

The Honorable Robert S. Lasnik

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

SUSAN SOTO PALMER, et al.,  
  
Plaintiffs,  
  
v.  
  
STEVEN HOBBS, et al.,  
  
Defendants.  
  
JOSE TREVINO, et al.  
  
Intervenor-Defendants.

NO. 3:22-cv-05035-RSL  
  
DEFENDANT STEVEN HOBBS'  
ANSWER TO INTERVENOR-  
DEFENDANTS' CROSS-CLAIM FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF

Cross-Defendant Steven Hobbs hereby answers Intervenor-Defendants' cross-claim as follows.

Secretary Hobbs reserves the right to amend this pleading as permitted by this Court's rules and orders, including Fed. R. Civ. P. 15.

**PRELIMINARY STATEMENT TO CROSSCLAIM**

1. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, Secretary Hobbs is without information sufficient to form a belief as to the truth of the allegations in this Paragraph, and therefore denies.

2. Secretary Hobbs is without information sufficient to form a belief as to the truth of the allegations in this Paragraph, and therefore denies.



1           12. Secretary Hobbs admits that Legislative District 15 crosses five county lines and  
2 bisects Pasco and Yakima, which Secretary Hobbs admits are among the largest cities in Central  
3 or Eastern Washington by population. Secretary Hobbs is without information sufficient to form  
4 a belief as to the truth of the remaining allegations in this Paragraph, and therefore denies.

5           13. Secretary Hobbs admits that the voting member of the Redistricting Commission  
6 made public statements. The assertion that these statements provide “evidence” is a legal  
7 conclusion to which no response is required. Secretary Hobbs is without information sufficient  
8 to form a belief as to the truth of the remaining allegations in this Paragraph, and therefore denies.

9           14. Secretary Hobbs is without information sufficient to form a belief as to the truth  
10 of the allegations in this Paragraph, and therefore denies.

11           15. Whether racial considerations “predominated over others” is a legal conclusion  
12 to be determined by the Court, to which no response is required. Whether strict scrutiny applies  
13 is a legal conclusion to which no response is required.

14           16. This Paragraph asserts a legal conclusion to be determined by the Court, to which  
15 no response is required.

16           17. This Paragraph asserts a legal conclusion to be determined by the Court, to which  
17 no response is required.

18           18. This Paragraph asserts legal conclusions to be determined by the Court, to which  
19 no response is required.

20           19. Secretary Hobbs is without information sufficient to form a belief as to the truth  
21 of the allegations in this Paragraph, and therefore denies.

22           20. Secretary Hobbs is without information sufficient to form a belief as to the truth  
23 of the allegations in this Paragraph, and therefore denies.

24           21. This Paragraph asserts a legal conclusion to be determined by the Court, to which  
25 no response is required.

1           22.     This Paragraph asserts a legal conclusion to be determined by the Court, to which  
2 no response is required.

3           23.     This Paragraph states a legal conclusion to which no response is required. To the  
4 extent a response is required, Secretary Hobbs admits that this Paragraph has accurately cited  
5 *Thornburg v. Gingles*, 478 U.S. 30 (1986), which speaks for itself. To the extent a further  
6 response is required, denied.

7           24.     This Paragraph states a legal conclusion to which no response is required. To the  
8 extent a response is required, Secretary Hobbs admits that the three conditions roughly—but not  
9 precisely—approximate statements in *Thornburg*.

10          25.     This Paragraph states a legal conclusion to which no response is required. To the  
11 extent a response is required, Secretary Hobbs is without information sufficient to form a belief  
12 as to the truth of the allegations in this Paragraph, and therefore denies.

13          26.     This Paragraph states a legal conclusion to which no response is required. To the  
14 extent a response is required, Secretary Hobbs is without information sufficient to form a belief  
15 as to the truth of the allegations in this Paragraph, and therefore denies.

16          27.     This Paragraph states a legal conclusion to which no response is required. To the  
17 extent a response is required, Secretary Hobbs is without information sufficient to form a belief  
18 as to the truth of the allegations in this Paragraph, and therefore denies.

19          28.     This Paragraph states a legal conclusion to which no response is required. To the  
20 extent a response is required, Secretary Hobbs is without information sufficient to form a belief  
21 as to the truth of the allegations in this Paragraph, and therefore denies.

22          29.     This Paragraph asserts legal conclusions to be determined by the Court, to which  
23 no response is required. To the extent that a response is required, denied.

24          30.     This Paragraph states a legal conclusion to which no response is required. To the  
25 extent a response is required, Secretary Hobbs is without information sufficient to form a belief  
26 as to the truth of the allegations in this Paragraph, and therefore denies.



