

The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

SUSAN SOTO PALMER, et. al.,

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

*Plaintiffs,*

v.

Judge: Robert S. Lasnik

STEVEN HOBBS, et. al.,

**PLAINTIFFS’ BRIEF IN  
RESPONSE TO REQUEST FOR  
THREE-JUDGE COURT**

*Defendants,*

and

NOTE FOR MOTION

JOSE TREVINO, ISMAEL CAMPOS,  
and ALEX YBARRA,

CALENDAR: November 18, 2022

*Intervenor-Defendants.*

**INTRODUCTION**

Plaintiffs ask this Court to refrain from ruling on the Request for Three-Judge Court in response to Defendant-Intervenors’ Amended Answer. *See* Dkt. # 103. The decision to assign a three-judge court is dependent on the resolution of Plaintiffs’ Motion to Bifurcate and Transfer, Strike, and/or Dismiss Intervenor-Defendants’ Crossclaim. *See* Dkt. # 105.

**ARGUMENT**

Plaintiffs respectfully request that the Court not rule upon Intervenor-Defendants’ request for a three-judge court until the issues raised in Plaintiffs’ Motion to Bifurcate and Transfer, Strike, and/or Dismiss Intervenor-Defendants’ Crossclaim, which is noted for November 25, 2022, are

1 considered and decided.<sup>1</sup> *See* Exhibit 1 (Plaintiffs’ Motion to Bifurcate). The resolution of  
2 Plaintiffs’ Motion, including whether this Court strikes or dismisses Intervenor’s crossclaim,  
3 directly impacts whether a three-judge panel is necessary in this case.<sup>2</sup> Here, Intervenor-  
4 Defendants’ crossclaim invokes Section 2284 for their constitutional claim, while Plaintiffs’  
5 claims are strictly statutory claims under Section 2 of the Voting Rights Act of 1965, 52 U.S.C. §  
6 10301 (“VRA”). Such statutory VRA claims must be heard by an ordinary single-judge district  
7 court, not a three-judge district court. *See Chestnut v. Merrill*, 356 F. Supp. 3d 1351, 1354 (N.D.  
8 Ala. 2019) (“A claim solely alleging a Section 2 violation falls outside a plain reading of § 2284.”).  
9 Instead of the Court possibly assigning this case to a three-judge court only for it to revert back, it  
10 would be in the interest of judicial economy to hold this request until Plaintiffs’ Motion has been  
11 heard and an Answer filed in response to Intervenor-Defendants’ crossclaim. This prevents the  
12 Court from expending time and resources on transferring this case to a three-judge court only for  
13 the jurisdiction of the Court to later be declared invalid and transferred back.  
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### 16 CONCLUSION

17 For the foregoing reasons, Plaintiffs respectfully request that the Court not make a ruling  
18 on Intervenor-Defendants’ request for a three-judge court until after Plaintiffs’ Motion to Bifurcate  
19 and Transfer, Strike, and/or Dismiss Intervenor-Defendants Crossclaim has been considered and  
20 decided.  
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23 <sup>1</sup> Plaintiffs sought a stipulation from all parties to have their Motion to Bifurcate noted for  
24 November 18, 2022, along with the request for a three-judge court, to respect judicial economy.  
25 Intervenor-Defendants were opposed to such a request. Therefore, Plaintiffs filed their Motion to  
26 Bifurcate and noted in accordance with Local Rule 7(d)(3).

<sup>2</sup> Given the relation between Intervenor’s request and Plaintiffs’ Motion to Bifurcate, Plaintiffs  
incorporate and rely on the arguments made in their Motion, *See* Ex. 1, in response to  
Intervenor’s request.

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Dated: November 14, 2022

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**CERTIFICATE OF SERVICE**

I certify that all counsel of record were served a copy of the foregoing this 14th day of November, 2022 via the Court’s CM/ECF system.

/s/ Edwardo Morfin

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