IN THE IOWA DISTRICT COURT FOR POLK COUNTY

LEAGUE OF UNITED LATIN AMERICAN CITIZENS OF IOWA,

Plaintiff,

v.

IOWA SECRETARY OF STATE PAUL PATE, in his official capacity, and IOWA ATTORNEY GENERAL THOMAS MILLER, in his official capacity,

Defendants.

CASE NO. CVCV061476

PLAINTIFF'S RESISTANCE TO THE REPUBLICAN NATIONAL COMMITTEE, NATIONAL REPUBLICAN SENATORIAL COMMITTEE, NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE, AND REPUBLICAN PARTY OF IOWA'S MOTION TO INTERVENE

COMES NOW Plaintiff League of United Latin American Citizens ("LULAC") of Iowa, by and through the undersigned counsel, and in support of their Resistance to the Republican National Committee, the National Republican Senatorial Committee, the National Republican Congressional Committee, and the Republican Party of Iowa's Motion to Intervene as Defendants, respectfully submit this brief.

INTRODUCTION

Plaintiff League of United Latin American Citizens of Iowa ("LULAC") is a nonpartisan, nonprofit organization that filed this action to enjoin SF 413 (the "Voter Suppression Bill" or the "Bill") and to prevent the disproportionate burdens that it imposes on the right to vote. By contrast, the Republican National Committee, the National Republican Senatorial Committee, the National Republican Congressional Committee, and the Republican Party of Iowa (collectively, the "Republican Committees") are partisan actors who have moved to intervene on the premise that LULAC's challenge potentially alters the "structure of the competitive environment"—that is, the

rules by which elections are run, ostensibly to the detriment of Republican candidates. This argument is flawed for two reasons.

First, although their claim of interest necessarily relies on it, the Republican Committees make no attempt to articulate *how* the "competitive environment" or their interests in "assist[ing] Republican candidates in winning election" is actually impaired by this action. LULAC's lawsuit seeks to re-instate Iowa's longstanding elections practices, not change them. Although the Voter Suppression Bill went into effect on March 8, 2021, no elections have taken place under this new law. And no statewide elections will take place until 2022. Any injunction of the recently-enacted voting laws would maintain, rather than alter, the "competitive environment" that the Republican Committees have long operated within. Under those pre-existing laws, Republican candidates enjoyed statewide success up and down the ballot. Perhaps even more importantly, the Republican Committees offer no explanation of how LULAC's requested relief would impairs their stated interests going forward. In absence of any such explanation, the Republican Committee's interest in enforcing the Bill is no different than any other Iowan who prefers the changes to the state's elections laws (for whatever reason). In other words, a generalized and indirect grievance, rather than one particularized and concrete. *Second*, even if the Republican Committees generalized desire to enforce the Bill could amount to a protectible interest (and under well-established case law, it does not), it is adequately represented by Defendants Paul Pate and Thomas Miller. These officials are tasked respectively with administering and enforcing the law and have given no indication that they will not defend it.[1] Indeed, it is particularly curious that the Republican Committees suddenly believe Secretary Pate incapable of protecting political parties' interests as, just last year, the Republican Committees themselves—along with the Trump campaign—

[1] Notably, Defendant Pate is a Republican.

successfully opposed the intervention of Democratic Party committees in two separate cases in Iowa involving the validity of absentee ballot forms distributed to voters, arguing in both cases that the Secretary adequately represented the Democratic Party's interests and that intervention would delay and complicate adjudication of the issue. *Finally*, the Republican Committees' alternative request for permissive intervention should be denied because their participation in this action would serve only to waste judicial resources, prolong litigation, and needlessly duplicate proceedings, all to LULAC's detriment.

To the extent the Republican Committees wish to lend their voice to the resolution of these issues, they may seek leave to submit an amicus brief, but their generalized interest in enforcing laws do not confer a right to participate in this case, and the likelihood of protracted litigation and duplicative filings and discovery counsels against permissive intervention.

FACTUAL BACKGROUND

After record-breaking voter turnout and in the 2020 general election, Iowa's Republican majority swiftly passed the Voter Suppression Bill along party lines. Compl. at ¶ 21. Although the Bill's effective date was March 9, 2021, no elections have yet taken place under the new law, and no statewide elections will take place under the law until 2022.

