! X<;72<J7! "&! F<0537.;! 7-.! Dgd35! B207.J7<01! S53d;.! 0I! 7-.! Y0d27..17-!?\.1O\.17!0I!7-.!>1<7.O!8737.;!S01;7<7d7<019

"+*9! HL!;d4c.J7<1N!S20\B53<17<II;!70!7-.!.II.J7;!420dN-7!01!4L!d1J01;7<7d7<0135!23J<35! J53;;<I<J37<01;!7-20dN-!3!23J<355L!N.22L\31O.2.O!O<\B23<7L<S!203F.!;dII.2.O!<1!d2L

""+9! S20;;\B53<17<!3;F.!10!3O.gd37.!2.\.OL!37!53b!07-.2!7-31!7-.!cdO<J<35!2.5<.I!;0dN-7!
-.2.9!

""""9! ,-.!I3<5d2.!70!7.\K0232<5L!31O!K.2\31.175L!.1c0<1!7-.!J01O5dJ7<01!;!43;.O!
01!:.N<;537<F.!X<;72<J7!"&!b<55!<22.K323<25!;\B53<17<4L!F<0537<7!<2J01;7<7d7<0135!
2<N-7!;9

INTERVENORS/CROSS-PLAINTIFFS' PRAYER FOR RELIEF

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The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SUSAN SOTO PALMER et al., *Plaintiffs*, v. STEVEN HOBBS, in his official capacity as Secretary of State of Washington, et al., *Defendants*, and JOSE TREVINO, ISMAEL G. CAMPOS, and State Representative ALEX YBARRA, *Intervenor-Defendants*.	Case No.: 3:22-cv-5035-RSL INTERVENOR-DEFENDANTS' AMENDED ANSWER TO AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND CROSSCLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF REQUEST FOR THREE JUDGE COURT

Intervenor-Defendants Jose Trevino, Ismael G. Campos and State Representative Alex Ybarra ("Intervenors") hereby file this Amended A~~a~~nswer to Plaintiffs' Amended Complaint for Declaratory and Injunctive Relief (Dkt # 70), and Intervenors/Cross-Plaintiffs Jose Trevino and Alex Ybarra hereby file this Crossclaim for Declaratory and Injunctive Relief against Defendants Steven Hobbs and the State of Washington. Intervenors answer as follows~~.~~: To the extent an allegation is directed to Defendants Steven Hobbs or the State of Washington, Intervenors are without sufficient information to form a belief as to the truth of the allegation and therefore deny. To the extent that the Amended Complaint's headings or subheadings contain factual allegations,

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they are denied. Intervenors reserve the right to amend this pleading as permitted by this Courts rules and orders, including Fed. R. Civ. P. 15.[1]

INTRODUCTION

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

2. Intervenors admit that Legislative District 15[2] includes parts of the Yakima Valley and Pasco. The remainder of this paragraph states a legal conclusion to which no response is required. To the extent a further response is required, denied.

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

4. Denied ~~Admitted~~.

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

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

---

[1] Pursuant to this Court's Scheduling Order, (*see* Dkt. # 93 at 1 (setting the "[d]eadline for amending pleadings" as November 2, 2022)), Intervenors file this Amended Answer and Intervenors/Cross-Plaintiffs Trevino and Ybarrafile this Crossclaim. To the extent the Court deems that a separate Motion for Leave to Amend is required, Intervenors request that the Court treat this filing as a Motion for Leave to Amend with a proposed Amended Answer. *See, e.g.*, *CollegeNET, Inc. v. XAP Corp.*, No. CV-03-1229-HU, 2004 U.S. Dist. LEXIS 13983, at *5 (D. Or. July 14, 2004) ("[The court] allowed defendant's Amended Answer and Counterclaims to stand based on interpreting the scheduling order's express deadline to amend pleadings as obviating the need for a party to move to amend before it could file an amended pleading.").

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26. Intervenors admit that Legislative District 15 as currently constituted encompasses the eastern portion of Yakima County. ~~Intervenors are without information sufficient to form a~~

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~~belief as to the truth of the allegations in the remainder of this paragraph.~~ To the extent a further response is required, denied.

27. Intervenors admit that, in the November 2018 general election, incumbent United States Senator Maria Cantwell, running for reelection to her fourth term, received 43.27 percent of the total votes (not including write-ins) within current Legislative District 15, and that challenger Bengie Aguilar received 39.41 percent of the total votes (not including write-ins) for the position of Legislative District 15 State Senator, running against a five-term incumbent (who was also elected to two terms in the State House of Representatives from Legislative District 15 prior to his election to the State Senate). Intervenors are without information sufficient to form a belief as to the truth of the allegations in the remainder of this paragraph, and therefore deny.

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

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

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

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

32. Intervenors admit only that presidential preference primaries conducted pursuant to Wash. Rev. Code ch. 29A.56 require political affiliation. Intervenors deny that any other races or offices require political affiliation. *See* Wash. Rev. Code § 29A.52.112.(4) ("A candidate may choose to express no party preference."). Intervenors are without information sufficient to form a belief as to the truth of the allegations in the remainder of this paragraph, and therefore deny.

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

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

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JURISDICTION AND VENUE

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

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

37. Admitted.

38. This paragraph states a legal conclusion and contains legal arguments to which no response is required. To the extent a further response is required, Intervenors admit only that venue is proper in this judicial district.

PARTIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

60. Intervenors admit that that this Court entered an Order of Joinder (Dkt. # 68) ordering Plaintiffs to amend their original Complaint (Dkt. #1) to add the State of Washington as a Defendant. Otherwise, this paragraph asserts legal conclusions and contains legal arguments, to which no response is required. To the extent a further response is required, denied.

LEGAL BACKGROUND

61. This paragraph states a legal conclusion and contains legal arguments to which no response is required. To the extent a further response is required, Intervenors admit only the accuracy of the quotations from Section 2 of the Voting Rights Act. To the extent a further response is required, denied.

62. This paragraph states a legal conclusion and contains legal arguments to which no response is required. To the extent a further response is required, Intervenors admit only the accuracy of the quotation from *Thornburg v. Gingles*, 478 U.S. 30 (1986). To the extent a further response is required, denied.

63. This paragraph states a legal conclusion and contains legal arguments to which no response is required. To the extent a further response is required, Intervenors admit only the accuracy of the quotation from *Thornburg v. Gingles*. To the extent a further response is required, denied.

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64. This paragraph states a legal conclusion and contains legal arguments to which no response is required. To the extent a further response is required, Intervenors admit only the accuracy of the quotation from *North Carolina State Conference of NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016). To the extent a further response is required, denied.

65. This paragraph states a legal conclusion and contains legal arguments to which no response is required. To the extent a further response is required, Intervenors admit only that this paragraph cites to Section 2(b) of the Voting Rights Act. To the extent a further response is required, denied.

