The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

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' OPPOSITION TO INTERVENOR-DEFENDANTS' "EMERGENCY" MOTION TO STAY PROCEEDINGS

NOTE FOR MOTION CALENDAR: November 24, 2023

I. INTRODUCTION

This Court should deny Intervenor-Defendants' ("Intervenors") "emergency" motion to stay the remedial proceedings in this case. Intervenors waited *three months* to file this stay request—there is no "emergency." Moreover, Intervenors lack standing to appeal and would suffer no harm in the absence of a stay. Nor is there any indication that the Supreme Court will hear the *Soto Palmer* or *Garcia* appeals, much less rule for Intervenors (or Mr. Garcia), on the merits. In contrast, granting the stay would delay the remedy at the heart of this case until after the 2024 election, irreparably harming Plaintiffs. Intervenors' last-ditch delay tactic—their third stay

request in this litigation—runs counter to the public interest and orderly justice. For these reasons, the stay motion should be denied.

II. BACKGROUND

After a year and a half of litigation and a four-day trial, on August 10, 2023, this Court found that Washington's 15th Legislative District (LD15) violated Section 2 of the Voting Rights Act. Dkt. #218. Pursuant to this Court's orders, the remedial process is *well underway* with proposed maps, expert reports, and special master proposals due December 1, 2023; responses due December 22, and replies due January 5. This timeline ensures final maps will be in place by March 25, 2024, a deadline all parties stipulated is necessary to avoid disrupting the 2024 election. *Id.* at 32; Dkt. #191 at 20. Plaintiffs have devoted significant resources to meet the December 1 deadline, and the parties held a meet and confer on remedial matters on November 16, 2023.

Intervenors filed a Notice of Appeal to the Ninth Circuit on September 8, 2023. Dkt. #222. On October 31, Intervenors' counsel (representing their other client, Mr. Garcia), filed a Jurisdictional Statement with the U.S. Supreme Court appealing the dismissal of *Garcia* as moot. *Garcia v. Hobbs*, No. 3:22-cv-5152, Dkt. #81 (W.D. Wash. Sept. 8, 2023). On November 3, Intervenors filed a petition for a writ of certiorari before judgment in this case. Dkt. #231. On November 8, *three months* after this Court issued its opinion and two months after their initial appeal, Intervenors asked this Court to stay the remedial proceedings.

III. ARGUMENT

Intervenors lack standing to appeal and regardless fail all four stay factors. In evaluating an application for a stay pending appeal, this Court must assess whether (1) Intervenors have made a strong showing of likelihood of success on the merits; (2) Intervenors will be irreparably injured absent a stay; (3) a stay will substantially injure other parties; and (4) where the public interest lies.

Flores v. Barr, 977 F.3d 742, 745–46 (9th Cir. 2020) (citing *Nken v. Holder,* 556 U.S. 418, 434 (2009)). In deciding whether to stay this matter pending a separate related action, this court should also balance what best serves "the orderly course of justice."[1] *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005). Each factor weighs decisively against granting a stay.

A. Intervenors lack standing to appeal.

Intervenors, individuals with no legally cognizable interest, lack standing to appeal this case, let alone stay the entire remedial phase pending appeal. For this reason alone, Intervenors' motion fails. To have standing, a litigant must demonstrate "an invasion of a legally protected interest" that is "concrete and particularized" and "actual or imminent." *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992) (internal quotations omitted). Intervenors seeking to defend on appeal must also meet this Article III requirement. *Hollingsworth v. Perry*, 570 U.S. 693, 705 (2013) ("Standing 'must be met by persons seeking appellate review, just as it must be met by persons appearing in courts in the first instance'") (internal citation omitted); *Diamond v. Charles*, 476 U.S. 54, 56, 68 (1986). This ensures that "the decision to seek review…is not to be placed in the hands of 'concerned bystanders,' who will use it simply as a 'vehicle for the vindication of value interests.'" *Id*. at 62 (citation omitted).

