

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 PLAINTIFFS' AMENDED
COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF

Defendant Steven Hobbs hereby answers Plaintiffs' Amended Complaint as follows. To the extent an allegation is directed to Defendant State of Washington, Defendant Hobbs is without sufficient information to form a belief as to the truth of the allegation and therefore denies.

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

INTRODUCTION

1. This Paragraph and the statement preceding it state a legal conclusion to which no response is required. To the extent a response is required, Defendant Hobbs is without

1 information sufficient to form a belief as to the truth of the allegations in this Paragraph, and
2 therefore denies.

3 2. Defendant Hobbs admits that District 15 includes parts of the Yakima Valley and
4 Pasco. The remaining allegation in this Paragraph states a legal conclusion to which no response
5 is required. To the extent a response is required, Defendant Hobbs denies the remaining
6 allegation in this Paragraph.

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

10 4. Defendant Hobbs is without information sufficient to form a belief as to the truth
11 of the allegations in this Paragraph, and therefore denies.

12 5. Defendant Hobbs admits that the cities of Yakima, Toppenish, Wapato, and
13 Mabton are located in Yakima County. Defendant Hobbs also admits that the Commission
14 included communities in Benton, Grant, and Franklin counties. Defendant Hobbs is without
15 information sufficient to form a belief as to the truth of the allegations in the remainder of this
16 Paragraph, and therefore denies.

17 6. Defendant Hobbs is without information sufficient to form a belief as to the truth
18 of the allegations in this Paragraph, and therefore denies.

19 7. Defendant Hobbs admits that the City of Othello is located in Adams County and
20 is included in District 15. Defendant Hobbs is without information sufficient to form a belief as
21 to the truth of the allegations in the remainder of this Paragraph, and therefore denies.

22 8. This Paragraph states a legal conclusion and contains legal arguments to which
23 no response is required. To the extent a response is required, Defendant Hobbs is without
24 information sufficient to form a belief as to the truth of allegations in the remainder of this
25 Paragraph, and therefore denies.

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

4 10. Secretary Hobbs admits that the Redistricting Commission designed the current
5 Legislative District 15. The remainder of this Paragraph states a legal conclusion to which no
6 response is required. To the extent a response is required, Defendant Hobbs is without
7 information sufficient to form a belief as to the truth of allegation in this Paragraph, and therefore
8 denies.

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

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

14 13. Defendant Hobbs is without information sufficient to form a belief as to the truth
15 of the allegations in this Paragraph, and therefore denies.

16 14. Defendant Hobbs is without information sufficient to form a belief as to the truth
17 of the allegations in this Paragraph, and therefore denies.

18 15. Defendant Hobbs admits that in the Adams County portion of District 15 (where
19 Othello is located), former President Donald Trump received 60.73% of ballots counted.
20 Defendant Hobbs is without information sufficient to form a belief as to the truth of the
21 remaining allegation in this Paragraph, and therefore denies.

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

24 17. This Paragraph states a legal conclusion and contains legal arguments to which
25 no response is required. To the extent a response is required, Defendant Hobbs is without
26

1 information sufficient to form a belief as to the truth of allegations in this Paragraph, and
2 therefore denies.

3 18. Defendant Hobbs is without information sufficient to form a belief as to the truth
4 of the allegations in this Paragraph, and therefore denies.

5 19. Defendant Hobbs admits that legislative district elections are held every two years
6 for the House of Representatives. Defendant Hobbs denies that elections for Senate depend on
7 whether legislative districts are even- or odd-numbered. Defendant Hobbs is without information
8 sufficient to form a belief as to the truth of the allegations in this Paragraph, and therefore denies.

9 20. Defendant Hobbs admits that the Commission assigned District 15 an odd
10 number. Defendant Hobbs is without information sufficient to form a belief as to the truth of the
11 remaining allegations in this Paragraph, and therefore denies.

12 21. This Paragraph states a legal conclusion and contains legal arguments to which
13 no response is required. To the extent a response is required, Defendant Hobbs denies the
14 allegations in this Paragraph.

15 22. This Paragraph states a legal conclusion and contains legal arguments to which
16 no response is required. To the extent a response is required, Defendant Hobbs admits only that
17 this Paragraph has accurately quoted a portion of *LULAC v. Perry*, 548 U.S. 399 (2006), which
18 otherwise speaks for itself. To the extent a further response is required, denied.

19 23. This Paragraph is a continuation of the previous Paragraph, and Defendant Hobbs
20 incorporates his answer to that Paragraph by reference. To the extent a further response is
21 required, Defendant Hobbs is without information sufficient to form a belief as to the truth of
22 the allegations in this Paragraph, and therefore denies.

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

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

1 26. Defendant Hobbs admits that current District 15 includes portions of Yakima
2 County. Defendant Hobbs admits that, according to 5-year American Community Survey data,
3 the former District 15 had an HCVAP of 39.49%.

4 27. Defendant Hobbs admits that Maria Cantwell was a candidate for U.S. Senate
5 in 2018. Defendant Hobbs denies that Maria Cantwell received 43.3% of the vote. Defendant
6 Hobbs admits that Evangelina Aguilar was a candidate for state senate in District 15 that year
7 and that she received 39.41% of ballots counted. Defendant Hobbs is without information
8 sufficient to form a belief as to the truth of the allegations in the remainder of this Paragraph,
9 and therefore denies.

10 28. Defendant Hobbs is without information sufficient to form a belief as to the truth
11 of the allegations in this Paragraph, and therefore denies.

12 29. Defendant Hobbs is without information sufficient to form a belief as to the truth
13 of the allegations in this Paragraph, and therefore denies.

14 30. Defendant Hobbs admits that this Paragraph contains references to two articles
15 from the Seattle Times and Crosscut from November 10, 2021, and October 21, 2021,
16 respectively. Defendant Hobbs otherwise denies.

17 31. Defendant Hobbs is without information sufficient to form a belief as to the truth
18 of the allegations in this Paragraph, and therefore denies.

19 32. With the exception of presidential preference primaries, Defendant Hobbs denies
20 that races require political affiliation. Defendant Hobbs is without information sufficient to form
21 a belief as to the truth of the remaining allegations in this Paragraph, and therefore denies.

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

24 34. This Paragraph states a legal conclusion and contains legal arguments to which
25 no response is required. To the extent a response is required, Defendant Hobbs denies the
26 allegations in this Paragraph.

JURISDICTION AND VENUE

1
2 35. This Paragraph asserts legal conclusions and questions of law to be determined
3 by the Court, to which no response is required. To the extent that a response is required,
4 Defendant Hobbs admits that this Court has jurisdiction over the federal law claims in this action,
5 but denies all necessary parties have been joined.

6 36. This Paragraph asserts legal conclusions and questions of law to be determined
7 by the Court, to which no response is required. To the extent that a response is required,
8 Defendant Hobbs admits that the referenced provisions relate to the award of costs and attorney’s
9 fees.