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

67. This paragraph states a legal conclusion and contains legal arguments to which no response is required. To the extent a further response is required, Intervenors admit only that this paragraph cites to two district court opinions. To the extent a further response is required, denied.

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

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

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70. This paragraph states a legal conclusion and contains legal arguments to which no response is required. To the extent a further response is required, Intervenors admit only the accuracy of the quotations from *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252 (1977) and *North Carolina State Conference of NAACP v. McCrory*. To the extent a further response is required, denied.

71. This paragraph states a legal conclusion and contains legal arguments to which no response is required. To the extent a further response is required, Intervenors admit only the accuracy of the quotation from *North Carolina State Conference of NAACP v. McCrory*. To the extent a further response is required, denied.

72. This paragraph states a legal conclusion and contains legal arguments to which no response is required. To the extent a further response is required, Intervenors admit only the accuracy of the quotation from *Hunter v. Underwood*, 471 U.S. 222 (1985). To the extent a further response is required, denied.

73. This paragraph states a legal conclusion and contains legal arguments to which no response is required. To the extent a further response is required, Intervenors admit only that this paragraph cites an opinion by a district court in the Fifth Circuit and another opinion from the Sixth Circuit. To the extent a further response is required, denied.

74. This paragraph states a legal conclusion and contains legal arguments to which no response is required. To the extent a further response is required, Intervenors admit only the accuracy of the quotation from *LULAC v. Perry*. To the extent a further response is required, denied.

75. This paragraph states a legal conclusion and contains legal arguments to which no response is required. To the extent a further response is required, Intervenors admit only that this paragraph cites an opinion by a district court in the Fifth Circuit. To the extent a further response is required, denied.

76. This paragraph states a legal conclusion and contains legal arguments to which no response is required. To the extent a further response is required, Intervenors admit only the

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accuracy of the brief quotations from *LULAC v. Perry* and *Perez v. Abbott*, 250 F. Supp. 3d 123 (W.D. Tex. 2017). To the extent a further response is required, denied.

FACTUAL ALLEGATIONS

77. Admitted.

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

79. Admitted.

80. Admitted.

81. Admitted.

82. Admitted.

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

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

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

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

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

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

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

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

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

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

93. Admitted.

94. Admitted.

95. Admitted.

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

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

98. Admitted.

99. Admitted.

100. Admitted.

101. Admitted.

102. Admitted.

103. Admitted.

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

105. Intervenors admit that after submission of the plan by the Commission, the Legislature has the next thirty days during any regular or special session to amend the

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Commission's plan by an affirmative vote in each house of two-thirds of the members elected or appointed thereto, but deny that Wash Rev. Code § 44.05.110 is the authority for this proposition.

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

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

108. This paragraph states a legal conclusion and contains legal arguments to which no response is required. To the extent a further response is required, Intervenors admit only that redistricting plans must comply with the United States Constitution and deny the allegations in the remainder of this paragraph.

109. Admitted.

110. Admitted.

111. Admitted.

112. Admitted.

113. Admitted.

114. Admitted.

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

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

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

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

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

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

121. Intervenors admit that Commissioner Sims' original proposed map placed the City of Pasco into Legislative District 16, but are otherwise without information sufficient to form a belief as to the truth of the allegations in the remainder of this paragraph.

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

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

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

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

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

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

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

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

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

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

132. Intervenors admit only that several news outlets in Washington published articles regarding Dr. Barreto's presentation. Intervenors are without information sufficient to form a belief as to the truth of the allegations in the remainder of this paragraph, and therefore deny.

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

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

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

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

137. Intervenors admit only that slide 22 of the referenced slide deck contains the phrase "VRA Compliant Option-1: Yakima-Columbia River Valley" in large font, depicts a noncompact shaded area superimposed on a map of South-Central Washington, and presents several numbers

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

138. Intervenors admit only that slide 23 of the referenced slide deck contains the phrase "VRA Compliant Option-2: Yakama Reservation" in large font, depicts a noncompact shaded area superimposed on a map of South-Central Washington, and presents a several numbers in a table. Otherwise, this paragraph states a legal conclusion and contains legal arguments to which no response is required. To the extent a further response is required, Intervenors are without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

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

140. Admitted.

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

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

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

144. Denied. *See* Order Regarding the Washington State Redistricting Commission's Letter to the Supreme Court on November 16, 2021 and the Commission Chair's November 21, 2021 Declaration ("Redistricting Order"), No. 25700-B-676, at 2 (Wash. Dec. 3, 2021) ("This

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dispute was resolved before midnight on November 15, 2021. That night, at 11:59:28 p.m., the Commission voted unanimously to approve a congressional redistricting plan, and, at 11:59:47 p.m., voted unanimously to approve a legislative redistricting plan. Taken together, the chair's sworn declaration and the minutes of the Commission's November 15, 2021 meeting establish that the Commission approved both redistricting plans by the constitutional deadline established in article II, section 43 of the Washington State Constitution.").

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

146. Intervenors admit only that the Commission did not approve "a *letter* transmitting the plan" to the Legislature until shortly after midnight on November 16, 2021. Redistricting Order at 2 (emphasis added); *cf. supra* ¶ 145 (explaining that the redistricting plan itself was approved on November 15). To the extent a further response is required, denied.

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

148. Intervenors admit that the Washington Supreme Court "decline[d] to exercise its authority under article II, subsection 43(6) and chapter 44.05 Wash. Rev. Code to adopt a redistricting plan because it concludes that the plan adopted by the Washington State Redistricting Commission met the constitutional deadline and substantially complied with the statutory deadline to transmit the matter to the legislature." Redistricting Order at 4.

149. Admitted.

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

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

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

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

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

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

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

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

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

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

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

161. Intervenors admit only that in the November 2014 general election for State Representative, Position 2 in Legislative District 15, then-Representative David Taylor defeated a

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challenger named Teodora Martinez-Chavez. Otherwise, Intervenors are without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

192. Denied ~~Admitted~~.

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

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

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

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

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

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

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

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

201. Denied ~~Intervenors are without information sufficient to form a belief as to the truth of the allegations in this paragraph~~.

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

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

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

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

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

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

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

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

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

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

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

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

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

215. This paragraph states a legal conclusion and contains legal arguments to which no response is required. To the extent a further response is required, Intervenors admit only the accuracy of the quotation from *Luna v. County of Kern*. To the extent a further response is required, denied.