Intervenors cannot establish standing to defend on appeal. In granting Intervenors only *permissive* intervention in this case, the Court expressly found that "intervenors lack a significant protectable interest in this litigation." Dkt. #69 at 5. Two of the three, Ybarra and Campos, ***do not***

[1] In a recent Supreme Court filing, counsel for Mr. Garcia (and Intervenors) now claim that *Garcia* and *Soto Palmer* share no common questions of law or fact; that claim directly contravenes their "emergency" stay filing here and demonstrates the pretense behind their request. Br. Opp. Int. Mot. at 2-3, https://www.supremecourt.gov/DocketPDF/23/23-467/289998/20231117165214269_23-467%20Garcia%20v.%20Hobbs%20Response%20to%20Motion.pdf.

even reside or vote in LD15, and thus have no cognizable interest in the district's configuration. *United States v. Hays*, 515 U.S. 737, 744-45 (a voter who "resides in a racially gerrymandered district . . . has been denied equal treatment" but other voters "do[] not suffer those special harms"); *Ala. Legislative Black Caucus v. Alabama*, 575 U.S. 254, 263 (2015); Dkt. #191 at 4.

Intervenors Campos and Trevino assert an interest "in ensuring that any changes to the boundaries of [their] district do not violate their rights to 'the equal protection of the laws'" and "in ensuring that Legislative District 15 and its adjoining districts are drawn in a manner that complies with state and federal law." Dkt. #57 at 6-7. But neither have alleged any improper racial classification—nor could they—and a blanket interest in "proper application of the Constitution and laws, and seeking relief that no more directly tangibly benefits [the intervenors] than it does the public at large[,] does not state an Article III case or controversy." *Lujan*, 504 U.S. at 574-74; *Allen v. Wright*, 468 U.S. 737, 754-55 (1984).

Moreover, this Court has not ordered *Intervenors* "to do or refrain from doing anything." *Hollingsworth* 570 U.S. at 705 (holding that non-governmental intervenor-defendants lack standing to appeal)*; Republican Nat'l Comm. v. Common Cause of Rhode Island*, 141 S. Ct. 206 (2020) (Mem.) (denying stay of consent decree between state officials and plaintiffs because "no state official has expressed opposition" and intervenor "lack[s] a cognizable interest in the State's ability to enforce its duly enacted laws") (internal quotations omitted). Intervenors have no role in enforcing state statutes or implementing any remedial plan.[2] Thus, Intervenors only interest in reversing this Court's order is "to vindicate the [] validity of a generally applicable [Washington]

[2] It is insufficient that Intervenors have an adversarial position despite the State not appealing. "The presence of a disagreement, however sharp and acrimonious it may be, is insufficient by itself to meet Art. III's requirements." *Diamond*, 476 U.S. at 62, 68.

law." *Hollingsworth*, 570 U.S. at 706. But the Supreme Court has repeatedly held that "such a 'generalized grievance,' no matter how sincere, is insufficient to confer standing." *Id*.

Intervenor Ybarra claimed an interest in "avoiding delays in the election cycle and in knowing ahead of time which voters will be included in his district," but this Court held that interest was adequately represented by the existing Defendants. Dkt. #69 at 5-7. More importantly, those interests are not particularized enough for Article III standing—every party in this litigation (and the public) has an interest in an orderly election—and no legislator is entitled to advance notice of his constituents or district lines. In addition, the Court's schedule ensures a remedial plan will be in place before 2024 election deadlines, Dkt. #230, and Rep. Ybarra will know his district's boundaries before the candidate filing date.

Finally, for the reasons stated above, Intervenors have no concrete or imminent interest in an appeal of any *remedy* here either. Moreover, the parties have not yet submitted remedial proposals—any allegations that Intervenors *may* be subject to racial classification or that race predominated are purely speculative. Dkt. #69 at 5 ("it would be premature to litigate a hypothetical constitutional violation…when no such violative conduct has occurred"); *Cooper v. Harris*, 137 S. Ct. 1455, 1463 (2017); *Hays*, 515 U.S. at 745 ("absent specific evidence" showing a voter has been subject to racial classification, voter "would be asserting only a generalized grievance against governmental conduct of which he or she does not approve" and lack standing).[3] If Intervenors have issues with any remedial district, they can file a lawsuit challenging it.

[3] Plaintiffs have already shown it is possible to draw a Yakima Valley area legislative district that is reasonably configured and complies with traditional redistricting criteria. Dkt. #218 at 9-11. This makes Intervenors' speculation about racial gerrymandering in any remedial district even less credible.