10 37. This Paragraph asserts legal conclusions and questions of law to be determined
11 by the Court, to which no response is required. To the extent that a response is required,
12 Defendant Hobbs admits that he is a state official who resides in Washington and performs
13 official duties in Olympia, Washington, and that the State of Washington is a sovereign state of
14 the United States of America.

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

PARTIES

19
20 39. Defendant Hobbs admits that Plaintiff Susan Soto Palmer is a registered voter in
21 the State of Washington and has attested that she is over the age of eighteen and a United States
22 citizen. Defendant Hobbs is without information sufficient to form a belief as to the truth of the
23 remaining allegations in this Paragraph.

24 40. Defendant Hobbs admits that Plaintiff Soto Palmer has provided a residential
25 address that is in Yakima Washington, in Yakima County, and that the address is in the current
26

1 District 15. Defendant Hobbs is without information sufficient to form a belief as to the truth of
2 the remaining allegations in this Paragraph.

3 41. Defendant Hobbs admits that Plaintiff Alberto Isaac Macias is a registered voter
4 in the State of Washington and has attested that he is over the age of eighteen and a United States
5 citizen. Defendant Hobbs is without information sufficient to form a belief as to the truth of the
6 remaining allegations in this Paragraph.

7 42. Defendant Hobbs admits that Plaintiff Macias has provided a residential address
8 in Yakima, Washington, in Yakima County, and that the address is in the current District 15.
9 Defendant Hobbs is without information sufficient to form a belief as to the truth of the
10 remaining allegations in this Paragraph.

11 43. Defendant Hobbs is without information sufficient to form a belief as to the truth
12 of the allegations in this Paragraph.

13 44. Defendant Hobbs is without information sufficient to form a belief as to the truth
14 of the allegations in this Paragraph.

15 45. Defendant Hobbs admits that Plaintiff Fabiola Lopez is a registered voter in the
16 State of Washington and has attested that she is over the age of eighteen and a United States
17 citizen. Defendant Hobbs is without information sufficient to form a belief as to the truth of the
18 remaining allegations in this Paragraph.

19 46. Defendant Hobbs admits that Plaintiff Lopez has a provided a residential address
20 in Toppenish, Washington, in Yakima County, and that the address is in the current District 14.
21 Defendant Hobbs is without information sufficient to form a belief as to the truth of the
22 allegations in this Paragraph.

23 47. Defendant Hobbs admits that Plaintiff Caty Padilla is a registered voter in the
24 State of Washington (under the surname Padilla Johnson) and has attested that she is over the
25 age of eighteen and a United States citizen. Defendant Hobbs is without information sufficient
26 to form a belief as to the truth of the remaining allegations in this Paragraph.

1 48. Defendant Hobbs admits that Plaintiff Padilla has provided a residential address
2 in Toppenish, Washington, in Yakima County, and that the address is in the current District 14.
3 Defendant Hobbs is without information sufficient to form a belief as to the truth of the
4 remaining allegations in this Paragraph.

5 49. Defendant Hobbs admits that Plaintiff Evangelina Aguilar is a registered voter in
6 the State of Washington and has attested that she is over the age of eighteen and a United States
7 citizen. Defendant Hobbs is without information sufficient to form a belief as to the truth of the
8 remaining allegations in this Paragraph.

9 50. Defendant Hobbs admits that Plaintiff Aguilar has provided a residential address
10 in Sunnyside, Washington, in Yakima County, and that the address is in the current District 15.
11 Defendant Hobbs is without information sufficient to form a belief as to the truth of the
12 remaining allegations in this Paragraph.

13 51. Defendant Hobbs admits that Plaintiff Lizette Parra is a registered voter in the
14 State of Washington and has attested that she is over the age of eighteen and a United States
15 citizen. Defendant Hobbs is without information sufficient to form a belief as to the truth of the
16 remaining allegations in this Paragraph.

17 52. Defendant Hobbs admits that Plaintiff Parra has provided a residential address in
18 Pasco, Washington, in Franklin County, and that the address is in the current District 15.
19 Defendant Hobbs is without information sufficient to form a belief as to the truth of the
20 remaining allegations in this Paragraph.

21 53. Defendant Hobbs admits that Plaintiff Heliodora Morfin is a registered voter in
22 the State of Washington and has attested that she is over the age of eighteen and a United States
23 citizen. Defendant Hobbs is without information sufficient to form a belief as to the truth of the
24 remaining allegations in this Paragraph.

25 54. Defendant Hobbs admits that Plaintiff Morfin has provided a residential address
26 in Pasco, Washington, in Franklin County, and that the address is in the current District 15.

1 Defendant Hobbs is without information sufficient to form a belief as to the truth of the
2 allegations in this Paragraph.

3 55. 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,
5 Defendant Hobbs is without information sufficient to form a belief as to the truth of the
6 allegations in this Paragraph, and therefore denies.

7 56. Defendant Hobbs admits that Southcentral Coalition of People of Color for
8 Redistricting is a Washington non-profit organization. Defendant Hobbs is without information
9 sufficient to form a belief as to the truth of the remaining allegations in this Paragraph, and
10 therefore denies.

11 57. Defendant Hobbs is without information sufficient to form a belief as to the truth
12 of the allegations in this Paragraph, and therefore denies.

13 58. Defendant Hobbs is without information sufficient to form a belief as to the truth
14 of the allegations in this Paragraph, and therefore denies.

15 59. Defendant Hobbs admits that the language in quotations in the second sentence
16 of this Paragraph accurately quotes a portion of Wash. Rev. Code § 29A.04.230. Defendant
17 Hobbs admits that Wash. Rev. Code § 29A.04.255 provides the Secretary of State will accept
18 and file certain documents, including some declarations of candidacy. Defendant Hobbs admits
19 that the Complaint purports to assert a claim against Defendant Hobbs in his official capacity as
20 the Secretary of State of Washington. Otherwise, this Paragraph asserts legal conclusions and
21 questions of law to be determined by the Court, to which no response is required. To the extent
22 that a response is required, Defendant Hobbs denies.

23 60. Defendant Hobbs admits that this Court entered an Order of Joinder, which is
24 Docket Number 68. Otherwise, this Paragraph asserts legal conclusions and questions of law to
25 be determined by the Court, to which no response is required. To the extent that a response is
26 required, Defendant Hobbs denies.

LEGAL BACKGROUND

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2 61. This Paragraph asserts legal conclusions and questions of law to be determined
3 by the Court, to which no response is required. To the extent that a response is required,
4 Defendant Hobbs admits that the language in quotations is accurate but denies that the Paragraph
5 is a complete or accurate recitation or summary of the referenced law.