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

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

218. Intervenors admit only the accuracy of the quotation from the article cited in this paragraph. To the extent a further response is required, Intervenors are without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

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

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220. Intervenors admit that, according to contemporaneous news coverage, Mr. Zambrano-Montes was shot and killed by police, but are otherwise without information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

256. Admitted.

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

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

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

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

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

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

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

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

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

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

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

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

269. Denied. Intervenor Trevino, who is Hispanic and resides in the Yakima Valley in Legislative Districts 15, believes that his state legislators and other elected officials in the region are responsive to his needs and those of other Hispanic/Latino residents. Intervenor Campos, who is Hispanic and resides in Kennewick in Legislative District 8, denies that the Tri-Cities are part of the Yakima Valley but also believes that his state legislators and other elected officials in the Tri-Cities are responsive to his needs and those of other Hispanic/Latino residents there. Intervenor Representative Ybarra, who is Hispanic and represents Legislative District 13 in the State House of Representatives, believes he is responsive to the needs of his Hispanic/Latino constituents.

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

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

CLAIMS FOR RELIEF

272. Intervenors repeat and incorporate by reference their responses to all allegations in the Amended Complaint.

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

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

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

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

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

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

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

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

281. Intervenors repeat and incorporate by reference their responses to all allegations in the Amended Complaint.

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

PRAYER FOR RELIEF

Intervenors deny that Plaintiffs are entitled to any relief.

GENERAL DENIAL

Intervenors deny each and every allegation in Plaintiffs' Amended Complaint that is not expressly admitted above.

INTERVENORS' AFFIRMATIVE DEFENSES

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

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FIRST AFFIRMATIVE DEFENSE

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

SECOND AFFIRMATIVE DEFENSE

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

THIRD AFFIRMATIVE DEFENSE

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

FOURTH AFFIRMATIVE DEFENSE

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

FIFTH AFFIRMATIVE DEFENSE

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

SIXTH AFFIRMATIVE DEFENSE

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

SEVENTH AFFIRMATIVE

7. Plaintiffs have no lawful remedy. Specifically, Plaintiffs seek a remedy that violates the Fourteenth Amendment to the U.S. Constitution by requiring a map drawn on the basis of race.

EIGHTH AFFIRMATIVE

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

NINTH AFFIRMATIVE DEFENSE

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

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PRELIMINARY STATEMENT TO CROSSCLAIM

1. In an attempt to create a Voting Rights Act ("VRA")-compliant, majority-minority district—which the VRA did not require here—the Washington State Redistricting Commission ("Commission") engaged in open racial gerrymandering in violation of the Fourteenth Amendment.

2. Here, the Commission had a specific racial target for the Hispanic citizen voting age population ("HCVAP") in Legislative District 15.

3. The Equal Protection Clause of the Fourteenth Amendment's mandates race neutrality in governmental decision-making, including a state's drawing of its legislative districts.

4. When race is the predominant factor motivating the creation of a legislative district, that district cannot be upheld unless it satisfies strict scrutiny.

5. Thus, the burden is on Defendants to demonstrate that the creation of District 15 was narrowly tailored to serve a compelling state interest.

6. Section 2 of the VRA did not and does not require the creation of a majority-minority district because there was no legally significant racially polarized voting at the time District 15 was drawn.

7. Consequently, the Commission's predominant use of race when drawing District 15 could have only one result: racial discrimination in violation of the Fourteenth Amendment.

CROSSCLAIM[3]

8. Intervenor-Defendant/Cross-Plaintiff Jose Trevino and Intervenor-Defendant/Cross-Plaintiff Representative Alex Ybarra (together "Cross-Plaintiffs") bring this action to challenge the constitutionality of Washington State Legislative District 15 in the Yakima Valley as an illegal racial gerrymander in violation of the Equal Protection Clause of the Fourteenth Amendment to Constitution of the United States.

[3] Paragraph numbering is continued from the Preliminary Statement.

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9. As part of the 2021 redistricting process, the Commission approved, and the Washington State Legislature (the "Legislature") amended and ratified, a plan for the redistricting of state legislative districts in which Legislative District 15 was purposely drawn to have a Hispanic Citizen Voting Age Population ("HCVAP") of greater than 50%.

10. The Equal Protection Clause bars redistricting on the basis of race without sufficient legal justification—despite any Commissioners' mistaken good-faith belief that a VRA district was required in the Yakima Valley.

11. This new Legislative District 15 can only be explained by race.

12. The district's odd shape, which crosses five county lines, bisects two of the largest cities in Central and Eastern Washington, and divides certain communities of interest while combining other communities with divergent interests, flies in the face of traditional districting principles (as well as Washington state constitutional and statutory requirements).

13. Contemporaneous public statements of the voting members of the Commission (each, a "Commissioner") provide further evidence that a majority HCVAP legislative district in Central and Eastern Washington was a precondition to the Commission's approval of any state legislative district plan.

14. Moreover, some Commissioners and Commission staffers have since admitted that they had an explicit racial target for District 15.

15. Because racial considerations predominated over others, the design of District 15 must be subjected to strict scrutiny.

16. Thus, the burden shifts to the State to prove that its race-based sorting of voters serves a compelling interest and is narrowly tailored to that end.

17. There was no compelling interest that justified using race as the predominant factor in creating Legislative District 15.

18. Although complying with Section 2 of the VRA is a compelling state interest, the State has the burden of showing that it had a strong basis in evidence to conclude that Section 2 required its action.

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19. Two Commissioners stated that Section 2 of the Voting Rights Act compelled a safe Democrat, majority HCVAP district.

20. Their conclusion was based primarily on (1) a short presentation solicited by the State Senate Democratic Caucus and created by an interested advocacy organization, and (2) analysis performed in other litigation relating to different maps.

21. As an initial matter, a presentation by an interested party is not enough to create a compelling interest, as a group that wants a State to create a district with a particular design may favor an overly expansive understanding of what Section 2 demands.

22. Moreover, the advice provided to the Democratic Senate Caucus was incorrect.

23. *Thornburg v. Gingles*, 478 U.S. 30 (1986), lays out the three preconditions to finding a violation of the VRA and, by extension, the preconditions to finding that a majority-minority district is necessary to comply with the VRA.

24. Those conditions are: (1) the minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district; (2) the minority group must be able to show that it is politically cohesive; and (3) the minority must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it usually to defeat the minority's preferred candidate.

25. None of the three preconditions were satisfied here.

26. Simply put, Section 2 did not require the creation of a majority-minority district.

27. Additionally, the state must prove its action was narrowly tailored, which the state cannot do if it does not carefully evaluate and consider race-neutral alternatives.

28. The Commissioners' stated prerequisite that creating a majority HCVAP district was necessary to obtaining the Commission's approval of any state legislative district plan necessarily means the Commission did not consider race-neutral alternatives.

29. Because race was the predominant motivating factor in creating Legislative District 15, but such race-based sorting neither served a compelling government interest nor was narrowly tailored to that end, it violates the Equal Protection Clause of the Fourteenth Amendment.

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30. Because the Commissioners subjected Cross-Plaintiffs to unconstitutional racial classifications through a racially gerrymandered district where they reside, Cross-Plaintiffs have suffered injury.