The Voter Suppression Bill was introduced in the immediate aftermath of a prolonged cynical attempt to overturn the 2020 presidential election results through false accusations of voter fraud, but the Bill's sponsors have repeatedly and vehemently asserted that the Bill is not meant to combat voter fraud *and* that Iowa's elections are secure. Compl. at ¶ 4, 66. Instead, they claim to have advanced the bill to reassure Iowa voters that the election process is secure. Compl. at ¶ 4.

The proponents' rationalizations, however, do not align with the assortment of voting restrictions included in the Bill, most of which have nothing to do with election security. The Voter

Suppression Bill's restrictions reduce or in some cases eliminate opportunities for Iowans to vote by, for instance, (1) reducing the number of days when voters can register before elections (SF 413 § 22); (2) reducing the number of days when voters can request absentee ballots (*id.* §§ 43, 45); (3) shortening the absentee voting period by more than one week (*id.* § 47); (4) reducing the number of days when county auditors can send out absentee ballots (*id.* §§ 45, 47); (5) reducing the number of days for most voters to return their absentee ballots and applying ballot-receipt deadlines unequally (*id.* §§ 1, 52, 54, 66); (7) inhibiting or eliminating the ability of election officials to establish convenient opportunities for absentee voting at satellite voting stations, county auditors' offices, and drop boxes (*id.* §§ 50–51, 53); (8) criminalizing the act of assisting voters with returning their absentee ballots and preventing voters from selecting a person of their choice to return their ballots (*id.* § 65); (9) shortening the length of time when polls are open on election day (*id.* § 36); and (10) reducing the amount of time that employers must provide to certain employees on election day so they can vote (*id.* § 41).

The Bill's restrictions impose burdens on Iowa voters generally, but the burden on the right to vote is especially severe for minority voters and young voters. And as the overwhelming number of public comments formally lodged against the Bill (as well as scores of opinion pieces that have been written regarding the same) reflect, Iowa voters by and large did not want their elections to be restricted in these ways. More than 1,200 submitted comments on the Bill as it was being considered, with fewer than three dozen in support. The rest were opposed, and strongly so, making it clear that they viewed the law as an entirely unnecessary exercise in voter suppression that would make Iowa's elections less trustworthy, not more. The county auditors, who are tasked with actually running the state's elections, felt the same. In fact, the Iowa State Association of County Auditors affirmatively opposed the Bill, on the grounds that it would both make voting harder for

lawful Iowa voters and make it harder for the auditors to administer elections. In other words, instead of restoring faith in the integrity of Iowa's elections, the Voter Suppression Bill does the opposite: it unnecessarily burdens both voters (including some of the state's historically most vulnerable voters) and elections officials, broadly destroying confidence in the openness, accessibility, and fairness of the state's elections.

Plaintiff LULAC, a non-partisan, non-profit organization, is the largest and oldest Latino civil rights group in the country. There are more than 600 LULAC members in Iowa, and LULAC educates its members and constituents regarding participation in the electoral process. LULAC filed this lawsuit challenging unconstitutional Voter Suppression Bill the day after it was signed into law and seeks an injunction to prevent the Bill's enforcement in future elections. LULAC's members and constituents are among the Iowans most likely to be harmed by this Bill, and LULAC seeks to protect its members' rights as well as its own rights of free speech and assembly.

ARGUMENT

I. Proposed Intervenors are not entitled to intervene as of right.

The Republican Committees wish to participate in this action in order to keep the recently passed Voter Suppression Bill intact. But the mere desire to weigh in on an ongoing lawsuit or to enforce a law as written are insufficient to warrant intervention as of right. The Republican Committees fail to articulate how any protectible legal interest they might possess that would be impaired by an injunction of the Voter Suppression Bill, and there is no indication that the existing defendants, one of whom is a Republican official elected, will fail to adequately defend the Bill. Their request to intervene as of right should be denied.

A. Proposed Intervenors do not possess a directly affected legal interest sufficient to intervene as of right.

Before a third party can intervene in an ongoing case, courts "must be certain that the applicant has asserted a legal right or liability that will be directly affected by the litigation." *In re H.N.B.*, 619 N.W.2d 340, 343 (Iowa 2000) (citing Iowa R. Civ. P. 75). The Iowa Rules of Civil Procedure authorize intervention as of right "[w]hen the applicant claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties." Iowa R. Civ. P. 1.407(1)(b) (emphasis added). An indirect, speculative, or remote interest, however, does not confer a right to intervene. *Id.*; *State ex rel. Miles v. Minar*, 540 N.W.2d 462, 465 (Iowa Ct. App. 1995) (citing Iowa R. Civ. P. 75).

