

The Honorable Robert S. Lasnik

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**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’ RESPONSE TO
INTERVENOR-DEFENDANTS’
MOTION TO EXTEND TIME OF,
AND ESTABLISH PROCEDURES
FOR, REMEDIAL EVIDENCIARY
HEARING**

Plaintiffs present this brief response to explain their opposition to Intervenor-Defendants’ Motion to Extend Time of the Remedial Evidentiary Hearing and to present their full positions on the admissibility of Dr. Trende’s supplemental expert report and the division of time between the parties.

First, Plaintiffs oppose Intervenor-Defendants’ motion to extend the time of the evidentiary hearing. This Court made clear that the hearing would focus “in particular” on “Remedial Map 3A.” Dkt. # 266 at 1. The factual disputes are thus limited, and any testimony should be similarly

1 limited. Moreover, the parties have had ample opportunities to brief their positions and present
 2 evidence throughout the remedial process, including opportunities to present expert reports both
 3 before and after the Court indicated its focus on Map 3A.

4 *Second*, Intervenor-Defendants failed to include Plaintiffs' full position regarding the
 5 stipulated admission of the supplemental remedial expert report of Dr. Sean Trende, Dkt. # 273.
 6 Plaintiffs note that, while they stipulate the admissibility of Dr. Trende's supplemental report, the
 7 new map contained therein along with the related data and analysis are untimely and should be
 8 excluded.
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10 *Finally*, Plaintiffs note that Intervenor's motion assumes the hearing is currently set for
 11 four hours, *see* Dkt. # 279 at 3, an assumption not shared by Plaintiffs. Intervenor also assume
 12 that there will be an even share of time for each expert. *Id.* at 2 ("Assuming an equal division
 13 between the experts, the current afternoon time allocation would allow for each expert to be on the
 14 stand for a total of 80 minutes."). Plaintiffs reiterate their position that the time allocated for the
 15 hearing be evenly divided between Intervenor and Plaintiffs (with the State's time subtracted from
 16 Plaintiffs' per the Court's indication at the hearing), with each side to determine the manner in
 17 which they want to spend their time.
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19 Dated: March 4, 2024

Respectfully submitted,

20 By: /s/ Simone Leeper

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CERTIFICATE OF SERVICE

I certify that all counsel of record were served a copy of the foregoing this 4th day of March 2024, via the Court’s CM/ECF system.

/s/ Simone Leeper
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Counsel for Plaintiffs

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