31. Cross-Plaintiffs therefore seek a declaration that Legislative District 15 is invalid and an injunction prohibiting the Defendant from calling, holding, supervising or taking any action with respect to State Legislative elections based on Legislative District 15 as it currently stands.

PARTIES

32. Intervenor-Defendant/Cross-Plaintiff Jose Trevino is a United States citizen, over the age of eighteen, and a registered voter in the State of Washington. Cross-Plaintiff Trevino resides in Granger, Washington, and under the Commission-approved map, resides in Legislative District 15. He regularly voted in past elections and intends to vote in future elections. Cross-Plaintiff Trevino is harmed by the violation of his Fourteenth Amendment rights because Legislative District 15 is an illegal racial gerrymander, drawn with race as the predominant factor.

33. Intervenor-Defendant/Cross-Plaintiff Alex Ybarra is a State Representative for the State of Washington, a United States citizen, over the age of eighteen, and a registered voter in the State of Washington. He has regularly voted in previous elections and intends to vote in future elections. Cross-Plaintiff Ybarra represents—and is running for reelection in—Legislative District 13 of the Washington House of Representatives. Because race predominated in the drawing of District 15, any change to District 15 will likely impact District 13. Any change to District 13 will affect Cross-Plaintiff Ybarra's protectable interest in avoiding delays in the election cycle and in knowing ahead of time which voters will be included in his district.

34. Cross-Defendant Steven Hobbs is being sued in his official capacity as the Secretary of State of Washington. Under state law, the Secretary of State is "the chief election officer for all federal, state, county, city, town, and district elections," RCW 29A.04.230, responsible for "the administration, canvassing, and certification of . . . state primaries, and state

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general elections,"[4] RCW 43.07.310. In addition, "declarations of candidacy for the state legislature . . . in a district comprised of voters from two or more counties"—such as Legislative District 15—are to be filed with the Secretary of State. RCW 29A.24.070.

35. Cross-Defendant State of Washington includes the respective governmental arms responsible for adopting redistricting plans and ensuring that elections are conducted in accordance with those plans in the State.

JURISDICTION AND VENUE

36. This Court has jurisdiction to hear Cross-Plaintiffs' claim pursuant to 42 U.S.C. §§ 1983 and 1988 and 28 U.S.C. §§ 2284, 1331, 1343(a)(3) and 1357. This Court has jurisdiction to grant declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202. This Court has jurisdiction to award Cross-Plaintiffs' costs and attorneys' fees pursuant to 42 U.S.C. § 1988, and 52 U.S.C. § 10310(e). This Court only has jurisdiction over the Crossclaim after an appointment of a three-judge panel pursuant to 28 U.S.C. § 2284.

37. This Court has personal jurisdiction over the Cross-Defendants. Cross-Defendant Steve Hobbs is a state official who resides in Washington and performs his official duties in Olympia, Washington. Cross-Defendant State of Washington is a state of the United States of America.

38. Venue is proper in this Court under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to Cross-Plaintiffs' claims occurred and will occur in this judicial district. In addition, Cross-Defendant Steve Hobbs is a state official performing his official duties in the Western District of Washington.

THREE-JUDGE COURT

39. A three-judge district court is requested and required pursuant to 28 U.S.C. § 2284(a), which provides that a "district court of three judges shall be convened . . . when an

[4] "The plan approved by the commission . . . shall constitute the districting law applicable to this state for legislative . . . elections, beginning with the next elections held in the year ending in two." RCW 44.05.100(3). Thus, the Secretary of State administers legislative district elections based on the boundaries established by the Commission's redistricting plan.

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action is filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body."

40. Cross-Plaintiffs are challenging, via their Crossclaim asserted under the Fourteenth Amendment, the apportionment of Legislative District 15, which is a legislative district of the Washington State Legislature—a statewide legislative body.

41. Therefore, a three-judge court is required.

FACTS

Washington State Redistricting

42. The Washington state constitution directs that "[i]n January of each year ending in one, a commission shall be established to provide for the redistricting of state legislative and congressional districts." WASH. CONST. art. II, § 43(1); *see also* RCW 44.05.030.

43. The Commission is composed of five members. Each of the "leader[s] of the two largest political parties in each house of the legislature . . . appoint one voting member." These four voting members select a fifth, nonvoting member to serve as the Commission's chairperson WASH. CONST. art. II, § 43(2); *see also* RCW 44.05.030.

44. The Washington state constitution requires that "[e]ach district . . . contain a population . . . as nearly equal as practicable to the population of any other district" and that "[t]o the extent reasonable, each district . . . contain contiguous territory, . . . be compact and convenient, and . . . be separated from adjoining districts by natural geographic barriers, artificial barriers, or political subdivision boundaries." WASH. CONST. art. II, § 43(5).

45. In addition, the Commission's redistricting plan "shall not be drawn purposely to favor or discriminate against any political party or group." *Id.*

46. The Commission's redistricting plan must also, "insofar as practical," follow certain other traditional districting principles, including that "[d]istrict lines should be drawn so as to coincide with the boundaries of local political subdivisions and areas recognized as communities of interest" and that "[t]he number of counties and municipalities divided among more than one district should be as small as possible." RCW 44.05.090.

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47. For a redistricting plan to be adopted, it must be approved by "[a]t least three of the voting members" of the Commission. WASH. CONST. art. II, § 43(6).

48. The Commission is required to "complete redistricting . . . no later than November 15th of each year ending in one." *Id.*; *see also* RCW 44.05.100.

49. "Upon approval of a redistricting plan," the Commission "shall submit the plan to the legislature," which may amend the Commission's plan within the first 30 days of the next regular or special legislative session by "an affirmative vote in each house of two-thirds of the members elected or appointed thereto." RCW 44.05.100.

50. After such 30-day period, "[t]he plan approved by the commission, with any amendment approved by the legislature, shall be final . . . and shall constitute the districting law applicable to this state for legislative and congressional elections, beginning with the next elections held in the year ending in two." *Id.*

51. Following the Commission's adoption of a redistricting plan, it "shall take all necessary steps to conclude its business and cease operations . . . on July 1st of each year ending in two." RCW 44.05.110.

52. If the Commission has ceased to exist, the Legislature may "adopt legislation reconvening the commission for purposes of modifying the redistricting plan." RCW 44.05.120(1).

The History of Legislative District 15

53. Over the past 90 years, Legislative District 15 has changed during each round of redistricting, but never as drastically as between 2012 and 2022. Historically, the District has covered a substantial portion of Yakima County. (From 1982 through 2001, it also included portions of neighboring counties, but never as far northeast as Othello or as far east as Pasco).

54. A map of Legislative District 15 from 1931 through 1957 is shown below. The district included only a portion of Yakima County. STATE OF WASH., MEMBERS OF THE LEGISLATURE 1889-2019 174 (2019).