1 and performs official duties in Olympia, Washington. The remaining allegation in this Paragraph  
2 asserts a legal conclusion to be determined by the Court, to which no response is required.

3 38. This Paragraph asserts legal conclusions and questions of law to be determined  
4 by the Court, to which no response is required. To the extent that a response is required, Secretary  
5 Hobbs admits only that venue is proper in this judicial district and that he is a state official  
6 performing official duties in the Western District of Washington.

7 **THREE-JUDGE COURT**

8 39. This paragraph requests a three-judge court, a request to which no response is  
9 required. Secretary Hobbs admits that Plaintiff has accurately quoted a portion of 28 U.S.C.  
10 § 2284(a).

11 40. This Paragraph asserts legal conclusions and questions of law to be determined  
12 by the Court, to which no response is required. To the extent that a response is required, Secretary  
13 Hobbs admits that this paragraph accurately states the action that Intervenor-Defendants/Cross-  
14 Plaintiffs are challenging.

15 41. This paragraph requests a three-judge court, a request to which no response is  
16 required.

17 **FACTS**

18 **Washington State Redistricting**

19 42. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion  
20 of the Washington State Constitution, which otherwise speaks for itself. To the extent a further  
21 response is required, denied.

22 43. Secretary Hobbs admits that this Paragraph has accurately quoted a portion of the  
23 Washington State Constitution, which otherwise speaks for itself. Secretary Hobbs also admits  
24 that the Redistricting Commission is composed of five members. To the extent a further response  
25 is required, denied.

1           44. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion  
2 of the Washington State Constitution, which otherwise speaks for itself. To the extent a further  
3 response is required, denied.

4           45. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion  
5 of the Washington State Constitution, which otherwise speaks for itself. To the extent a further  
6 response is required, denied.

7           46. Secretary Hobbs admits only that this Paragraph has accurately quoted or  
8 paraphrased a portion of the Revised Code of Washington, which otherwise speaks for itself. To  
9 the extent a further response is required, denied.

10           47. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion  
11 of the Washington State Constitution, which otherwise speaks for itself. To the extent a further  
12 response is required, denied.

13           48. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion  
14 of the Washington State Constitution, which otherwise speaks for itself. To the extent a further  
15 response is required, denied.

16           49. Secretary Hobbs admits only that this Paragraph has accurately quoted or  
17 paraphrased a portion of the Revised Code of Washington, which otherwise speaks for itself. To  
18 the extent a further response is required, denied.

19           50. Secretary Hobbs admits only that this Paragraph has accurately quoted or  
20 paraphrased a portion of the Revised Code of Washington, which otherwise speaks for itself. To  
21 the extent a further response is required, denied.

22           51. Secretary Hobbs admits only that this Paragraph has accurately quoted or  
23 paraphrased a portion of the Revised Code of Washington, which otherwise speaks for itself. To  
24 the extent a further response is required, denied.  
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1 designated as Legislative District 15 contains only a portion of Yakima County. To the extent a  
2 further response is required, denied.

3 58. Secretary Hobbs admits that the image in this Paragraph is an accurate  
4 reproduction of a portion of the 1982-1991 district map in STATE OF WASH., MEMBERS OF THE  
5 LEGISLATURE 1889-2019 (2019). Secretary Hobbs admits that the section of the image  
6 designated as Legislative District 15 contains portions of Yakima and Benton Counties. To the  
7 extent a further response is required, denied.

8 59. Secretary Hobbs admits that the image in this Paragraph is an accurate  
9 reproduction of a portion of the 1991-2001 district map in STATE OF WASH., MEMBERS OF THE  
10 LEGISLATURE 1889-2019 (2019). Secretary Hobbs admits that the section of the image  
11 designated as Legislative District 15 contains portions of Yakima, Benton, Klickitat, and  
12 Skamania Counties. To the extent a further response is required, denied.

13 60. Secretary Hobbs admits that the image in this Paragraph is an accurate  
14 reproduction of a portion of the 2002-2011 district map in STATE OF WASH., MEMBERS OF THE  
15 LEGISLATURE 1889-2019 (2019). Secretary Hobbs admits that the section of the image  
16 designated as Legislative District 15 contains portions of Yakima, Klickitat, Skamania, and  
17 Clark Counties. To the extent a further response is required, denied.

18 61. Secretary Hobbs admits that the image in this Paragraph is an accurate  
19 reproduction of a portion of the 2012-2021 district map in STATE OF WASH., MEMBERS OF THE  
20 LEGISLATURE 1889-2019 (2019). Secretary Hobbs admits that the section of the image  
21 designated as Legislative District 15 contains only a portion of Yakima County. To the extent a  
22 further response is required, denied.