6 62. This Paragraph asserts legal conclusions and questions of law to be determined
7 by the Court, to which no response is required. To the extent that a response is required,
8 Defendant Hobbs admits only that this Paragraph has accurately quoted a portion of *Thornburg*
9 *v. Gingles*, 478 U.S. 30 (1986), which otherwise speaks for itself. To the extent a further response
10 is required, denied.

11 63. 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,
13 Defendant Hobbs admits only that this Paragraph has accurately quoted a portion of *Thornburg*
14 *v. Gingles*, 478 U.S. 30 (1986), which otherwise speaks for itself. To the extent a further response
15 is required, denied.

16 64. This Paragraph asserts legal conclusions and questions of law to be determined
17 by the Court, to which no response is required. To the extent that a response is required,
18 Defendant Hobbs admits only that this Paragraph has accurately quoted a portion of *N. Carolina*
19 *State Conf. of NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016), which otherwise speaks for
20 itself. To the extent a further response is required, denied.

21 65. This Paragraph asserts legal conclusions and questions of law to be determined
22 by the Court, to which no response is required. To the extent that a response is required, denied.

23 66. This Paragraph asserts legal conclusions and questions of law to be determined
24 by the Court, to which no response is required. To the extent that a response is required, denied.

25 67. This Paragraph asserts legal conclusions and questions of law to be determined
26 by the Court, to which no response is required. To the extent that a response is required, denied.

1 68. 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 that a response is required,
3 Defendant Hobbs admits only that this Paragraph has accurately quoted a portion of *United*
4 *States v. Marengo Cnty. Comm'n*, 731 F.2d 1546 (11th Cir. 1984), which otherwise speaks for
5 itself. To the extent a further response is required, denied.

6 69. This Paragraph asserts legal conclusions and questions of law to be determined
7 by the Court, to which no response is required. To the extent that a response is required, admitted.

8 70. This Paragraph asserts legal conclusions and questions of law to be determined
9 by the Court, to which no response is required. To the extent that a response is required,
10 Defendant Hobbs admits only that this Paragraph has accurately quoted portions of *Village of*
11 *Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252 (1977) and
12 *N. Carolina State Conf. of NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016), which otherwise
13 speak for themselves. To the extent a further response is required, denied.

14 71. This Paragraph asserts legal conclusions and questions of law to be determined
15 by the Court, to which no response is required. To the extent that a response is required,
16 Defendant Hobbs admits only that this Paragraph has accurately quoted a portion of *N. Carolina*
17 *State Conf. of NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016), which otherwise speaks for
18 itself. To the extent a further response is required, denied.

19 72. This Paragraph asserts legal conclusions and questions of law to be determined
20 by the Court, to which no response is required. To the extent that a response is required,
21 Defendant Hobbs admits only that this Paragraph has accurately quoted a portion of *Hunter v.*
22 *Underwood*, 471 U.S. 222 (1985), which otherwise speaks for itself. To the extent a further
23 response is required, denied.

24 73. This Paragraph asserts legal conclusions and questions of law to be determined
25 by the Court, to which no response is required. To the extent that a response is required,
26 Defendant Hobbs admits only that this Paragraph has cited two authorities, *Thomas v. Bryant*,

1 366 F. Supp. 3d 786 (S.D. Miss. 2019), *aff'd*, 938 F.3d 134 (5th Cir. 2019) and *Mo. State Conf.*
 2 *of the NAACP v. Ferguson–Florissant Sch. Dist.*, 894 F.3d 924 (8th Cir. 2018), which both speak
 3 for themselves. To the extent a further response is required, denied.

4 74. This Paragraph states a legal conclusion and contains legal arguments to which
 5 no response is required. To the extent a response is required, Defendant Hobbs admits only that
 6 this Paragraph has accurately quoted a portion of *LULAC v. Perry*, 548 U.S. 399 (2006), which
 7 otherwise speaks for itself. To the extent a further response is required, admitted.

8 75. This Paragraph asserts legal conclusions and questions of law to be determined
 9 by the Court, to which no response is required. To the extent that a response is required,
 10 Defendant Hobbs admits only that this Paragraph has cited a case, *Perez v. Abbott*, 250 F. Supp.
 11 3d 123 (W.D. Tex. 2017), which speaks for itself. To the extent a further response is required,
 12 denied.

13 76. This Paragraph asserts legal conclusions and questions of law to be determined
 14 by the Court, to which no response is required. To the extent that a response is required,
 15 Defendant Hobbs admits only that this Paragraph has cited a case, *Perez v. Abbott*, 250 F. Supp.
 16 3d 123 (W.D. Tex. 2017), and accurately quoted a portion of *LULAC v. Perry*, 548 U.S. 399
 17 (2006), which otherwise both speak for themselves. To the extent a further response is required,
 18 denied.

19 **FACTUAL ALLEGATIONS**

20 **A. 2020 Demographic Changes in Washington State**

21 77. Defendant Hobbs admits that, according to 2020 Census data, more than one
 22 million people in Washington State identify as Hispanic or Latino.

23 78. Defendant Hobbs admits that, according to 2020 Census data, Washington State
 24 has the eleventh largest number of people who identify as Hispanic or Latino of the fifty states.

25 79. This Paragraph asserts legal conclusions and questions of law to be determined
 26 by the Court, to which no response is required. To the extent that a response is required,

1 Defendant Hobbs admits only that this Paragraph cites a statute, 13 U.S.C. § 141(c), which
2 speaks for itself. To the extent a further response is required, denied.

3 80. Admitted.

4 81. This Paragraph asserts legal conclusions and questions of law to be determined
5 by the Court, to which no response is required. To the extent that a response is required,
6 Defendant Hobbs admits only that this Paragraph cites a statute, Wash. Rev. Code § 44.05.140,
7 which speaks for itself. To the extent a further response is required, denied.

8 82. Admitted.

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

11 84. Defendant Hobbs admits that, according to 2020 Census data, the number of
12 people in Washington who identify as Hispanic or Latino has increased by 303,423 people since
13 2010 and that this represents an increase of 40.1%. Defendant Hobbs admits that the increase in
14 population of persons who do not identify as Hispanic or Latino is 11.3%.

15 85. Defendant Hobbs is without information sufficient to form a belief as to the truth
16 of the allegations in this Paragraph, and therefore denies.

17 86. Defendant Hobbs is without information sufficient to form a belief as to the truth
18 of the allegations in this Paragraph, and therefore denies.

19 87. Defendant Hobbs admits that, according to 2020 Census data, there has been an
20 increase since 2010 of more than 20,000 people in Yakima County who identify as Hispanic or
21 Latino.

22 88. Admitted.

23 89. Defendant Hobbs admits that, according to 2020 Census data, the number of
24 people in Yakima County in 2020 who identify as Hispanic or Latino was 130,049. Defendant
25 Hobbs admits that, according to 2020 Census data, people who identify as Hispanic or Latino
26 comprise 50.65% of the population of Yakima County. Defendant Hobbs admits that, according

1 to 2010 Census data, people who identify as Hispanic or Latino comprised 45.0% of the
2 population of Yakima County.