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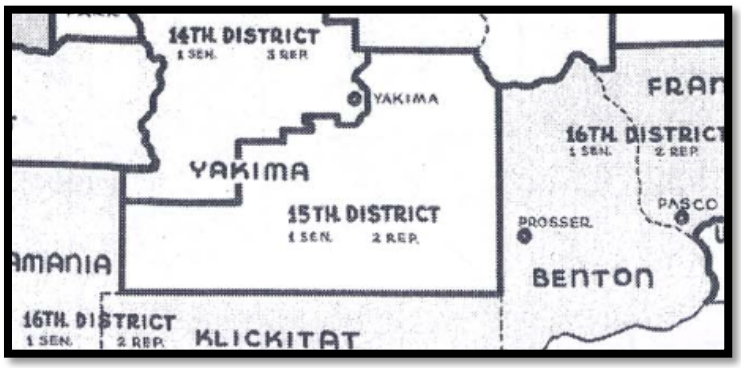

55. A map of Legislative District 15 from 1957 through 1965 is shown below. The district included only a portion of Yakima County. *Id.* at 177.

56. A map of Legislative District 15 from 1965 through 1972 is shown below. The district included only a portion of Yakima County. *Id.* at 180.

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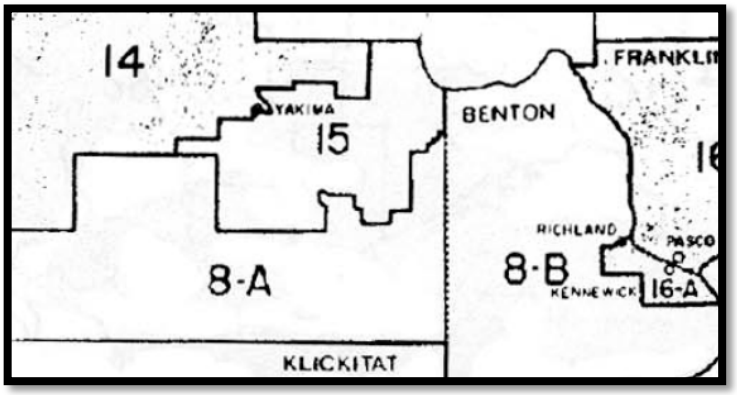
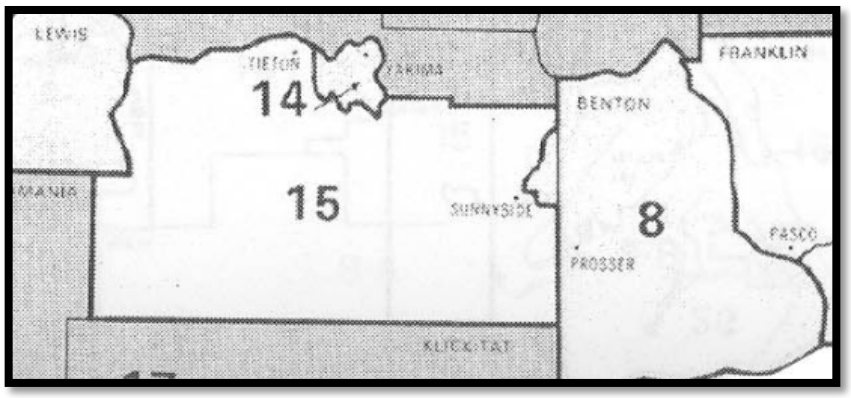
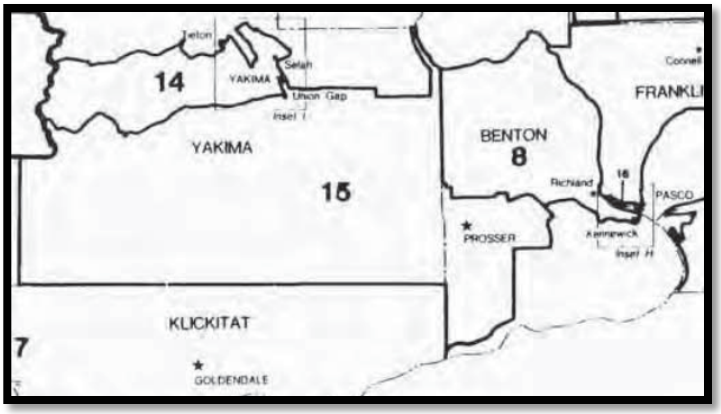


57. A map of Legislative District 15 from 1972 through 1981 is shown below. The district included only a portion of Yakima County. *Id.* at 182.



58. A map of Legislative District 15 from 1982 through 1991 is shown below. The district included portions of Yakima and Benton Counties. *Id.* at 184



59. A map of Legislative District 15 from 1991 through 2001 is shown below. The district included a portion of Yakima, Benton, Klickitat, and Skamania Counties. *Id.* at 186.

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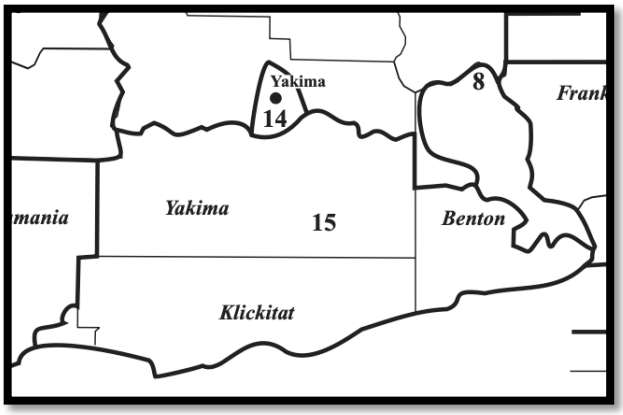
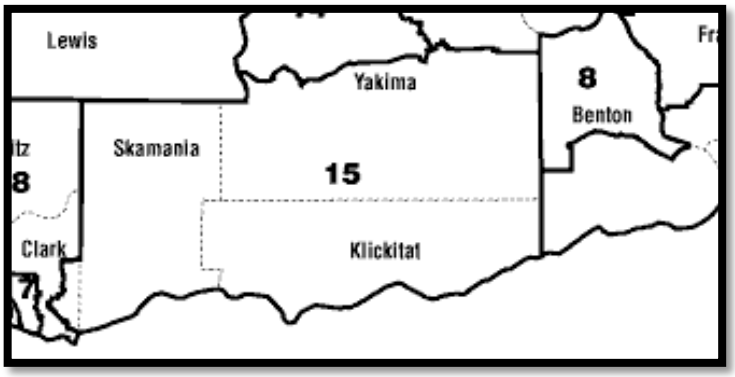


60. A map of Legislative District 15 from 2002 through 2011 is shown below. The district included a portion of Yakima, Klickitat, Skamania, and Clark Counties. *Id.* at 188.



61. A map of the current version of Legislative District 15, in effect since 2012, is shown below. The district once again includes only a portion of Yakima County. *Id.* at 190.

