

From: [Dallin Holt](#)
To: [Mark Gaber](#)
Cc: [Drew Stokesbary](#); [Phil Gordon](#); andrew.hughes@atg.wa.gov; [Jason Torchinsky](#); [Brennan Bowen](#); [Ernest Herrera](#); [Simone Leeper](#); [Aseem Mulji](#); [Benjamin Phillips](#); chad@uclavrp.org; [Bernadette Reyes](#); eddie@morfinlawfirm.com; [Gwen Kelly](#); [Sonni Waknin](#); [Annabelle Harless](#); erica.franklin@atg.wa.gov; [Sepe, Cristina \(ATG\)](#); [Smith, Karl David \(ATG\)](#); [Worthington, Kate S. \(ATG\)](#); [Elizabeth Holcombe](#); [Andrew Pardue](#)
Subject: Re: Soto Palmer v. Hobbs: Garcia Subpoenas
Date: Monday, February 27, 2023 5:05:31 PM
Attachments: [image001.png](#)

Mark:

Intervenor-Defendants take no position on your proposed Motion. Additionally, due to the fact that we cross-noticed this deposition, we reserve our right to continue the deposition at our own discretion. I have notified Mr. Garcia that you have canceled tomorrow's deposition.

Thank you,

Dallin Holt
Of Counsel
Holtzman Vogel
Office: 520.492.3002
dholt@HoltzmanVogel.com // www.HoltzmanVogel.com

From: Dallin Holt <dholt@HoltzmanVogel.com>
Date: Monday, February 27, 2023 at 7:37 AM
To: Mark Gaber <MGaber@campaignlegalcenter.org>
Cc: Drew Stokesbary <dstokesbary@chalmersadams.com>, Phil Gordon <pgordon@HoltzmanVogel.com>, "andrew.hughes@atg.wa.gov" <andrew.hughes@atg.wa.gov>, Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>, Brennan Bowen <bbowen@HoltzmanVogel.com>, Ernest Herrera <eherrera@maldef.org>, Simone Leeper <SLeeper@campaignlegalcenter.org>, Aseem Mulji <amulji@campaignlegalcenter.org>, Benjamin Phillips <bphillips@campaignlegalcenter.org>, "chad@uclavrp.org" <chad@uclavrp.org>, Bernadette Reyes <bernadette@uclavrp.org>, "eddie@morfinlawfirm.com" <eddie@morfinlawfirm.com>, Gwen Kelly <gwen@uclavrp.org>, Sonni Waknin <sonni@uclavrp.org>, Annabelle Harless <aharless@campaignlegalcenter.org>, "erica.franklin@atg.wa.gov" <erica.franklin@atg.wa.gov>, "Sepe, Cristina (ATG)" <cristina.sepe@atg.wa.gov>, "Smith, Karl David (ATG)" <karl.smith@atg.wa.gov>, "Worthington, Kate S. (ATG)" <kate.worthington@atg.wa.gov>, Elizabeth Holcombe <eholcombe@HoltzmanVogel.com>, Andrew Pardue <apardue@HoltzmanVogel.com>
Subject: Re: Soto Palmer v. Hobbs: Garcia Subpoenas

Mark:

We received your email. In order to provide sufficient time for us to discuss internally, and with our client, we request that you provide us until 5:00 p.m. PT, today, to respond with our position.

Thank you,

Dallin Holt

Of Counsel

Holtzman Vogel

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From: Mark Gaber <MGaber@campaignlegalcenter.org>