While the Republican Committees assert that their interests are "plain," their motion fails to articulate anything other than conclusory statements and generalized grievances that are neither factually nor legally sufficient to meet their burden. Mot. to Intervene at 8. To be sure, ambiguous phrases referencing the "structure of the competitive environment" or "winning election or reelection" appear in the Republican Committees' motion, but they never get around to explaining *how* enjoining the Voter Suppression Bill and *returning to the pre-existing law* threatens their chances of "winning an election or reelection" or otherwise impairs their interests. The Republican Committees do not allege, for instance, that the pre-existing law was unconstitutional or that it impacted their supporters and candidates in any negative way. *See Shays v. Federal Election Commission*, 414 F.3d 76 (D.C. Cir. 2005) (allowing intervention to challenge *illegal* structuring of competitive environment); *Nader v. Federal Election Commission*, 725 F.3d 226, 228 (D.C. Cir. 2013) ("Injury from an '*illegally* structured' competitive environment can give rise to

competitor standing.") (emphasis added). Nor do they allege any disadvantage that would result if the Court were to grant LULAC's requested relief and enjoin the Voter Suppression Bill.

It is telling that the motion to intervene makes no serious attempt to explain how LULAC's legal challenge affects the Republican Committees' efforts to assist Republican candidates in winning elections. *See* Mot. to Intervene at 7-9. In the November 2020 election held under the pre-existing law (to which this case would revert should Plaintiffs prevail), the Republican presidential candidate won 53.1% of the vote. Both of Iowa's U.S. Senators are Republicans. Countless other Republicans have been elected up and down the ticket in Iowa for as long as the state has been in existence. Republicans control the Iowa House, the Iowa Senate, and sit in the Governor's mansion. All of these office holders were elected under the provisions that pre-dated the Voter Suppression Bill—laws which LULAC's requested injunction would restore.

These realities significantly undermine the Republican Committees' boilerplate arguments for intervention. They contend, for instance, that the Bill would "impose a 180-degree turn on Iowa voting procedure" that would lead to "inevitable confusion" and disincentivize voters from casting their ballots, "forc[ing] [the Proposed Intervenors] to spend substantial resources informing Republican voters of the change." Mot. to Intervene at 10–11. But these assertions make no sense in this context, where the Bill at issue is only recently-enacted and has yet to be implemented in any election. If anything, it is the Voter Suppression Bill and its new slate of restrictions that create inevitable confusion as Iowans attempt to navigate the sea change in voting restrictions which the Republican Committees, for reasons they have not adequately explained, seek to defend. LULAC's requested injunction merely reverts back to the long-standing, pre-existing voting procedures to which Iowa voters are already accustomed.

Similarly, any expenditures the Republican Committees may incur in "informing Republican voters of the change" would not entitle them to participate in this lawsuit. Mot. to Intervene at 10. "General economic interests are not protectable and cannot serve as the basis for intervention" as of right *absent something more*. *United States v. Metro. St. Louis Sewer Dist.*, 569 F.3d 829, 839 (8th Cir. 2009). In most voting cases, the "something more" is that the diversion of resources is necessary to protect their voters against undue burdens or even disenfranchisement. The Voter Suppression Bill, however, is more restrictive than its predecessor and offers fewer opportunities for voting; an injunction would benefit all voters, including the Republican Committees' supporters. Those who cast their ballots while erroneously believing that the Voter Suppression Bill was still in place *would be no worse off*. Republican Committees may find it beneficial to inform voters of expanded opportunities to participate in the political process; but they fail to explain how their efforts to take advantage of expanded voting opportunities impairs their legal interests. Mot. to Intervene at 9 (stating that they will need to "divert substantial resources" to "deal with the adverse impacts" of voting without the restrictions in place but not articulating how or why); *cf. Bognet v. Sec'y of Commonwealth of Pa.*, 980 F.3d 336, 351 (3d Cir. 2020) (holding Republican candidate lacked standing by failing, among other reasons, to explain how counting more votes "would lead to a less competitive race"); *Wise v. Circosta*, 978 F.3d 93, 100 (4th Cir. 2020) (en banc) (noting, in rejecting challenge by RNC, NRSC, and NRCC to settlement extending ballot receipt deadline to allow more people to vote, that "in a sharp departure from the ordinary voting-rights lawsuit, *no one was hurt by this deadline extension*") (emphasis in original); *Donald J. Trump for President, Inc. v. Cegavske*, 488 F. Supp. 3d 993, 998-1003 (D. Nev. 2020) (holding presidential campaign, RNC, and Nevada Republican Party lacked standing to challenge Nevada law that would lead to counting of more votes).