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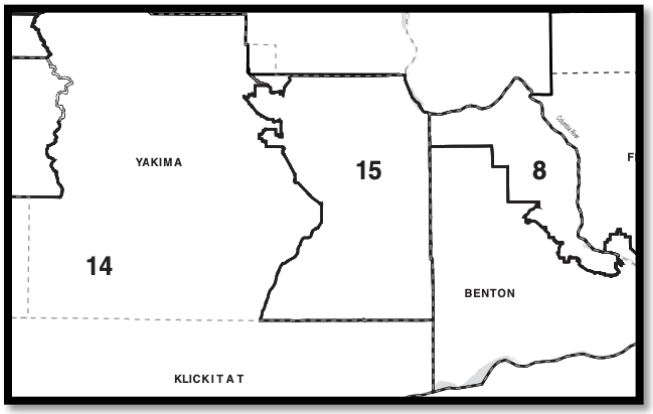

The 2021 Redistricting Process

62. On December 10, 2020, the Speaker of the House of Representatives announced the appointment of April Sims as a Commissioner representing the House Democratic Caucus and the Senate Majority Leader announced the appointment of Brady Piñero Walkinshaw as a Commissioner representing the Senate Democratic Caucus. *E.g.*, Press Release, Washington State House Democrats, *House, Senate leaders announce their appointees for Redistricting Commission* (Dec. 10, 2020), https://housedemocrats.wa.gov/blog/2020/12/10/house-senate-leaders-announce-their-appointees-for-redistricting-commission/.

63. On January 15, 2021, the Senate Minority Leader announced the appointment of Joe Fain as a Commissioner representing the Senate Republican Caucus and the House Minority leader announced the appointment of Paul Graves as a Commissioner Representing the House Republican Caucus. *See, e.g.*, Eric Rosane, *Former Lawmakers Joe Fain, Paul Graves Tapped by Legislative GOP Leaders as Members of Redistricting Commission*, THE CHRONICLE (Centralia), Jan. 15. 2021, *available at* https://www.chronline.com/stories/former-lawmakers-joe-fain-paul-graves-tapped-by-legislative-gop-leaders-as-members-of,260219.

64. On January 30, 2021, the four voting Commissioners appointed Sarah Augustine as the nonvoting, fifth member and Chair of the Commission. *E.g.*, Pat Muir, YAKIMA HERALD-REPUBLIC, *White Swan woman tapped to lead state Redistricting Commission*, Feb. 8, 2021, *available at* https://www.yakimaherald.com/news/local/white-swan-woman-tapped-to-lead-state-redistricting-commission/article_37671834-78c9-5cec-a5a5-d9d1aab30f72.html.

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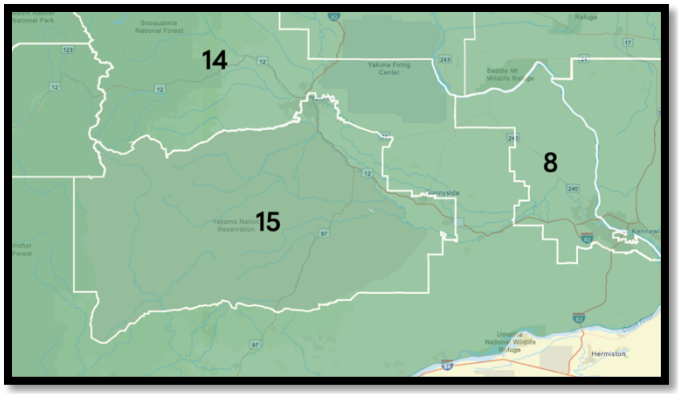
65. Between February 2021 and November 2021, the Commission held Special Business Meetings, Regular Business Meetings, and Public Outreach Meetings. *See, e.g.*, Washington State Redistricting Commission, Business Meetings, https://www.redistricting.wa.gov/commission-meetings; Washington State Redistricting Commission, Public Outreach Meetings, https://www.redistricting.wa.gov/outreach-meetings.

66. On September 21, 2021, each of the four voting Commissioners released a proposed legislative district map to the public. Washington State Redistricting Commission, Legislative Maps, https://www.redistricting.wa.gov/commissioner-proposed-maps.

67. No Commissioner proposed a version of Legislative District 15 that resembled the district as drawn by the Commission's final redistricting plan.

68. No proposal, for example, contained the cities of Pasco or Othello, and none contained a majority HCVAP. *See id.*

69. The map of Legislative District 15 initially proposed by Commissioner Sims is shown below. It combined the Yakama Indian Reservation with parts of Yakima and communities along Interstate 82 to Grandview. Commissioner Sims stated that her map "recognizes the responsibility to create districts that provide fair representation for communities of interest" and that "[m]aintaining and creating communities of interest" and "[c]entering and engaging communities that have been historically underrepresented" were "values guid[ing]" her efforts. *Id.*



70. The map of Legislative District 15 initially proposed by Commissioner Walkinshaw is shown below. It merged cities around Yakima into a district that stretched north

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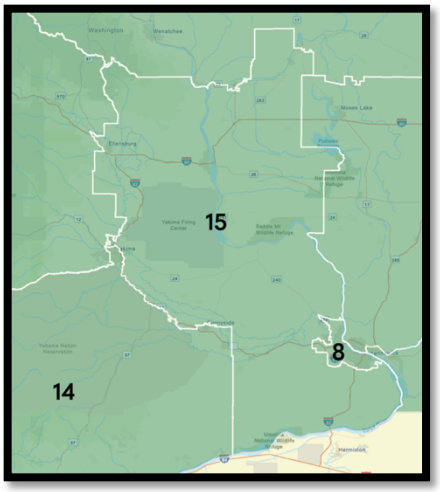
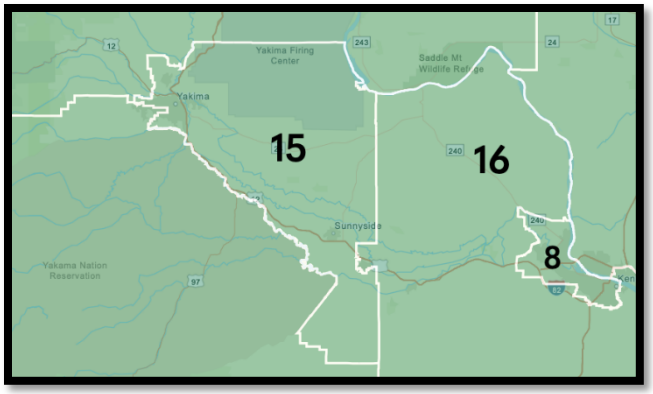
beyond Ellensburg and south to the Columbia River. Commissioner Walkinshaw stated his goals were to "[m]aintain and unite communities of interest and reduce city splits" and "prioritize[e] the needs of . . . historically underrepresented communities." His plan also "[c]reate[d] a majority-Hispanic/Latino district" in the neighboring Legislative District 14, which was "55.5% [Hispanic/Latino] by Voting Age Population (VAP)" and "65.5% people-of-color by VAP." *Id.*