3 90. Defendant Hobbs admits that, according to 2020 Census data, there has been an
4 increase since 2010 of more than 12,000 people in Franklin County who identify as Hispanic or
5 Latino.

6 91. Defendant Hobbs admits that, according to 2020 Census data, 52,445 people in
7 Franklin County identify as Hispanic or Latino and that this represents 54.2% of the population
8 of Franklin County.

9 92. Defendant Hobbs admits that, according to 2020 Census data, 49,339 people in
10 Benton County identify as Hispanic or Latino and that this represents an increase of 16,643
11 people as compared to data from the 2010 Census.

12 93. Admitted.

13 94. Admitted.

14 95. Admitted.

15 96. Defendant Hobbs admits that, according to 2020 Census data, the total population
16 of people in 2020, in Yakima County, Franklin County, and Benton County who identified as
17 Hispanic or Latino was 231,833. Defendant Hobbs is without information sufficient to form a
18 belief as to the truth of the remaining allegations in this Paragraph, and therefore denies.

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

21 **B. The Washington State Redistricting Commission**

22 98. This Paragraph asserts legal conclusions and questions of law to be determined
23 by the Court, to which no response is required. To the extent that a response is required,
24 Defendant Hobbs admits that article II, section 43 of the Washington Constitution provides a
25 process for establishing a five-member bipartisan redistricting commission in every year ending
26 in one.

1 99. Admitted.

2 100. Admitted.

3 101. 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,
5 Defendant Hobbs admits that this Paragraph accurately quotes article II, section 43 of the
6 Washington Constitution, which speaks for itself.

7 102. This Paragraph asserts legal conclusions and questions of law to be determined
8 by the Court, to which no response is required. To the extent that a response is required,
9 Defendant Hobbs admits that this Paragraph accurately quotes Wash. Rev. Code § 44.05.100,
10 which otherwise speaks for itself. To the extent a further response is required, denied.

11 103. 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,
13 Defendant Hobbs admits that this Paragraph cites to two statutory authorities, Wash. Rev. Code
14 § 44.05.090 and Wash Rev. Code § 44.05.140, both of which speak for themselves. To the extent
15 a further response is required, denied.

16 104. This Paragraph asserts legal conclusions and questions of law to be determined
17 by the Court, to which no response is required. To the extent that a response is required,
18 Defendant Hobbs admits that this Paragraph cites to a statutory authority, Wash. Rev. Code
19 § 44.05.110, which speaks for itself. To the extent a further response is required, denied.

20 105. This Paragraph asserts legal conclusions and questions of law to be determined
21 by the Court, to which no response is required. To the extent that a response is required,
22 Defendant Hobbs admits that this Paragraph includes a reference to a statutory authority, Wash.
23 Rev. Code § 44.05.110, which speaks for itself. To the extent a further response is required,
24 denied.

25 106. This Paragraph asserts legal conclusions and questions of law to be determined
26 by the Court, to which no response is required. To the extent that a response is required,

1 Defendant Hobbs admits that this Paragraph accurately quotes Wash. Rev. Code § 44.05.110,
2 which otherwise speaks for itself. To the extent a further response is required, denied.

3 107. 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,
5 Defendant Hobbs admits that this Paragraph accurately quotes Wash. Rev. Code § 44.05.120,
6 which otherwise speaks for itself. To the extent a further response is required, denied.

7 108. This Paragraph asserts legal conclusions and questions of law to be determined
8 by the Court, to which no response is required. To the extent that a response is required, admitted.

9 **C. 2021 Washington State Redistricting Commission’s Official Actions and Approval**
10 **of Final Maps**

11 109. Admitted.

12 110. Admitted.

13 111. Admitted.

14 112. Admitted.

15 113. Admitted.

16 114. Defendant Hobbs is without information sufficient to form a belief as to the truth
17 of the allegations in this Paragraph, and therefore denies.

18 115. Defendant Hobbs is without information sufficient to form a belief as to the truth
19 of the allegations in this Paragraph, and therefore denies.

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

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

24 118. Defendant Hobbs is without information sufficient to form a belief as to the truth
25 of the allegations in this Paragraph, and therefore denies.

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

3 120. Defendant Hobbs is without information sufficient to form a belief as to the truth
4 of the allegations in this Paragraph, and therefore denies.

5 121. Defendant Hobbs is without information sufficient to form a belief as to the truth
6 of the allegations in this Paragraph, and therefore denies.

7 122. Defendant Hobbs is without information sufficient to form a belief as to the truth
8 of the allegations in this Paragraph, and therefore denies.

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

11 124. Defendant Hobbs is without information sufficient to form a belief as to the truth
12 of the allegations in this Paragraph, and therefore denies.

13 125. Defendant Hobbs admits that a document titled *Assessment of Voting*
14 *Patterns in Central/Eastern Washington and Review of Federal Voting Rights Act,*
15 *Section 2 Issues*, dated October 19, 2021, with the name Dr. Matt Barreto, UCLA Political
16 Science & Chicana/o Studies, Faculty Director of the UCLA Voting Rights Project on it,
17 can be found at [https://senatedemocrats.wa.gov/wp-content/uploads/2021/10/Barreto-WA-](https://senatedemocrats.wa.gov/wp-content/uploads/2021/10/Barreto-WA-Redistricting-Public-Version.pdf)
18 [Redistricting-Public-Version.pdf](https://senatedemocrats.wa.gov/wp-content/uploads/2021/10/Barreto-WA-Redistricting-Public-Version.pdf). To the extent a further response is required, Defendant Hobbs
19 is without information sufficient to form a belief as to the truth of the allegations in this
20 Paragraph, and therefore denies.

21 126. Defendant Hobbs is without information sufficient to form a belief as to the truth
22 of the allegations in this Paragraph, and therefore denies.

23 127. Defendant Hobbs is without information sufficient to form a belief as to the truth
24 of the allegations in this Paragraph, and therefore denies.

25 128. Defendant Hobbs is without information sufficient to form a belief as to the truth
26 of the allegations in this Paragraph, and therefore denies.

1 129. Defendant Hobbs admits that page 18 of the document referenced in Defendant's
2 response to Paragraph 125 of the Complaint includes the phrase "Text-book 'cracking' of Latino
3 population[.]" Defendant Hobbs is without information sufficient to form a belief as to the truth
4 of the allegations in the remainder of this Paragraph, and therefore denies.

5 130. 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 that a response is required,
7 Defendant Hobbs admits that this Paragraph cites to a case, *Clerveaux v. E. Ramapo Cent. Sch.*
8 *Dist.*, 984 F.3d 213 (2d Cir. 2020), which speaks for itself. To the extent a further response is
9 required, Defendant Hobbs is without information sufficient to form a belief as to the truth of
10 the allegations in the remainder of this Paragraph, and therefore denies.