Perhaps recognizing the absence of any non-generalized interest in enforcing an election law that has yet to be implemented, the Republican Committees string-cite cases in which courts granted intervention to political parties, ostensibly to suggest that their intervention here is a foregone conclusion. Not so. Just last year, the Republican Committees themselves—along with the Trump campaign—opposed the intervention of Democratic Party committees in two separate cases in Iowa involving the validity of absentee ballot forms distributed to voters; in both cases, the courts agreed with the Republican Committees that the Secretary of State adequately represented the Democratic Party's interests and that intervention would delay and complicate adjudication of the issue and denied intervention. *See* Order (Aug. 25, 2020), *Republican Nat'l Comm. v. Miller*, Linn County Case No. EQCV095986; Order (Aug. 27, 2020) *Republican Nat'l Comm. v. Weipert*, Johnson County Case No. CVCV081957. Elsewhere, courts around the country denied intervention by Republican Party committees in election law disputes when, like here, they failed to establish a right to intervene. *See e.g., Chambers v. North Carolina*, No. 20-CVS-500124 (N.C. Sup. Ct. Sept. 3, 2020) (order denying Republican Committees' motion to intervene); *Common Cause Rhode Island v. Corbea*, No. 1:20-cv-00318-MSM-LDA (D.R.I. July 28, 2020) (denying Republican National Committee and Rhode Island Republican Party's motion to intervene); *Mich. All. For Retired Americans v. Benson*, 20-000108-MM (Mich. Court of Claims, July 14, 2020); *Democracy N. Carolina v. N. Carolina State Bd. of Elections*, No. 1:20CV457, 2020 WL 6591397, at *1 (M.D.N.C. June 24, 2020) (denying RNC, NRSC, NRCC, and North Carolina Republican Party's motion to intervene in voting rights case); *One Wis. Inst. Inc. v. Nichol*, 310 F.R.D. 394, 399 (W.D. Wis. 2015) (denying intervention to Republican officials and voters); *Am. Ass'n of People with Disabilities v. Herrera*, 257 F.R.D. 236, 259 (D.N.M. 2008) (denying intervention motions by Republican entities seeking to defend restrictive election law).

While the Republican Committees identified some cases in which courts granted intervention to political parties, their citations do not tell the full story. When courts have allowed political parties to intervene, they have generally done so through *permissive* intervention, which, for the reasons discussed in section II, is unwarranted here. *See, e.g.*, *Ariz. Democratic Party v. Hobbs*, Doc. 60, No. 2:20-cv-01143-DLR (D. Ariz. June 26, 2020); *Swenson v. Bostelmann*, Doc. 38, No. 3:20-cv-459-wmc at 4 (W.D. Wis. June 23, 2020); *Nielsen v. DeSantis*, Doc. 101, No. 4:20-cv-236-RH (N.D. Fla. May 28, 2020); *Priorities USA v. Nessel*, 2020 WL 2615504, at *5 (E.D. Mich. May 22, 2020); *Thomas v. Andino*, 2020 WL 2306615, at *4 (D.S.C. May 8, 2020); *Democratic Nat'l Comm. v. Bostelmann*, 2020 WL 1505640, at*5 (W.D. Wis. Mar. 28, 2020). And some of the motions to intervene cited by the Republican Committees were unopposed. *E.g.*, *Edwards v. Vos*, Doc. 27, No.3: 20-cv-340-wmc (W.D. Wis. June 23, 2020); *Lewis v. Knudson*, Doc. 63, No. 3:20-cv-284 (W.D. Wis. Mar. 31, 2020); *Gear v. Knudson*, Doc. 58, No. 3:20-cv-278 (W.D. Wis. Mar. 31, 2020).