71. The map of Legislative District 15 as proposed by Commissioner Fain is shown below. It included the City of Yakima and consisted of the eastern third of Yakima County. Commissioner Fain "place[d] existing school district boundaries at the cornerstone of his legislative framework." His plan also "create[d] seven majority-minority districts statewide, and one additional majority-minority citizen voting age population (CVAP) district." *Id.*



72. The map of Legislative District 15 as proposed by Commissioner Graves is shown below. It combined the northeastern portion of Yakima County, including the cities along Interstate

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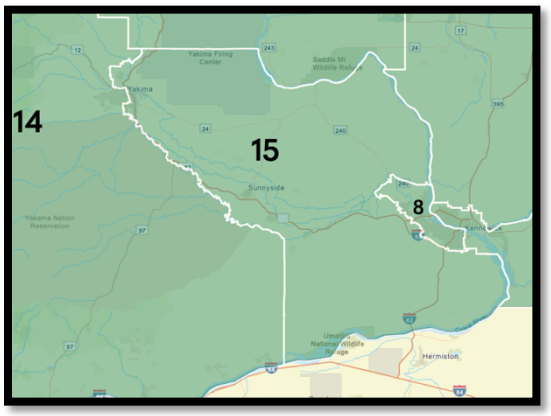
82, with most of Benton County apart from Richland and Kennewick. Commissioner Graves's plan "focuses on communities of interest and is not drawn to favor either party or incumbents" and featured eight "majority-minority" districts. *Id.*



73. On October 19, 2021, the Washington State Senate Democratic Caucus circulated a presentation by Dr. Matt Barreto, a professor of political science and Chicana/o studies at UCLA and co-founder of the UCLA Voting Rights Project. *See* Presentation by Matt Barreto, Assessment of Voting Patterns in Central/Eastern Washington and Review of the Federal Voting Rights Act, Section 2 Issues, (Oct. 19, 2021), https://senatedemocrats.wa.gov/wp-content/uploads/2021/10/Barreto-WA-Redistricting-Public-Version.pdf.

74. Upon information and belief, Dr. Barreto was hired by the Washington Senate Democratic Caucus, not by the Commission, the State of Washington or the Legislature.

75. The presentation argued that, to comply with Section 2 of the Voting Right Act, a majority HCVAP district in the Yakima Valley that voted for the Democratic Party's preferred candidates was required. *See id.*

76. The presentation included an analysis of voting patterns for just two statewide general elections, the 2012 U.S. Senate race between Maria Cantwell and Michael Baumgartner and the 2020 Governor race between Jay Inslee and Loren Culp. *See id.* Neither analysis included a Hispanic candidate.

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77. The presentation did not include analysis of voting patterns in primary elections, or any other analysis exploring whether voting patterns could be explained by partisanship, rather than race. *See id.*

78. Importantly, the presentation also did not consider or suggest any race-neutral alternatives despite showing that the districts initially proposed by Commissioners Sims and Walkinshaw would have voted for the Latino bloc's preferred candidate over the majority bloc's preferred candidate in the 2020 President/Vice President race. *See id.*

79. Only two claimed "VRA Compliant" legislative district options were presented. One district contained a HCVAP of approximately 60% and the other contained a Latino CVAP of approximately 52%, without any explanation for why the different thresholds were chosen. *See id.*

80. Despite the brevity and potential bias of the analysis, Commissioner Walkinshaw issued a statement on October 21, 2021, two days after the presentation, stating that he and Commissioner Sims "will be releasing new statewide legislative maps early next week." Press Release, Washington Senate Democrats, *New definitive analysis by UCLA Voting Rights Expert: final Washington state legislative plan must include VRA-compliant district in the Yakima Valley* (Oct. 21, 2021), https://senatedemocrats.wa.gov/blog/2021/10/21/new-definitive-analysis-by-ucla-voting-rights-expert-final-washington-state-legislative-plan-must-include-vra-compliant-district-in-the-yakima-valley/.

81. Commissioner Walkinshaw also stated that "as the first ever Latino commissioner, it has been extremely important for me to lift up and elevate Hispanic voters, and undo patterns of racially polarized voting, particularly in the Yakima Valley." Melissa Santos, *Proposed WA redistricting maps may violate Voting Rights Act*, CROSSCUT (Oct. 21, 2021), https://crosscut.com/politics/2021/10/proposed-wa-redistricting-maps-may-violate-voting-rights-act.

82. On October 25, 2021, Commissioners Sims and Walkinshaw released revised legislative plans, both of which incorporated the "Yakama Reservation" district option from Dr.

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Barreto's presentation, which achieved a 60% minority CVAP by combining Latino and Native populations. No presentation was made or evidence provided to the Commission showing that Latino voters and Native voters are cohesive.

83. On October 26, 2021, less than three weeks before the Commission's statutory deadline, Washington State Senate Democrats issued a press release holding out Dr. Barreto's presentation as "definitive," stipulating that "the final adopted map must include a majority-Hispanic district in the Yakima Valley." Press Release, Washington Senate Democrats, *Walkinshaw releases new VRA-Compliant Legislative map* (Oct. 26, 2021), https://senatedemocrats.wa.gov/blog/2021/10/26/following-new-analysis-commissioner-walkinshaw-releases-new-legislative-map-compliant-with-voting-rights-act/.

Legislative District 15 under the 2021 Plan

84. Shortly before midnight on November 15, 2021, the Commission "voted unanimously to approve a legislative redistricting plan." Order Regarding the Washington State Redistricting Commission's Letter to the Supreme Court on November 16, 2021, and the Commission Chair's November 21, 2021 Declaration (Redistricting Order), No. 25700-B-676, at 2 (Wash. Dec. 3, 2021).

85. Shortly after midnight on November 16, 2021, the Commission submitted "a formal resolution adopting the redistricting plan" and "a letter transmitting the plan" to the Legislature. *Id.*

86. The Legislature approved minor adjustments to the Commission's final plan. *See* H. Con. Res. 4407, 67th Leg., 2022 Reg. Sess. (Wash. 2022).

87. The redistricting plan approved by the Commission, together with the Legislature's amendments, constitutes Washington state's districting law for legislative elections, beginning with the upcoming 2022 elections. *See* WASH. CONST. art. II, § 43(7); RCW 44.05.100(3); *see also* Redistricting Order at 4.