B. Intervenors are unlikely to succeed on the merits.

Even if Intervenors could appeal, they are unlikely to succeed on the merits. Likelihood of success "is the most important" factor for a stay pending appeal. *Mi Familia Vota v. Hobbs*, 977 F.3d 948, 952 (9th Cir. 2020). On appeal, this Court's legal conclusions will be reviewed *de novo* and its factual findings, "including its ultimate finding whether, under the totality of the circumstances, the challenged practice violates §2" will be reviewed for clear error. *Gonzalez v. Arizona*, 677 F.3d 383, 406 (9th Cir. 2012) (en banc); *Thornburg v. Gingles*, 478 U.S. 30, 79 (1986). This Court applied the proper legal standards and did not clearly err in its findings regarding the *Gingles* preconditions and the totality of the circumstances. Intervenors' claims otherwise fail.

First, this Court did not err in finding that the Yakima Valley region's Latino population is sufficiently large and geographically compact to constitute a majority in a legislative district. The State's expert, Dr. Alford, testified that Plaintiffs' illustrative plans "are 'among the more compact demonstration districts [he's] seen' in thirty years." Dkt. #218 at 10. Intervenors falsely claim that the Court "consider[ed] only the compactness of the outer boundaries in Plaintiffs' demonstrative maps, and not the compactness of Hispanic voters within those boundaries," Dkt. #232 at 5. But the Court heard testimony from expert and lay witnesses establishing that "Yakima and Pasco," two Latino population centers, "are geographically connected by other, smaller, Latino population centers" and that "Latinos in the Yakima Valley region form a community of interest based on more than just race." Dkt. #218 at 10; Dkt. #214 at 9, 17-23.[4] Moreover, Intervenors' expert stated at trial that he had no opinion on whether LD15 was compact, Tr. 599:10-15, and

[4] Intervenors' compactness argument is incorrect and irrelevant. Plaintiffs demonstrated it is possible to draw a performing majority-Latino district without combining Yakima and Pasco.

"acknowledged…that he does not know anything about the communities in the Yakima Valley region other than what the maps and data show." Dkt. #218 at 11 n.7. The record evidence contradicts Intervenors' claims and demonstrates failure on the merits of their appeal.

Second, this Court did not err in finding that voting in the Yakima Valley region is racially polarized. Contrary to Intervenors' assertions, this Court "conduct[ed] 'an intensely local appraisal' of the electoral mechanism at issue, as well as a 'searching and practical evaluation of the past and present reality.'" *Allen v. Milligan,* 599 U.S. 1, 19 (2023) (citation omitted). The Court's findings are consistent with the opinions of all four quantitative experts, *including Intervenors'*, that "Latino voters overwhelmingly favored the same candidate in the vast majority of the elections studied." Dkt. #218 at 12. For example, Intervenors' expert found cohesion among Latino voters in LD15 in 10 of the 11 elections he analyzed from 2018-2020, Ex. 1001 at 9; Tr. 583:5-588:24, 588:25-589:2, and the primary drawer of LD15 admitted he would have to "close [his] eyes" not to see the clear pattern of strong Latino support for and white bloc voting against the same candidates while drawing districts in the area. Tr. 381:8-15; 375:1-377:8. Additional qualitative evidence further established Latino cohesion. Dkt. #214 at 8-9.

The same is true for *Gingles* 3. The data and opinions of Plaintiffs' and the State's experts, which were undisputed by Intervenors, established "that white voters in the Yakima Valley region vote cohesively to block the Latino-preferred candidates in the majority of elections." Dkt. #218 at 12; Dkt. #214 at 9-12. This was particularly true when election contests featured Spanish-surnamed candidates, leading the State's expert to conclude there is "a real ethnic effect on voting in this area." Tr. 853:21-854:15.

Moreover, this Court did not "ignore" the 2022 election of a Latina Republican, Nikki Torres, to LD15. Dkt. #232 at 5-6; *cf.* Dkt. #218 at 12-13. Rather, the Court carefully weighed the

testimony and analyses regarding that election, including testimony from Drs. Barreto and Collingwood that Latino voting in the election was cohesive at levels consistent with past elections in favor of Lindsey Keesling, the losing candidate, while white voters cohesively preferred Ms. Torres, the winning candidate. Dkt. #218 at 12-13; Tr. 76:10-22; 77:2-17; Tr. 639:24-641:2. Even if this were not the case, LD15's 2022 election is a "special circumstance" with less probative value as an election that took place during the pendency of VRA litigation and featuring a lopsided election contest. Dkt. #214 at 11.