11 131. Defendant Hobbs is without information sufficient to form a belief as to the truth
12 of the allegations in this Paragraph, and therefore denies.

13 132. Defendant Hobbs admits that a document titled *Proposed WA redistricting maps*
14 *may violate Voting Rights Act*, dated October 21, 2021, updated at 11:16 a.m. on Thursday,
15 Oct. 21, with the name Melissa Santos on it, can be found at [https://crosscut.com/politics/2021/](https://crosscut.com/politics/2021/10/proposed-wa-redistricting-maps-may-violate-voting-rights-act)
16 [10/proposed-wa-redistricting-maps-may-violate-voting-rights-act](https://crosscut.com/politics/2021/10/proposed-wa-redistricting-maps-may-violate-voting-rights-act). Defendant Hobbs further
17 admits that additional websites reference statements made by Dr. Barreto. Defendant Hobbs is
18 without information sufficient to form a belief as to the truth of the allegations in the remainder
19 of this Paragraph, and therefore denies.

20 133. Defendant Hobbs admits that the Senate Democratic Caucus posted a webpage,
21 [https://senatedemocrats.wa.gov/blog/2021/10/21/new-definitive-analysis-by-ucla-voting-](https://senatedemocrats.wa.gov/blog/2021/10/21/new-definitive-analysis-by-ucla-voting-rights-expert-final-washington-state-legislative-plan-must-include-vra-compliant-district-in-the-yakima-valley/)
22 [rights-expert-final-washington-state-legislative-plan-must-include-vra-compliant-district-in-](https://senatedemocrats.wa.gov/blog/2021/10/21/new-definitive-analysis-by-ucla-voting-rights-expert-final-washington-state-legislative-plan-must-include-vra-compliant-district-in-the-yakima-valley/)
23 [the-yakima-valley/](https://senatedemocrats.wa.gov/blog/2021/10/21/new-definitive-analysis-by-ucla-voting-rights-expert-final-washington-state-legislative-plan-must-include-vra-compliant-district-in-the-yakima-valley/), which includes a hyperlink to the document referenced in Defendant's
24 response to Paragraph 125 of the Complaint. The Senate Democratic Caucus webpage includes
25 a date of October 21. Defendant Hobbs is without information sufficient to form a belief as to
26 the truth of the allegations in the remainder of this Paragraph, and therefore denies.

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

3 135. Defendant Hobbs is without information sufficient to form a belief as to the truth
4 of the allegations in this Paragraph, and therefore denies.

5 136. Defendant Hobbs admits that the document referenced in Defendant's response
6 to Paragraph 125 of the Complaint contains a slide 22, titled *VRA Complaint Option-1:*
7 *Yakima-Columbia River Valley*, and a slide 23, titled *VRA Compliant Option-2: Yakama*
8 *Reservation*. Otherwise, this Paragraph asserts legal conclusions and questions of law to be
9 determined by the Court, to which no response is required. To the extent a further response is
10 required, Defendant Hobbs is without information sufficient to form a belief as to the truth of
11 the allegations in the remainder of this Paragraph, and therefore denies.

12 137. Defendant Hobbs admits that the document referenced in Defendant's response
13 to Paragraph 125 of the Complaint contains a slide 22, titled *VRA Compliant Option-1:*
14 *Yakima-Columbia River Valley*, which includes a text box with the phrase "Latino CVAP 60%."
15 Otherwise, this Paragraph asserts legal conclusions and questions of law to be determined by the
16 Court, to which no response is required. To the extent a further response is required, Defendant
17 Hobbs is without information sufficient to form a belief as to the truth of the allegations in this
18 Paragraph, and therefore denies.

19 138. Defendant Hobbs admits that the document referenced in Defendant's response
20 to Paragraph 125 contains a slide 23, titled *VRA Compliant Option-2: Yakama Reservation*,
21 which contains a text box which includes the phrase "Latino CVAP 52%." Otherwise, this
22 Paragraph asserts legal conclusions and questions of law to be determined by the Court, to which
23 no response is required. To the extent a further response is required, Defendant Hobbs is without
24 information sufficient to form a belief as to the truth of the allegations in this Paragraph, and
25 therefore denies.

26

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

3 140. Defendant Hobbs admits that the quoted language appeared in the document
4 referenced in Defendant's response to Paragraph 132 of the Complaint. Defendant Hobbs is
5 without information sufficient to form a belief as to the truth of the allegations in the remainder
6 of this Paragraph, and therefore denies.

7 141. Defendant Hobbs admits that the website <http://redistricting.wa.gov> includes
8 links to "Revised Map October 25, 2021" with another link to "View Revised Map & Comment
9 Online" under the names of both Commissioner Piñero Walkinshaw and Commissioner Sims.
10 Defendant Hobbs is without information sufficient to form a belief as to the truth of the
11 allegations in the remainder of this Paragraph, and therefore denies.

12 142. Defendant Hobbs admits that the documents referenced in Defendant's response
13 to Paragraph 141 of the Complaint purport to include legislative districts for the entirety of the
14 State of Washington. Defendant Hobbs is without information sufficient to form a belief as to
15 the truth of the allegations in the remainder of this Paragraph, and therefore denies.

16 143. This Paragraph states a legal conclusion to which no response is required. To the
17 extent a response is required, denied.

18 144. Defendant Hobbs admits that the Washington Supreme Court issued an order on
19 December 3, 2021, describing a letter sent to the Court on November 16, 2021, by Sarah
20 Augustine, the chair of the Washington State Redistricting Commission (Commission), "stating
21 that the Commission was unable to adopt a redistricting plan by the midnight deadline of
22 November 15, 2021." General Order No. 25700-B-676, *In re Washington State Redistricting*
23 *Commission's Letter to the Supreme Court on November 16, 2021 and the Commission Chair's*
24 *November 21, 2021, Declaration* (Wash.), [https://www.courts.wa.gov/content/publicUpload/R](https://www.courts.wa.gov/content/publicUpload/Redistricting/Order%2025700B676.pdf)
25 [edistricting/Order%2025700B676.pdf](https://www.courts.wa.gov/content/publicUpload/Redistricting/Order%2025700B676.pdf). The remainder of this Paragraph states a legal conclusion
26 to which no response is required. To the extent a further response is required, denied.