### 23 **The 2021 Redistricting Process**

24 62. Admit.

25 63. Admit.

26 64. Admit.

1           65.     Admit.

2           66.     Admit.

3           67.     Secretary Hobbs admits that none of the four maps proposed to the public on  
4 September 12, 2021, proposed a version of Legislative District 15 that is identical to the district  
5 as drawn by the Commission’s final redistricting plan. Secretary Hobbs is without information  
6 sufficient to form a belief as to the truth of the remaining allegations in this Paragraph, and  
7 therefore denies.

8           68.     Secretary Hobbs admits that none of the four maps proposed to the public on  
9 September 12, 2021, included the cities of Pasco or Othello in Legislative District 15. Secretary  
10 Hobbs is without information sufficient to form a belief as to the truth of the remaining  
11 allegations in this Paragraph, and therefore denies.

12          69.     Secretary Hobbs admits that the image appears to be a partial reproduction of  
13 Commissioner Sims’ proposed map, which speaks for itself. Secretary Hobbs admits that the  
14 quoted language appears in Commissioner Sims’ statement on her proposal, which otherwise  
15 speaks for itself. To the extent a further response is required, denied.

16          70.     Secretary Hobbs admits that the image appears to be a partial reproduction of  
17 Commissioner Walkinshaw’s proposed map, which speaks for itself. Secretary Hobbs admits  
18 that the quoted language appears in Commissioner Walkinshaw’s statement on his proposal,  
19 which otherwise speaks for itself. To the extent a further response is required, denied.

20          71.     Secretary Hobbs admits that the image appears to be a partial reproduction of  
21 Commissioner Fain’s proposed map, which speaks for itself. Secretary Hobbs admits that the  
22 quoted language appears in Commissioner Fain’s statement on his proposal, which otherwise  
23 speaks for itself. To the extent a further response is required, denied.

24          72.     Secretary Hobbs admits that the image appears to be a partial reproduction of  
25 Commissioner Graves’s proposed map, which speaks for itself. Secretary Hobbs admits that the  
26

1 quoted language appears in Commissioner Graves's statement on his proposal, which otherwise  
2 speaks for itself. To the extent a further response is required, denied.

3 73. Secretary Hobbs admits that the hyperlink in this Paragraph leads to the cited  
4 report by Dr. Barreto, which otherwise speaks for itself. Secretary Hobbs is without information  
5 sufficient to form a belief as to the truth of the remaining allegations in this Paragraph, and  
6 therefore denies.

7 74. Secretary Hobbs is without information sufficient to form a belief as to the truth  
8 of the allegation in this Paragraph, and therefore denies.

9 75. This Paragraph contains Cross-Plaintiffs' characterization of the above-cited  
10 report, which otherwise speaks for itself and does not require a response. To the extent a further  
11 response is required, denied.

12 76. This Paragraph contains Cross-Plaintiffs' characterization of the above-cited  
13 report, which otherwise speaks for itself and does not require a response. To the extent a further  
14 response is required, denied.

15 77. This Paragraph contains Cross-Plaintiffs' characterization of the above-cited  
16 report, which otherwise speaks for itself and does not require a response. To the extent a further  
17 response is required, denied.

18 78. This Paragraph contains Cross-Plaintiffs' characterization of the above-cited  
19 report, which otherwise speaks for itself and does not require a response. To the extent a further  
20 response is required, denied.

21 79. This Paragraph contains Cross-Plaintiffs' characterization of the above-cited  
22 report, which otherwise speaks for itself and does not require a response. To the extent a further  
23 response is required, denied.

24 80. Secretary Hobbs admits only that the quoted language is attributed to  
25 Commissioner Walkinshaw and appears on a website with the title and website given in the  
26 Paragraph. To the extent a further response is required, denied.

1           81. Secretary Hobbs admits only that the quoted language is attributed to  
2 Commissioner Walkinshaw and appears in an article with the title and website given in the  
3 Paragraph. To the extent a further response is required, denied.

4           82. Secretary Hobbs admits only that Commissioners Sims and Walkinshaw released  
5 revised proposed maps on October 25, 2021, and October 26, 2021, which otherwise speak for  
6 themselves. Secretary Hobbs is without information sufficient to form a belief as to the truth of  
7 the remaining allegations in this Paragraph, and therefore denies.

8           83. Secretary Hobbs admits only that the quoted language appears on a website with  
9 the title and website given in the Paragraph. To the extent a further response is required, denied.