Third, this Court applied the proper legal standards and did not err in finding that the Yakima Valley region's Latino voters do not, under the totality of the circumstances, have an equal opportunity to elect state legislative candidates of their choice. The Court made numerous findings related to the Senate Factors and other relevant regional factors. Dkt. #218 at 14-28. Intervenors' disagreement with the *outcome* of the analysis does not mean the Court applied the wrong *legal standard* in conducting it.

Intervenors argue that "the Court found that certain usual burdens of voting evidenced an abridgment of the right to vote." Dkt. #232 at 6. Intervenors neglect to elaborate, but presumably take issue with the Court's findings regarding the "official discrimination that impacted and continues to impact [Latino voters'] rights to participate in the democratic process" as well as "unrebutted evidence of…electoral practice[s] that may enhance the opportunity for discrimination against the minority group." Dkt. #218 at 17-18. But a long history of official, voting-related *racial discrimination* including English literacy tests, failure to comply with federal law and provide bilingual election materials, and dilutive at-large election systems are not "a usual burden of

voting." Dkt. #214 at 13-15. Nor are practices such as disparate signature rejection.[5] Indeed, due to this sordid history, the State even admitted "…that under the totality of the circumstances, Hispanic voters in LD15 are less able to participate in the political process and elect candidates of their choice than white voters." Dkt. #194 at 13-14.

Finally, Intervenors themselves misunderstand the proper legal standard in asserting that the Court "failed to identify the required causal nexus…brushing aside the evidence that partisanship, not race, drives voting patterns in Yakima Valley." Dkt. #232 at 6. The Ninth Circuit has rejected similar arguments, *see Old Person v. Cooney*, 230 F. 3d 1113, 1128 (9th Cir. 2000), and *Gingles* makes clear that "[i]t is the difference between the choices made by [minorities] and white[s] – not the reasons for that difference – that results in [minorities] having less opportunity than whites to elect their preferred representatives." 478 U.S. at 62-63, 74 (plurality); *id*. at 100 (O'Connor, J., concurring). Even so, this Court did not ignore Intervenors' scant proof of partisanship as the driving force of Yakima Valley's voting patterns; it *weighed* it. Intervenors' bare assertions simply did not outweigh Plaintiffs' substantial evidence that Latinos in the region "prefer candidates who are responsive to the needs of the Latino community whereas their white neighbors do not. The fact that the candidates identify with certain partisan labels does not detract from this finding." Dkt. #218 at 31.

This Court joins many others in finding that a majority-minority CVAP district can dilute the minority's voting power where, as here, they still cannot elect candidates of their choice.[6] *See*,

[5] In fact, disparate signature rejection for Latino voters is so *unusual* that both Yakima and Benton counties agreed to settle claims regarding them and alter their signature verification processes. *Reyes et al., v. Chilton et al,* 4:21-cv-05075 (E.D. Wash. 2023), Dkt. #195, #199.

[6] And a minority *candidate*, like Nikki Torres, is not automatically the minority *candidate of choice*. *LULAC v. Perry*, 548 U.S. 399, 438-41 (2006) (redistricting diluted Latino voting strength because Latino voters were near ousting non-Latino-preferred Latino incumbent).

e.g., *Perez v. Abbott*, 253 F. Supp. 3d 864, 880 (W.D. Tex. 2017) ("[T]he existence of a majority HCVAP in a district does not, standing alone, establish that the district provides Latinos an opportunity to elect, nor does it prove non-dilution."). Because this Court applied the proper legal standards and did not clearly err in its factual determinations, this "most important" factor weighs heavily *against* a stay.

C. Intervenors will suffer no harm absent a stay.

Irreparable harm absent a stay is the second of the two "most critical" factors in consideration of a stay pending appeal. *Mi Familia Vota*, 977 F.3d at 952 (citation omitted). The claimed irreparable harm must be "*likely* to occur;" the mere "possibility of irreparable injury" is insufficient to grant a stay. *E. Bay Sanctuary Covenant v. Trump*, 932 F.3d 742, 778 (9th Cir. 2018) (internal citations and quotations omitted) (emphasis in original). Intervenors admit the critical role of irreparable harm in the analysis, Dkt. #232 at 4, *but do not even attempt to show any* if the remedial process continues. This failure dooms their stay application. *Leiva-Perez v. Holder*, 640 F.3d 962, 965 (9th Cir. 2011).