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

3 146. Defendant Hobbs admits that that the Washington Supreme Court issued an order
4 on December 3, 2021, describing a letter sent to the Court on November 16, 2021, by Sarah
5 Augustine, the chair of the Washington State Redistricting Commission (Commission), with
6 “what she described as a full redistricting plan, consisting of a resolution signed by all four
7 commissioners approving the plan, a signed letter transmitting the plan to the majority and
8 minority leaders of the Washington State Senate and House of Representatives, and maps and
9 legal descriptions of the new congressional and legislative districts.” General Order No. 25700-
10 B-676, *In re Washington State Redistricting Commission’s Letter to the Supreme Court on*
11 *November 16, 2021 and the Commission Chair’s November 21, 2021, Declaration* (Wash.),
12 <https://www.courts.wa.gov/content/publicUpload/Redistricting/Order%2025700B676.pdf>. The
13 remainder of this Paragraph states a legal conclusion to which no response is required. To the
14 extent a further response is required, denied.

15 147. Defendant Hobbs is without information sufficient to form a belief as to the truth
16 of the allegations in this Paragraph, and therefore denies.

17 148. Defendant Hobbs admits that in a December 3, 2021 order the Washington
18 Supreme Court “decline[d] to exercise its authority under article II, subsection 43(6) and
19 chapter 44.05 Wash. Rev. Code to adopt a redistricting plan because it concludes that the plan
20 adopted by the Washington State Redistricting Commission met the constitutional deadline and
21 substantially complied with the statutory deadline to transmit the matter to the legislature.”
22 General Order No. 25700-B-676, *In re Washington State Redistricting Commission’s Letter to*
23 *the Supreme Court on November 16, 2021 and the Commission Chair’s November 21, 2021,*
24 *Declaration* (Wash.), [https://www.courts.wa.gov/content/publicUpload/Redistricting/Order%2](https://www.courts.wa.gov/content/publicUpload/Redistricting/Order%2025700B676.pdf)
25 [025700B676.pdf](https://www.courts.wa.gov/content/publicUpload/Redistricting/Order%2025700B676.pdf).

26 149. Admitted.

D. Elections in the Yakima Valley Region Exhibit Racially Polarized Voting

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

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

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

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

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

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

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

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

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

159. Defendant Hobbs admits that in the 2012 State Representative election for Legislative District 15, Pablo Gonzalez lost to David Taylor. Defendant Hobbs is without information sufficient to form a belief as to the truth of the remaining allegations in this Paragraph, and therefore denies.

160. Defendant Hobbs admits that in the 2014 State Senate election for Legislative District 15, Gabriel Muñoz lost to Jim Honeyford. Defendant Hobbs is without information

1 sufficient to form a belief as to the truth of the remaining allegations in this Paragraph, and
2 therefore denies.

3 161. Defendant Hobbs admits that in the 2014 State Representative election for
4 Legislative District 15, Teodora Martinez-Chavez lost to David Taylor. Defendant Hobbs is
5 without information sufficient to form a belief as to the truth of the remaining allegations in this
6 Paragraph, and therefore denies.

7 162. Defendant Hobbs admits that in the 2018 State Senate election for Legislative
8 District 15, Evangelina Aguilar lost to Jim Honeyford. Defendant Hobbs is without information
9 sufficient to form a belief as to the truth of the remaining allegations in this Paragraph, and
10 therefore denies.

11 163. Defendant Hobbs is without information sufficient to form a belief as to the truth
12 of the allegations in this Paragraph, and therefore denies.

13 164. Defendant Hobbs is without information sufficient to form a belief as to the truth
14 of the allegations in this Paragraph, and therefore denies.

15 165. Defendant Hobbs admits that in the 2018 State Senate election for Legislative
16 District 15, Evangelina Aguilar received 72.62% of ballots counted in Yakima County
17 Precinct 104. Defendant Hobbs admits that a majority of the total population of Yakima County
18 Precinct 104 identifies as Hispanic or Latino.

19 166. Defendant Hobbs admits that in the 2018 State Senate election for Legislative
20 District 15, Evangelina Aguilar received 70.00% of ballots counted in Yakima County
21 Precinct 501. Defendant Hobbs admits that a majority of the total population of Yakima
22 County Precinct 501 identifies as Hispanic or Latino. Defendant Hobbs is without information
23 sufficient to form a belief as to the truth of the remaining allegations in this Paragraph, and
24 therefore denies.

25 167. Defendant Hobbs is without information sufficient to form a belief as to the truth
26 of the allegations in this Paragraph, and therefore denies.

1 168. Defendant Hobbs admits that, using adjusted 2020 Census data, there were
2 50 precincts in the former Legislative District 15 in which more than 50% of the total population
3 identified as Hispanic or Latino. Evangelina Aguilar received a majority of the ballots cast in
4 24 of those 50 precincts. Defendant Hobbs is without information sufficient to form a belief as
5 to the truth of the remaining allegations in this Paragraph, and therefore denies.

6 169. Defendant Hobbs is without information sufficient to form a belief as to the truth
7 of the allegations in this Paragraph, and therefore denies.

8 170. Defendant Hobbs is without information sufficient to form a belief as to the truth
9 of the allegations in this Paragraph, and therefore denies.

10 171. Defendant Hobbs admits that in the 2018 State Senate election for Legislative
11 District 15, Evangelina Aguilar received 21.51% of ballots counted in Yakima County
12 Precinct 4616. Defendant Hobbs denies that a majority of the population in Precinct 4616
13 identifies as White. Defendant Hobbs is without information sufficient to form a belief as to the
14 truth of the remaining allegations in this Paragraph, and therefore denies.

15 172. Defendant Hobbs admits that in the 2018 State Senate election for Legislative
16 District 15, Evangelina Aguilar received 22.00% of ballots counted in Yakima County
17 Precinct 4106. Defendant Hobbs admits that, according to adjusted Census 2020 data, a majority
18 of the total population of Yakima County Precinct 4106 identifies as white alone, not Hispanic.
19 Defendant Hobbs is without information sufficient to form a belief as to the truth of the
20 remaining allegations in this Paragraph, and therefore denies.

21 173. Defendant Hobbs admits that under Wash. Rev. Code § 29A.04.110, legislative
22 state offices are “partisan offices” for which a candidate may indicate a political party preference
23 on his or her declaration of candidacy. Defendant Hobbs further admits that Republican Party
24 and Democratic Party are party preferences declared by some Washington State legislature
25 candidates. Defendant Hobbs is without information sufficient to form a belief as to the truth of
26 the allegations in the remainder of this Paragraph, and therefore denies.

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

3 175. Defendant Hobbs is without information sufficient to form a belief as to the truth
4 of the allegations in this Paragraph, and therefore denies.

5 176. Defendant Hobbs is without information sufficient to form a belief as to the truth
6 of the allegations in this Paragraph, and therefore denies.

7 177. Defendant Hobbs is without information sufficient to form a belief as to the truth
8 of the allegations in this Paragraph, and therefore denies.

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

11 179. Defendant Hobbs is without information sufficient to form a belief as to the truth
12 of the allegations in this Paragraph, and therefore denies.

13 180. Defendant Hobbs is without information sufficient to form a belief as to the truth
14 of the allegations in this Paragraph, and therefore denies.

