

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SUSAN SOTO PALMER, et. al.,

Plaintiffs,

v.

STEVEN HOBBS, et. al.,

Defendants,

and

JOSE TREVINO, ISMAEL CAMPOS,
and ALEX YBARRA,

Intervenor-Defendants.

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

Judge: Robert S. Lasnik

**PLAINTIFFS’ MOTION TO
EXTEND DEADLINE FOR
DEPOSITION OF BENANCIO
GARCIA III**

NOTE FOR MOTION
CALENDAR: February 27, 2023

Plaintiffs respectfully move this Court pursuant to Federal Rule of Civil Procedure 6(b)(1) to extend the deadline for the continued deposition of Benancio Garcia III until after the resolution of the State’s Motion for Inquiry, Dkt. #150, set for oral argument on March 7, 2023. The State is unopposed to this motion. Intervenor-Defendants take no position on this motion. Counsel for the Secretary was unavailable to respond with their position today.

Pursuant to a subpoena by Plaintiffs, Mr. Garcia sat for a third-party deposition on February 3, 2023. During the course of that deposition, it became clear—among other things—that Mr. Garcia had not conducted a search for documents responsive to Plaintiff’s subpoena. Mr. Garcia requested additional time to gather and produce those documents, and Mr. Garcia’s counsel requested to have through February 17, 2023 to do so. In order to permit the scheduling of Mr.

1 Garcia's continued deposition after the remainder of the documents had been produced, Plaintiffs
2 moved to extend the discovery deadline with respect to Mr. Garcia to March 3, 2023. Dkt. # 146.
3 The Court granted that unopposed motion on February 7. Dkt. # 147.

4 Counsel for Mr. Garcia provided responsive documents on February 18, and indicated they
5 would supplement this production before Mr. Garcia's second deposition. On February 21,
6 Plaintiffs issued a subpoena for Mr. Garcia's continued deposition to take place on February 28,
7 and counsel for Mr. Garcia accepted service of this subpoena. On February 25, counsel for Mr.
8 Garcia provided a supplemental production for Mr. Garcia, along with a cross-notice in the same
9 email on behalf of their other clients, Intervenor-Defendants, for the deposition of Mr. Garcia to
10 be taken three days later. Mr. Stokesbary and the firm of Holtzman Vogel have cross-noticed a
11 deposition of one client on behalf of a different set of clients. *See* Ex. 1 (Correspondence and
12 Cross-Notice of Deposition).

13 In light of the hearing the Court has scheduled on the State's Motion for Inquiry, Plaintiffs
14 are not comfortable proceeding with Mr. Garcia's continued deposition until the Motion for
15 Inquiry has been resolved by the Court. The unusual nature of Intervenor-Defendants' cross-notice
16 of Mr. Garcia's deposition, and the questions it raises (*e.g.*, who will defend Mr. Garcia's
17 deposition when his counsel is deposing him on behalf of their other clients?) illustrates exactly
18 why. Plaintiffs have therefore withdrawn the subpoena and canceled the February 28 deposition.

19 The Court set oral argument on the State's Motion for Inquiry for March 7 in an order
20 issued February 22, the day after Plaintiffs issued the subpoena for Mr. Garcia's continued
21 deposition. Dkt. # 152. The March 7 hearing—and the Court's resolution of the issues it will
22 cover—directly bears on how any further deposition of Mr. Garcia should proceed.

23 For the forgoing reasons, Plaintiffs respectfully request that the deadline for the continued
24 deposition of Benancio Garcia III be extended until after the Court has resolved the conflict issues
25 raised in the State's Motion for Inquiry.

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Dated: February 27, 2023

By: /s/ Edwardo Morfin

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

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

Mark P. Gaber*
Simone Leeper*
Aseem Mulji*
Benjamin Phillips*
Campaign Legal Center
1101 14th St. NW, Ste. 400
Washington, DC 20005
mgaber@campaignlegal.org
sleeper@campaignlegal.org
amulji@campaignlegal.org
bphillips@campaignlegal.org

Annabelle E. Harless*
Campaign Legal Center
55 W. Monroe St., Ste. 1925
Chicago, IL 60603
aharless@campaignlegal.org

Thomas A. Saenz*
Ernest Herrera*
Leticia M. Saucedo*
Mexican American Legal Defense
and Educational Fund
643 S. Spring St., 11th Fl.
Los Angeles, CA 90014
Telephone: (213) 629-2512
tsaenz@maldef.org
eherrera@maldef.org
lsaucedo@maldef.org

*Admitted pro hac vice

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that all counsel of record were served a copy of the foregoing this 27th day of February, 2023 via the Court’s CM/ECF system.

/s/ Edwardo Morfin

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

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**[PROPOSED] ORDER
GRANTING PLAINTIFFS'
MOTION TO EXTEND
DEADLINE FOR DEPOSITION
OF BENANCIO GARCIA III**

This matter came before the Court on Plaintiffs' Motion to Extend Deadline Regarding for deposition of Benancio Garcia III. The motion is GRANTED. The deadline to complete a continued deposition of Mr. Garcia will be reset following the Court's resolution of the State's Motion for Inquiry, Dkt. #150.

IT IS SO ORDERED.

DATED this ____ day of _____, 2023.

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