Intervenors attempt to rescue their chances by suggesting that absent a stay "all parties" may suffer "hardship" by having to continue the remedial process. Dkt. #232 at 11. But this is certainly not true of Plaintiffs—who would suffer irreparable harm if a stay is granted. Moreover, the balance of hardships must "tip[] sharply" in favor of the party requesting the stay, *Flores*, 977 F.3d at 748, and the time and resources necessary to continue litigation do not constitute sufficient hardship. *Conkright v. Frommert*, 556 U.S. 1401, 1403 (2009) (Ginsburg, J., in chambers). Additionally, *consideration of race in fashioning a Section 2 remedy* does not constitute harm, Dkt. #232 at 11; it is a legal requirement. *Allen,* 599 U.S. at 30. Intervenors have asserted no harms warranting a stay, let alone irreparable ones.

Finally, Intervenors' dilatory stay request significantly undermines the urgency of their application. *Lopez*, 713 F.2d at 1435 (denying "emergency stay" pending appeal filed after "unexplained delay" of 56 days). Rather than moving for a stay when this court issued its judgment—or in the *three months* since—Intervenors waited until three weeks before remedial plans and briefing are due to demand a stay on an improperly expedited timeline. Intervenors offer no explanation for the *90 days* that elapsed between the issuance of the opinion and the filing of their stay application, strongly suggesting they face no impending harm. *See Valeo Intell. Prop., Inc. v. Data Depth Corp.*, 368 F. Supp. 2d 1121, 1128 (W.D. Wash. 2005) ("three-month delay…inconsistent with [movant's] insistence that it faces irreparable harm").

D. Plaintiffs will suffer irreparable harm if remedial proceedings are stayed.

In contrast to Intervenors, Plaintiffs will be irreparably harmed and "substantially injure[d]" if remedial proceedings are stayed. *Nken,* 556 U.S. at 434. "It is well established that the deprivation of constitutional rights 'unquestionably constitutes irreparable injury.'" *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). "A restriction on the fundamental right to vote therefore constitutes irreparable injury." *Obama for Am. v. Husted*, 697 F.3d 423, 436 (6th Cir. 2012). And there is no "adequate legal remedy" once that right is abridged in an election. *League of Women Voters of N. Carolina v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014) ("[O]nce the election occurs, there can be no do-over and no redress.").

This is precisely the irreparable harm that Plaintiffs will suffer if this Court stays the remedial process. All parties, including Intervenors, agreed that "March 25, 2024 is the latest date a finalized legislative district map must be transmitted to counties without significantly disrupting the 2024 election cycle." Dkt. #191 at 20. If a stay is granted, the appellate briefing schedules in

this case and *Garcia* would make it virtually impossible for those matters to be resolved in time for the remedial process to restart, let alone complete, prior to the March 25 deadline. *See*, *e.g.*, *Trevino v. Soto Palmer,* No. 23-25595, Dkt. #1-1 (Ninth Circuit setting Dec. 21, 2023, Jan. 22, 2024, and Feb. 12, 2024 deadlines for opening brief, response, and reply). A stay pending appeal would therefore result in Plaintiffs once again being denied an equal opportunity to elect candidates of their choice to the state legislature, a body which is "historically, the fountainhead of representative government in this country." *Reynolds v. Sims*, 377 U.S. 533, 564 (1964). That substantial harm to Plaintiffs makes this factor weigh heavily against granting Intervenors' motion.

E. A stay harms the orderly administration of justice and public interest.

This Court has discretion to control its own docket in the interest of orderly justice and judicial economy, which includes "provid[ing] for the prompt and efficient determination of the cases pending before it." *Leyva v. Certified Grocers of California, Ltd.*, 593 F.2d 857, 863 (9th Cir. 1979). Intervenors suggest that this case may be "easier to decide at some later date." Dkt. #232 at 10. But this case has already been decided. Intervenors lost. Intervenors assert that the "likely result" of their last-ditch appeals to the Supreme Court will materially affect the remedial process already underway. *Id.* But delaying the remedial process is neither "prudent" nor "efficient," and orderly justice is served by denying the stay application.