In any event, the different conclusions reached by courts around the country undermine, rather than support, the Republican Committees' suggestion that courts should rubberstamp intervention by political parties when voting laws are at stake. Instead, each request and the party's asserted interests must be scrutinized to determine whether they meet the standards for intervention in the specific case before the court. Because the Republican Committees advance nothing more than generalized, vaguely-asserted interests in keeping the new law in place—without so much as an explanation of how the resolution of this lawsuit would disadvantage (or benefit) their supporters or impair their legal interests—they have not established a right to intervene.

B. Secretary Pate and Attorney General Miller adequately represent any directly affected legal interest Proposed Intervenors may have.

Even if the Republican Committees had established a directly affected legal interest in this lawsuit, that interest is adequately represented by the Defendants with whom the Republican Committees share the same objective: to uphold the challenged laws. Iowa R. Civ. P. 1.407(4); *Varnum v. Brien*, No. CV5965, 2006 WL 4826212, *10 (Iowa Dist. Aug. 09, 2006) (denying intervention as of right in part, recognizing a presumption of adequacy of representation when parties share the same ultimate objective). The doctrine of *parens patriae* "posits that, when a government entity is a party and the case concerns a matter of sovereign interest, the government is presumed adequately to represent the interests of the public." *Curry v. Regents of Univ. of Minnesota*, 167 F.3d 420, 423 (8th Cir. 1999).[2] This presumption can only be rebutted by a "strong showing of inadequate representation," for example, by showing that the intervenors' interest "cannot be subsumed within the public interest represented by the government entity." *Id.*

The Republican Committees have made no such showing. They simply note that they have an interest in the election of Republican candidates and (presumably) believe that the Voter Suppression Bill furthers that interest, but again, they make no attempt to explain how beyond conclusory assertions. Nor do they offer any support for their suggestion that the existing Defendants will not protect those interests by vigorously defending the Bill. Mot. to Intervene at 12-13. At best, the Republican Committees argue that theoretically Defendants' duties to all Iowa voters might conflict with the protection of the Republican Committees' specific interests—whatever those may be. *Id.* at 13. This "purely conjectural conflict[] that potentially might arise

[2] Because Rule 1.407 tracks the language of Federal Rule of Civil Procedure 24, "federal authorities that construe and apply the federal rule are persuasive although not conclusive for similar construction and application of the Iowa rule." *In re K.P.*, 814 N.W.2d 623, 3 n.1 (Iowa Ct. App. 2012) (citations omitted).

from conflicting legal duties" is not enough to overcome the strong presumption in favor of the adequacy of government representation. *S. Dakota ex rel Barnett v. U.S. Dep't of Interior*, 317 F.3d 783, 786 (8th Cir. 2003). The Republican Committees must "set forth specific interests that only [they] can protect by intervening." *Id*. Because they have failed to do so, the Court should deny their motion to intervene as of right.

II. Proposed Intervenors' involvement in this case would prolong litigation proceedings and waste judicial resources.

Although the court has discretion to grant permissive intervention "[w]hen an applicant's claim or defense and the main action have a question of law or fact in common," Iowa R. Civ. P. 1.407(2), the court also "shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties," *id.* The Republican Committees' involvement in this case will do just that—duplicate arguments, prolong litigation proceedings, and delay the adjudication of the rights of the original parties, all while failing to advance any interests that would assist the court in resolving this case differently. *See, e.g.*, Order (Aug. 25, 2020), *Republican Nat'l Comm. v. Miller*, Linn County Case No. EQCV095986 ("Intervention would delay the adjudication of the right of the original parties, as the assertions that presumably would be made by the proposed intervenors (as described in their Motion) go beyond the simple question presented by this action."); Order (Aug. 27, 2020), *Republican Nat'l Comm. v. Weipert*, Johnson County Case No. CVCV081957 (same); *Rants v. Vilsack*, No. CV 4838, 2003 WL 25802812, at *16 (Iowa Dist. Oct. 14, 2003) (denying proposed intervention, finding it "will increase the costs and complexity of this case, the time and burdens imposed on the Court and the original parties, and will delay the prompt disposition of . . . the sole issue raised in Plaintiffs' Petition").