88. The map of the new Legislative District 15 as defined by the Commission's approved plan is shown below. It disregards traditional districting principles such as compactness,

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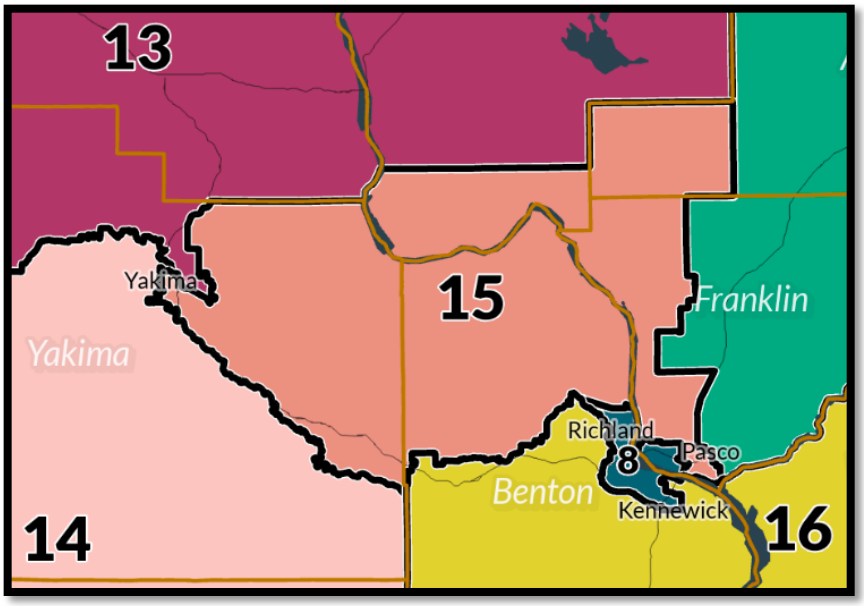
maintaining communities of interest, and respecting political subdivisions or geographical boundaries.



89. The shape of Legislative District 15 is strained and noncompact. Its northwest and southeast corners are narrow slivers of land that reach into the cities of Yakima and Pasco respectively, where a substantial majority of the district's population resides. The district extends north to Mattawa and northeast to Othello, based upon information and belief, for the sole purpose of including those cities' substantial Latino populations. The central portion of the district is sparsely populated.

90. The odd shape of Legislative District 15 cannot be explained by political or natural boundaries. It stretches into parts of five counties, yet does not contains a single whole county. Its western and eastern sections are divided by the Yakima Firing Center, Rattlesnake Hills, the Hanford Nuclear Site, and the Columbia River. Despite these geographic boundaries, Legislative District 15 does not follow major thoroughfares. To travel just from Sunnyside to Pasco via Interstate 82 and Interstate 182 would require crossing through both Legislative Districts 16 and 8 before reentering Legislative District 15 in Pasco.

91. The Commission ignored communities of interest in creating Legislative District 15. The district's boundaries not only split up urban communities like Yakima and Pasco, but

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smaller cities like Grandview, Moxee and Union Gap. And while Legislative District 15 divides communities of shared interest, it also groups together communities with distinctly different interests. For example, it extends to Pasco, Othello, Mattawa and the Hanford Nuclear Site, none of which have previously been placed in the same legislative district as the city of Yakima or any portion of Yakima County in the state's history.

92. The boundaries of the new Legislative District 15 approved by the Commission do not resemble prior Legislative District 15 boundaries or those of any publicly-proposed districts by any Commissioner during the 2021 redistricting process.

93. However, the new Legislative District 15 does contain a HCVAP of greater than 50%.

94. The boundaries of the new Legislative District 15 were clearly negotiated and approved predominantly on the basis of race, in order to create a majority HCVAP legislative district.

95. No compelling interest justified the predominant consideration of race in creating Legislative District 15.

96. The Commission cannot justify its decision to use race as the predominant factor in drawing Legislative District 15's boundaries under Section 2 of the Voting Rights Act.

97. The Commission could not have a strong basis in evidence to believe that it was required to create a new Latino-opportunity district to avoid liability under Section 2 because the Commission did not conduct a proper analysis of racial voting patterns or of what Section 2 required.

98. Two Commissioners cited the presentation from the UCLA Voting Rights Project as justification for their racially-segregated maps, but one advocacy group's demands alone are insufficient to create a strong basis in evidence that justifies sorting voters by race.

99. Even if there were a compelling state interest in creating Legislative District 15 using race as the predominant factor (which there is not), Legislative District 15 is not narrowly tailored to achieve that interest.

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100. The Commission did not perform sufficient analysis of race-neutral alternatives, including, for example, what percentage of Latino voters would be necessary to have the opportunity to elect their candidates of choice.

CROSSCLAIM

(Violation of the Equal Protection Clause of the United States Constitution)

101. Cross-Plaintiffs reallege and incorporate by reference the allegations in the above paragraphs.

102. Section 1 of the Fourteenth Amendment to the U.S. Constitution provides that "[n]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

103. Race was the predominant factor motivating the Commission's decision to draw the lines encompassing Legislative District 15.

104. The Voting Rights Act does not require a Hispanic majority-minority district in the Yakima Valley.

105. The Commission's race-based sorting of voters in Legislative District 15 neither served a compelling state interest nor was narrowly tailored to that end.

106. It did not serve a compelling interest because it was not required for compliance with Section 2 of the VRA, and therefore the Commission had no other compelling interest for sorting voters based on race.

107. Even if it was required for compliance with the VRA, it was not narrowly tailored because the Commission did not consider race-neutral alternative for VRA compliance.

108. Therefore, Legislative District 15 violates the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

109. By subjecting Cross-Plaintiffs to the effects brought on by unconstitutional racial classifications through a racially gerrymandered district, Cross-Plaintiffs have suffered injury.

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110. Cross-Plaintiffs have no adequate remedy at law other than the judicial relief sought here.

111. The failure to temporarily and permanently enjoin the conduct of elections based on Legislative District 15 will irreparably harm Cross-Plaintiffs by violating their constitutional rights.

INTERVENOR-~~DEFENDANT~~S/CROSS-PLAINTIFFS' PRAYER FOR RELIEF

Intervenors/Cross-Plaintiffs respectfully ask the Court for the following relief:

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

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

3. Declare that Legislative District 15 is an illegal racial gerrymander in violation of the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution;

4. Issue a permanent injunction enjoining Defendants from enforcing or giving any effect to the boundaries of Legislative District 15, including an injunction barring Defendant Secretary of State from conducting any further elections for the Legislature based on Legislative District 15;

5. Order the creation of a new, valid plan for legislative districts by Defendant State of Washington that does not violate the Equal Protection Clause;

6. Appoint a special master if Defendant State of Washington fails to timely comply with this Court's order to redraw the legislative districts for the State of Washington;

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

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

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DATED this 2nd ~~27th~~ day of ~~May~~ November, 2022.

Respectfully submitted,

s/ Andrew R. Stokesbary

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Counsel for Intervenor-Defendants

CERTIFICATE OF SERVICE

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

DATED this 2nd ~~27th~~ day of ~~May~~ November, 2022.

Respectfully submitted,

s/ Andrew R. Stokesbary
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