Date: Sunday, February 26, 2023 at 6:46 PM

To: Dallin Holt <dholt@holtzmanvogel.com>

Cc: Drew Stokesbary <dstokesbary@chalmersadams.com>, Phil Gordon <pgordon@HoltzmanVogel.com>, "andrew.hughes@atg.wa.gov" <andrew.hughes@atg.wa.gov>, Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>, Brennan Bowen <bbowen@HoltzmanVogel.com>, Ernest Herrera <eherrera@maldef.org>, Simone Leeper <SLeeper@campaignlegalcenter.org>, Aseem Mulji <amulji@campaignlegalcenter.org>, Benjamin Phillips <bphillips@campaignlegalcenter.org>, "chad@uclavrp.org" <chad@uclavrp.org>, Bernadette Reyes <bernadette@uclavrp.org>, "eddie@morfinlawfirm.com" <eddie@morfinlawfirm.com>, Gwen Kelly <gwen@uclavrp.org>, Sonni Waknin <sonni@uclavrp.org>, Annabelle Harless <aharless@campaignlegalcenter.org>, "erica.franklin@atg.wa.gov" <erica.franklin@atg.wa.gov>, "Sepe, Cristina (ATG)" <cristina.sepe@atg.wa.gov>, "Smith, Karl David (ATG)" <karl.smith@atg.wa.gov>, "Worthington, Kate S. (ATG)" <kate.worthington@atg.wa.gov>, Elizabeth Holcombe <eholcombe@HoltzmanVogel.com>

Subject: RE: Soto Palmer v. Hobbs: Garcia Subpoenas

Counsel—

We received your cross notice on behalf of your clients, Intervenor-Defendants in the *Soto Palmer* case, to depose your other client, Mr. Garcia, Plaintiff in the *Garcia* case.

In light of the hearing that the Court has scheduled for March 7 regarding the Motion for Inquiry filed by the State, we are not comfortable with proceeding with Mr. Garcia's continued deposition until the State's Motion for Inquiry has been resolved by the Court. Moreover, we are not comfortable with our subpoena purporting to form the basis for your deposition of one client on behalf of your other clients.

We are thus withdrawing our subpoena for the deposition on Tuesday and canceling it. We are filing a motion with the Court for leave to extend the deadline for a continued deposition of Mr. Garcia, should we deem one necessary, pending resolution of the State's Motion for Inquiry. Please advise of your position with respect to the motion for extension by **noon PST Monday, February 27**. Counsel for the State and the Secretary, please likewise advise regarding your position on this motion.

Sincerely,
Mark Gaber


From: Dallin Holt <dholt@holtzmanvogel.com>

Sent: Saturday, February 25, 2023 8:16 PM

To: Mark Gaber <MGaber@campaignlegalcenter.org>
Cc: Drew Stokesbary <dstokesbary@chalmersadams.com>; Phil Gordon <pgordon@HoltzmanVogel.com>; andrew.hughes@atg.wa.gov; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; Brennan Bowen <bbowen@HoltzmanVogel.com>; Ernest Herrera <eherrera@maldef.org>; Simone Leeper <SLeeper@campaignlegalcenter.org>; Aseem Mulji <amulji@campaignlegalcenter.org>; Benjamin Phillips <bphillips@campaignlegalcenter.org>; chad@uclavrp.org; Bernadette Reyes <bernadette@uclavrp.org>; eddie@morfinlawfirm.com; Gwen Kelly <gwen@uclavrp.org>; Sonni Waknin <sonni@uclavrp.org>; Annabelle Harless <aharless@campaignlegalcenter.org>; erica.franklin@atg.wa.gov; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Smith, Karl David (ATG) <karl.smith@atg.wa.gov>; Worthington, Kate S. (ATG) <kate.worthington@atg.wa.gov>; Elizabeth Holcombe <eholcombe@HoltzmanVogel.com>
Subject: Re: Soto Palmer v. Hobbs: Garcia Subpoenas

Mark:

Link to supplemental production below:

 [Supplemental Garcia Subpoena Upload 2.23.23](#)

Also, please find a cross-notice for Tuesday's deposition with Mr. Garcia attached.

Thank you,

Dallin Holt
Of Counsel

Holtzman Vogel

Office: 520.492.3002

dholt@HoltzmanVogel.com // www.HoltzmanVogel.com

From: Dallin Holt <dholt@HoltzmanVogel.com>

Date: Saturday, February 25, 2023 at 9:14 AM

To: Mark Gaber <MGaber@campaignlegalcenter.org>

Cc: Drew Stokesbary <dstokesbary@chalmersadams.com>, Phil Gordon

<pgordon@HoltzmanVogel.com>, "andrew.hughes@atg.wa.gov"

<andrew.hughes@atg.wa.gov>, Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>, Brennan