As discussed above, the Republican Committees seek intervention to defend a law that existing parties, who are government entities, are required to defend. *See* Iowa Code § 13.2

(requiring the Attorney General to "defend all actions and proceedings brought . . . against any state officer in the officer's official capacity"); *see also Menominee Indian Tribe of Wisconsin v. Thompson*, 164 F.R.D. 672, 678 (W.D. Wis. 1996) ("When intervention of right is denied for the proposed intervenor's failure to overcome the presumption of adequate representation by the government, the case for permissive intervention disappears."). Courts have time and again denied permissive intervention when would-be intervenors bring nothing else to the table aside from a general desire to supplement an existing party's arguments. *See, e.g.*, *Barnett*, 317 F.3d at 787 (affirming denial of permissive intervention where intervenors interests would be "adequately protected" by the government); *Lacasa v. Townsley*, No. 12-22432-CIV-ZLOCH, 2012 WL 13069998, at *2 (S.D. Fla. July 6, 2012) (denying permissive intervention where proposed intervenor's interest "will be adequately represented by the existing Defendant"); *League of Women Voters of Fla. v. Detzner*, 283 F.R.D. 687, 689 (N.D. Fla. 2012) (denying permissive intervention where the proposed intervenors sought only to defend "a statute and rule they had no right to have enacted in the first place" and "ha[d] no right to prevent others from conducting voter-registration drives" or "to make it harder for other qualified applicants to register to vote"); *see also Chambers*, No. 20-CVS-500124; *Common Cause Rhode Island*, No. 1:20-cv-00318-MSM-LDA; *Mich. All. For Retired Americans*, 20-000108-MM; *Democracy N. Carolina*, 2020 WL 6591397, at *1; *One Wis. Inst. Inc.*, 310 F.R.D. at 399; *Am. Ass'n of People with Disabilities*, 257 F.R.D. at 259.

Those same concerns counsel against intervention in this case given that the Republican Committees' motion fails to identify any claim, defense, or argument they would raise that is different than those that Defendants will likely assert, *supra at* I.A.; instead, the Republican Committees offer "more issues to decide [and] more discovery requests[,]" and the risk of

multiplying litigation activities and costs at each stage. *South Carolina v. North Carolina*, 558 U.S. 256, 287 (2010) (Roberts, C.J., concurring in part and dissenting in part); *see also, e.g.*, *One Wis. Inst. Inc.*, 310 F.R.D. at 399 (denying permissive intervention to Republican officials and voters in voting rights case because "adding the proposed intervenors could unnecessarily complicate and delay all stages of this case: discovery, dispositive motions, and trial"); *Am. Ass'n of People with Disabilities*, 257 F.R.D. at 259 (same).

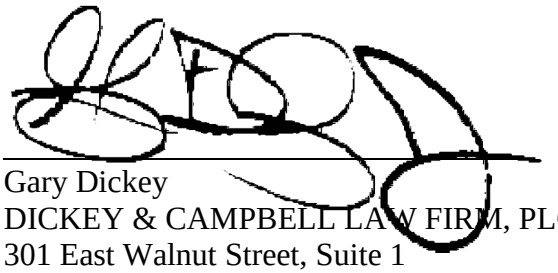
Stripped to its essence, the Republican Committees' request that they be permitted to enter this lawsuit for vaguely-defined partisan pursuits. That is not an adequate basis for intervention, whether as of right or permissively. *See One Wis. Inst., Inc. v. Nichol*, 310 F.R.D at 397 (holding intervention "is not designed to turn the courtroom into a forum for political actors who claim ownership of the laws that they pass."). The Court should deny the Republican Committees' motion.

CONCLUSION

For these reasons, Proposed Intervenors are not entitled to, and should not be granted, intervenor status in this case. Plaintiff respectfully requests this Court deny their Motion to Intervene.

Dated this 12th day of April, 2021.

Respectfully submitted,



Gary Dickey
DICKEY & CAMPBELL LAW FIRM, PLC
301 East Walnut Street, Suite 1
Des Moines, Iowa 50309
Telephone: (515) 288-5008
Facsimile: (515) 288-5010
gary@iowajustice.com

Uzoma N. Nkwonta*
Christopher J. Bryant*
PERKINS COIE LLP
700 Thirteenth Street NW, Suite 600
Washington, D.C. 20005-3960
Telephone: (202) 654-6200
Facsimile: (202) 654-6211
melias@perkinscoie.com
unkwonta@perkinscoie.com
cbryant@perkinscoie.com

Jonathan P. Hawley*
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Telephone: (206) 359-8000
Facsimile: (206) 359-9000
jhawley@perkinscoie.com

Counsel for Plaintiff

**Pro hac vice applications filed*