10                                   **Legislative District 15 under the 2021 Plan**

11           84. Secretary Hobbs admits only that the quoted language appears in the cited order  
12 of the Washington State Supreme Court, which otherwise speaks for itself. To the extent a further  
13 response is required, denied.

14           85. Secretary Hobbs admits only that the quoted language appears in the cited order  
15 of the Washington State Supreme Court, which otherwise speaks for itself. To the extent a further  
16 response is required, denied.

17           86. Admit.

18           87. Admit.

19           88. This Paragraph asserts legal conclusions to be determined by the Court, to which  
20 no response is required. To the extent a response is required, Secretary Hobbs admits only that  
21 the image appears to be a reproduction of Legislative District 15 under the Commission's plan,  
22 and otherwise denies.

23           89. This Paragraph asserts legal conclusions to be determined by the Court, to which  
24 no response is required. To the extent a response is required, Secretary Hobbs admits only that  
25 the current Legislative District 15 extends to Mattawa and Othello and includes portions of  
26 Yakima and Pasco, and otherwise denies.

1           90.     This Paragraph asserts legal conclusions and questions of law to be determined  
2 by the Court, to which no response is required. To the extent a response is required, Secretary  
3 Hobbs admits only that the current Legislative District 15 covers portions of five counties and  
4 no complete county, and otherwise denies.

5           91.     This Paragraph asserts legal conclusions and questions of law to be determined  
6 by the Court, to which no response is required. To the extent a response is required, Secretary  
7 Hobbs admits only that the adopted district plan divides Yakima, Pasco, Grandview, and Moxee,  
8 and that Pasco, Othello, and the Hanford Nuclear Site have not previously been in the same  
9 legislative district as Yakima County or city, and otherwise denies.

10          92.     Secretary Hobbs admits that the boundaries of the new Legislative District 15  
11 approved by the Redistricting Commission are not identical to prior Legislative District 15  
12 boundaries or those of any publicly-proposed districts by any Commissioner during the 2021  
13 redistricting process. To the extent a further response is required, denied.

14          93.     Secretary Hobbs is without information sufficient to form a belief as to the truth  
15 of the allegation in this Paragraph, and therefore denies.

16          94.     Secretary Hobbs is without information sufficient to form a belief as to the truth  
17 of the allegation in this Paragraph, and therefore denies.

18          95.     This Paragraph asserts a legal conclusion to be determined by the Court, to which  
19 no response is required. To the extent a response is required, denied.

20          96.     This Paragraph asserts a legal conclusion to be determined by the Court, to which  
21 no response is required. To the extent a response is required, denied.

22          97.     This Paragraph asserts a legal conclusion to be determined by the Court, to which  
23 no response is required. To the extent a response is required, denied.

24          98.     This Paragraph asserts a legal conclusion to be determined by the Court, to which  
25 no response is required. To the extent a response is required, denied.  
26



1 110. This Paragraph asserts a legal conclusion to be determined by the Court, to which  
2 no response is required. To the extent a response is required, denied.

3 111. This Paragraph asserts a legal conclusion to be determined by the Court, to which  
4 no response is required. To the extent a response is required, denied.

5 **INTERVENOR/CROSS-PLAINTIFF’ PRAYER FOR RELIEF**

6 Secretary Hobbs takes no position on whether Cross-Plaintiffs are entitled to any relief  
7 requested except that Secretary Hobbs denies that Cross-Plaintiffs are entitled to an award of  
8 costs, expenses, disbursements, or reasonable attorneys’ fees against Secretary Hobbs.

9 **AFFIRMATIVE DEFENSES**

10 Secretary Hobbs’ affirmative defenses to the cross-claims are set forth below. By setting  
11 forth the following defenses, Secretary Hobbs does not assume burden of proof on the matter at  
12 issue other than those on which he has the burden of proof as a matter of law. Secretary Hobbs  
13 reserves the right to supplement these defenses.

14 1. This Court lacks subject matter jurisdiction over the Intervenor-Defendants/  
15 Cross-Plaintiffs’ claims;

16 2. Intervenor-Defendants/Cross-Plaintiffs have failed to join a necessary party.

17 **PRAYER FOR RELIEF**

18 1. Such relief as the court deems just and proper.

19 DATED this 16th day of November 2022.

20 ROBERT W. FERGUSON  
21 *Attorney General*

22 *s/ Karl D. Smith*  
KARL D. SMITH, WSBA 41988  
23 *Deputy Solicitor General*  
KATE S. WORTHINGTON, WSBA 47556  
24 *Assistant Attorney General*

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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system.

DATED this 16th day of November 2022, at Olympia, Washington.

*s/ Leena Vanderwood*  
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