Bowen <bbowen@HoltzmanVogel.com>, Ernest Herrera <eherrera@maldef.org>, Simone

Leeper <SLeeper@campaignlegalcenter.org>, Aseem Mulji <amulji@campaignlegalcenter.org>,

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"erica.franklin@atg.wa.gov" <erica.franklin@atg.wa.gov>, "Sepe, Cristina (ATG)"

<cristina.sepe@atg.wa.gov>, "Smith, Karl David (ATG)" <karl.smith@atg.wa.gov>, "Worthington,

Kate S. (ATG)" <kate.worthington@atg.wa.gov>, Elizabeth Holcombe

<eholcombe@HoltzmanVogel.com>

Subject: Re: Soto Palmer v. Hobbs: Garcia Subpoenas

Mark:

I am finalizing the production and will be providing later today. I appreciate your patience.

Thank you,

Dallin

Dallin Holt

Of Counsel

Holtzman Vogel

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On Feb 25, 2023, at 8:00 AM, Mark Gaber <MGaber@campaignlegalcenter.org> wrote:

Dallin—

Can you please update me regarding the supplemental production?

Thanks,

Mark

From: Dallin Holt <dholt@HoltzmanVogel.com>

Sent: Tuesday, February 21, 2023 11:11 AM

To: Mark Gaber <MGaber@campaignlegalcenter.org>

Cc: Drew Stokesbary <dstokesbary@chalmersadams.com>; Phil Gordon <pgordon@HoltzmanVogel.com>; andrew.hughes@atg.wa.gov; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; Brennan Bowen <bbowen@HoltzmanVogel.com>; Ernest Herrera <eherrera@maldef.org>; Simone Leeper <SLeeper@campaignlegalcenter.org>; Aseem Mulji <amulji@campaignlegalcenter.org>; Benjamin Phillips <bphillips@campaignlegalcenter.org>; chad@uclavrp.org; Bernadette Reyes <bernadette@uclavrp.org>; eddie@morfinlawfirm.com; Gwen Kelly <gwen@uclavrp.org>; Sonni Waknin <sonni@uclavrp.org>; Annabelle Harless <aharless@campaignlegalcenter.org>; erica.franklin@atg.wa.gov; Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Smith, Karl David (ATG) <karl.smith@atg.wa.gov>; Worthington, Kate S. (ATG) <kate.worthington@atg.wa.gov>; Elizabeth Holcombe <eholcombe@HoltzmanVogel.com>

Subject: Re: Soto Palmer v. Hobbs: Garcia Subpoenas

Mark:

Thanks. I will accept service of the attached. I will also confirm this depo date still works as well as any supplemental production that might be coming. As Mr. Garcia was not involved in the redistricting process in any way, if there is a supplement, it will be very small. I will be in touch.

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'
CROSS-NOTICE OF INTENTION TO
TAKE THE CONTINUED DEPOSITION OF
BENANCIO GARCIA III**

Please take notice that Intervenor-Defendants, by and through the undersigned attorneys and under Federal Rules of Civil Procedure 30(b)(6), will take the continued deposition of Benancio Garcia III ("Mr. Garcia") upon oral examination to be recorded by stenographic and/or videographic means, via remote video (Zoom) as originally noticed by Plaintiffs for February 28, 2023, at 9:00 a.m. Pacific Time. Intervenor-Defendants incorporate and join in the deposition notice previously served by Plaintiffs as fully set forth herein.

The deposition will be conducted before a certified reporter or other person duly authorized to administer such oaths and will be recorded by video. This deposition is subject to continuation or adjournment from time to time or place to place until completed. This deposition, when completed and filed, is intended to be used as evidence at the trial of this action or for any other lawful proper purpose.

Dated: February 25, 2023

Respectfully submitted,

/s/ Andrew R. Stokesbary

Andrew R. Stokesbary, WSBA #46097
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Dallin B. Holt (*admitted pro hac vice*)
Brennan A.R. Bowen (*admitted pro hac vice*)
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Counsel for Intervenor-Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically served the foregoing document upon all counsel of record.

DATED this 25th day of February 2023.

Respectfully submitted,

s/ Dallin B. Holt _____
Dallin B. Holt
Counsel for Intervenor-Defendants