15 181. Defendant Hobbs is without information sufficient to form a belief as to the truth
16 of the allegations in this Paragraph, and therefore denies.

17 182. This Paragraph asserts legal conclusions and questions of law to be determined
18 by the Court, to which no response is required. To the extent that a response is required,
19 Defendant Hobbs admits only that this Paragraph has cited a case, *Montes v. City of Yakima*,
20 40 F. Supp. 3d 1377 (E.D. Wash. 2014), which speaks for itself. To the extent a further response
21 is required, denied.

22 183. This Paragraph asserts legal conclusions and questions of law to be determined
23 by the Court, to which no response is required. To the extent that a response is required,
24 Defendant Hobbs admits only that this Paragraph has cited a case, *Aguilar v. Yakima County*,
25 Case No. 20-2-0018019 (Kittitas Cnty. Sup. Ct. July 13, 2020), which would speak for itself.
26 To the extent a further response is required, Defendant Hobbs is without sufficient information

1 to form a belief as to the truth of the allegations in the remainder of this Paragraph, and therefore
2 denies.

3 184. Defendant Hobbs is without information sufficient to form a belief as to the truth
4 of the allegations in this Paragraph, and therefore denies.

5 185. 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 that a response is required,
7 Defendant Hobbs admits only that this Paragraph has cited a case, *Glatt v. City of Pasco*,
8 No. 4:16-CV-05108-LRS (E.D. Wash. Jan. 27, 2017), which speaks for itself. To the extent a
9 further response is required, Defendant Hobbs is without sufficient information to form a belief
10 as to the truth of the allegations in the remainder of this Paragraph, and therefore denies.

11 186. 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,
13 Defendant Hobbs admits only that this Paragraph has cited a case from California, *Luna v.*
14 *County of Kern*, 291 F. Supp. 3d 1088 (E.D. Cal. 2018), which speaks for itself. To the extent a
15 further response is required, Defendant Hobbs is without sufficient information to form a belief
16 as to the truth of the allegations in the remainder of this Paragraph, and therefore denies.

17 187. Defendant Hobbs is without information sufficient to form a belief as to the truth
18 of the allegations in this Paragraph, and therefore denies.

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

21 189. Defendant Hobbs is without information sufficient to form a belief as to the truth
22 of the allegations in this Paragraph, and therefore denies.

23 **E. The Washington Redistricting Commission's Approved State Legislative Map**
24 **Dilutes the Strength of Latino Voters in the Yakima Valley Region**

25 190. Defendant Hobbs is without information sufficient to form a belief as to the truth
26 of the allegations in this Paragraph, and therefore denies.

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

3 192. Defendant Hobbs is without information sufficient to form a belief as to the truth
4 of the allegations in this Paragraph, and therefore denies.

5 193. Defendant Hobbs is without information sufficient to form a belief as to the truth
6 of the allegations in this Paragraph, and therefore denies.

7 194. Defendant Hobbs is without information sufficient to form a belief as to the truth
8 of the allegations in this Paragraph, and therefore denies.

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

11 196. Defendant Hobbs is without information sufficient to form a belief as to the truth
12 of the allegations in this Paragraph, and therefore denies.

13 197. Defendant Hobbs admits that the Commission's version of Legislative District 15
14 does not include the cities of Wapato, Toppenish, and Mabton, and does not include areas of the
15 City of Yakima. Defendant Hobbs is without information sufficient to form a belief as to the
16 truth of the remaining allegations in this Paragraph, and therefore denies.

17 198. Defendant Hobbs is without information sufficient to form a belief as to the truth
18 of the allegations in this Paragraph, and therefore denies.

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

21 200. Defendant Hobbs admits that the City of Othello is located in Adams County and
22 is included in District 15. Defendant Hobbs is without information sufficient to form a belief as
23 to the truth of the allegations in the remainder of this Paragraph, and therefore denies.

24 201. Defendant Hobbs is without information sufficient to form a belief as to the truth
25 of the allegations in this Paragraph, and therefore denies.

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

3 203. Defendant Hobbs denies that 16,147 Adams County voters are included in
4 Legislative District 15. Defendant Hobbs admits that 16,147 Adams County residents are
5 included the Legislative District 15. Defendant Hobbs is without information sufficient to form
6 a belief as to the truth of the remaining allegations in this Paragraph, and therefore denies.

7 204. Defendant Hobbs is without information sufficient to form a belief as to the truth
8 of the allegations in this Paragraph, and therefore denies.

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

11 206. Defendant Hobbs admits that of the Adams County precincts included in
12 Legislative District 15, former President Trump received 60.73% of ballots counted in 2020.
13 Defendant Hobbs admits that President Biden received more votes than former President Trump
14 in three Adams County precincts that are included in Legislative District 15. Defendant Hobbs
15 is without information sufficient to form a belief as to the truth of the remaining allegations in
16 this Paragraph, and therefore denies.

17 207. Defendant Hobbs denies that, in the 2020 general election, voters who reside in
18 the new District 15 voted to elect Republican Donald Trump for President in 2020. Defendant
19 Hobbs admits that, in the 2020 general election, voters who reside in the new District 15 voted
20 to elect Culp for Governor and Larkin for Attorney General. Defendant Hobbs admits that, in
21 the 2018 general election, voters who reside in the new District 15 voted to elect Newhouse for
22 U.S. Congress and Hutchison for U.S. Senate. Defendant Hobbs admits that, in the 2016 general
23 election, voters who reside in the new District 15 voted to elect Republican Donald Trump for
24 President and Bryant for Governor. Defendant Hobbs is without information sufficient to form
25 a belief as to the truth of the allegations in this Paragraph, and therefore denies.
26

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

3 209. This Paragraph states a legal conclusion to which no response is required. To the
4 extent a response is required, Defendant Hobbs denies the allegations in this Paragraph.

5 210. Defendant Hobbs is without information sufficient to form a belief as to the truth
6 of the allegations in this Paragraph, and therefore denies.

7 **F. The Totality of the Circumstances Demonstrates That Latino Voters in the Yakima**
8 **Valley Region Have Less Opportunity Than Others to Participate in the Political**
9 **Process and Elect Candidates of Choice**

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

13 212. Defendant Hobbs is without information sufficient to form a belief as to the truth
14 of the allegations in this Paragraph, and therefore denies.

15 213. Admitted.

16 214. Defendant Hobbs is without information sufficient to form a belief as to the truth
17 of the allegations in this Paragraph, and therefore denies.

18 215. This Paragraph asserts legal conclusions and questions of law to be determined
19 by the Court, to which no response is required. To the extent that a response is required,
20 Defendant Hobbs admits only that this Paragraph has cited a case from California, *Luna v.*
21 *County of Kern*, 291 F. Supp. 3d 1088 (E.D. Cal. 2018), which speaks for itself. To the extent a
22 further response is required, Defendant Hobbs is without sufficient information to form a belief
23 as to the truth of the allegations in the remainder of this Paragraph, and therefore denies.