The fact that *some* cases were stayed pending appeal is not an argument that *this one* should be, and Intervenors' cited cases are inapposite. Dkt. #232 at 7. For example, in all of them, the evaluation of the potential harms is fundamentally different: either the moving party would have "suffer[ed] irreparable harm," or the risk of a stay to the nonmoving party was "minimal" or "slight." *contra id.* at 7 (citing inapposite district court cases). As discussed above, the complete

opposite is true here where Intervenors have demonstrated no harm and Plaintiffs risk irreparable harm if a stay delays a remedy until after the 2024 election.

Additionally, Intervenors list several cases where district court proceedings were stayed pending action by the Supreme Court. Dkt. #232 at 8 n.3. But in *all of them*, the Supreme Court had already granted review (or heard argument) in the case in question.[7] That is a far cry from the current situation where Intervenors have simply asked the Supreme Court to review this case without *any* indication that it will oblige. If filing a petition for certiorari were all it took to grind a district court's remedial proceedings to a halt, opposing parties would always file, stymying efforts to timely implement a remedy.

At minimum, an applicant for a stay pending certiorari must demonstrate "reasonable probability that [the Supreme] Court would eventually grant review and a fair prospect that the Court would reverse." *Merrill v. Milligan*, 142 S. Ct. 879, 880 (2022) (mem) (Kavanaugh, J., concurring). Intervenors have made no such showing. Moreover, after "declin[ing] to recast" Section 2 jurisprudence in *Allen v. Milligan* the Supreme Court is unlikely to now upend "nearly forty years" of precedent not even a year later. Dkt. #218 at 6 n.5 (quoting *Allen*, 143 S.Ct. at 1507-08).

Intervenors ignore all this, and instead engage in extended hypotheticals about how a series of unlikely rulings in their appeal of this case or *Garcia* could justify a stay. Dkt. #232 at 9. Intervenors claim that if the remedial process continues, a later decision by an appellate court *might* affect the new map or newly elected officials resulting from a remedy. *Id.* at 10. But Intervenors fail to describe the alternate—more likely—outcome if a stay is granted: affirmance by the

[7] Intervenors also cite two instances of stays pending action by circuit courts in circumstances totally different than here, making them similarly unavailing.

appellate courts would come too late to restart the remedial process and provide remedy in time for the next election. While Intervenors "may prefer a particular order of resolution, they do not demonstrate the orderly course of justice would be better served through imposition of a stay." *Hunichen v. Atonomi LLC*, 2021 WL 9567172, at *2 (W.D. Wash. May 25, 2021).

Finally, the public interest would not be served by granting a stay. *Flores*, 977 F.3d at 745 (citing *Nken*, 556 U.S. at 434). Intervenors identify this as a factor to be considered, Dkt. #232 at 4, but effectively neglect to address it. The interest of the public in having a finalized—and legal—legislative district for the 2024 election is significant. When the defendant in the ongoing Louisiana redistricting challenge sought a stay of the remedial process pending appeal, it was denied because the litigation "should be resolved in advance of the 2024 [] elections." *Robinson v. Ardoin*, No. 23A281, 2023 WL 6886438, at *1 (U.S. Oct. 19, 2023) (Jackson, J., concurring). So too here.

IV. CONCLUSION

For the foregoing reasons, Intervenors' "emergency" stay application should be denied, and the remedial process should proceed so that a VRA-compliant legislative district in the Yakima Valley can be in place in time for the 2024 election cycle.

Dated: November 20, 2023

Respectfully submitted,

By: */s/ Chad W. Dunn*

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CERTIFICATE OF SERVICE

I certify that all counsel of record were served a copy of the foregoing this 20th day of November 2023, via the Court's CM/ECF system.

/s/ Chad W. Dunn
Chad W. Dunn
Counsel for Plaintiffs

CERTIFICATE OF COMPLIANCE

I certify that this Motion contains 4,200 words, in compliance with the Local Civil Rules.

/s/ Chad W. Dunn
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Counsel for Plaintiffs

The Honorable Robert S. Lasnik

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Judge: Robert S. Lasnik

[PROPOSED] ORDER DENYING INTERVENOR-DEFENDANTS' EMERGENCY MOTION TO STAY PROCEEDINGS

This matter came before the Court on Intervenor-Defendants' Emergency Motion to Stay Proceedings. The Court has reviewed and considered all briefing and any supporting papers presented to the Court, as well as any hearing in this matter.

Based on the foregoing, it is hereby ORDERED that the Intervenor-Defendants' Motion is DENIED.

IT IS SO ORDERED.

DATED this _____ day of _____, 2023.

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

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