24 216. Defendant Hobbs is without information sufficient to form a belief as to the truth
25 of the allegations in this Paragraph, and therefore denies.

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

1 218. Defendant Hobbs admits that a document titled *Yakima's cultural divide*, with the
2 names Mike Faulk and YakimaHerald.com, and a date of October 16, 2015, appears at the link
3 contained in Paragraph 218 of the Complaint. Defendant Hobbs is without information sufficient
4 to form a belief as to the truth of the allegations in the remainder of this Paragraph, and therefore
5 denies.

6 219. Defendant Hobbs is without information sufficient to form a belief as to the truth
7 of the allegations in this Paragraph, and therefore denies.

8 220. Defendant Hobbs admits that, according to news coverage, Antonio Zambrano-
9 Montes was shot and killed by Pasco, Washington police. Defendant Hobbs is without
10 information sufficient to form a belief as to the truth of the remainder of the allegations in this
11 Paragraph, and therefore denies.

12 221. Defendant Hobbs is without information sufficient to form a belief as to the truth
13 of the allegations in this Paragraph, and therefore denies.

14 222. Defendant Hobbs is without information sufficient to form a belief as to the truth
15 of the allegations in this Paragraph, and therefore denies.

16 223. Defendant Hobbs is without information sufficient to form a belief as to the truth
17 of the allegations in this Paragraph, and therefore denies.

18 224. Defendant Hobbs is without information sufficient to form a belief as to the truth
19 of the allegations in this Paragraph, and therefore denies.

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

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

24 227. Defendant Hobbs is without information sufficient to form a belief as to the truth
25 of the allegations in this Paragraph, and therefore denies.

26

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

3 229. Defendant Hobbs is without information sufficient to form a belief as to the truth
4 of the allegations in this Paragraph, and therefore denies.

5 230. Defendant Hobbs is without information sufficient to form a belief as to the truth
6 of the allegations in this Paragraph, and therefore denies.

7 231. Defendant Hobbs is without information sufficient to form a belief as to the truth
8 of the allegations in this Paragraph, and therefore denies.

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

11 233. Defendant Hobbs is without information sufficient to form a belief as to the truth
12 of the allegations in this Paragraph, and therefore denies.

13 234. Defendant Hobbs is without information sufficient to form a belief as to the truth
14 of the allegations in this Paragraph, and therefore denies.

15 235. Defendant Hobbs is without information sufficient to form a belief as to the truth
16 of the allegations in this Paragraph, and therefore denies.

17 236. Defendant Hobbs is without information sufficient to form a belief as to the truth
18 of the allegations in this Paragraph, and therefore denies.

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

21 238. Defendant Hobbs is without information sufficient to form a belief as to the truth
22 of the allegations in this Paragraph, and therefore denies.

23 239. Defendant Hobbs admits that the hyperlink referenced in footnote 2 links to a
24 webpage headed “Yakima Health District” with information titled *Race and Ethnicity*
25 *Breakdown of COVID-19 Positive Individuals*. The website states “[t]his information will be
26

1 updated every two weeks.” Defendant Hobbs is without information sufficient to form a belief
2 as to the truth of the allegations in the remainder of this Paragraph, and therefore denies.

3 240. Defendant Hobbs is without information sufficient to form a belief as to the truth
4 of the allegations in this Paragraph, and therefore denies.

5 241. Defendant Hobbs is without information sufficient to form a belief as to the truth
6 of the allegations in this Paragraph, and therefore denies.

7 242. Defendant Hobbs is without information sufficient to form a belief as to the truth
8 of the allegations in this Paragraph, and therefore denies.

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

11 244. Defendant Hobbs admits that the hyperlink referenced in footnote 3 links to a
12 webpage headed “Yakima County Auditor” with information titled *2020 General Election Voter*
13 *Participation by surname*. Defendant Hobbs further admits that the number 37,978 appears in a
14 column titled *Issued* and a row titled *Spanish surname*, and the number 21,281 appears in a
15 column titled *Returned* and a row titled *Spanish surname*. Defendant Hobbs further admits that
16 the number 89,713 appears in a column titled *Issued* and a row titled *Non-Spanish surname*, and
17 the number 75,704 appears in a column titled *Returned* and a row titled *Non-Spanish surname*.
18 Defendant Hobbs is without information sufficient to form a belief as to the truth of the
19 allegations in the remainder of this Paragraph, and therefore denies.

20 245. Defendant Hobbs admits that a February 1, 2022 Performance Audit by the Office
21 of the Washington State Auditor found that ballots of white voters were rejected at a lower rate
22 than those of all other racial or ethnic groups. Defendant Hobbs is without information sufficient
23 to form a belief as to the truth of the remaining allegations in this Paragraph, and therefore denies.

24 246. Defendant Hobbs admits that a document titled *Investigation finds Latino ballots*
25 *in WA more likely to be rejected*, with a date of February 15, 2021, and the name Joy Borkholder,
26 can be found at the hyperlink in this Paragraph. Defendant Hobbs is without information

1 sufficient to form a belief as to the truth of the remaining allegations in this Paragraph, and
2 therefore denies.

3 247. Defendant Hobbs admits that a document titled *Investigation finds Latino ballots*
4 *in WA more likely to be rejected*, with a date of February 15, 2021, and the name Joy Borkholder,
5 can be found at the hyperlink in this Paragraph. Defendant Hobbs is without information
6 sufficient to form a belief as to the truth of the allegations in this Paragraph, and therefore denies.

7 248. Defendant Hobbs admits that the lawsuit *Reyes v. Chilton*, case number 4:21-cv-
8 05075, was filed in the United States District Court for the Eastern District of Washington on
9 May 7, 2021. Defendant Hobbs admits that the original complaint listed the Latino Community
10 Fund, the League of United Latin American Citizens, and an individual voter as named plaintiffs.
11 Defendant Hobbs admits that the original complaint named officials from three counties,
12 including Yakima County, as defendants. Defendant Hobbs is without information sufficient to
13 form a belief as to the truth of the allegations in the remainder of this Paragraph, and therefore
14 denies.

15 249. Defendant Hobbs is without information sufficient to form a belief as to the truth
16 of the allegations in this Paragraph, and therefore denies.

17 250. Defendant Hobbs admits that Gabriel Muñoz was a state senate candidate in the
18 former Legislative District 15 in 2014. Defendant Hobbs is without information sufficient to
19 form a belief as to the truth of the remaining allegations in this Paragraph, and therefore denies.

20 251. Defendant Hobbs admits that Ron Anderson was a candidate for Yakima County
21 Board of Commissioners in 2016. Defendant Hobbs is without information sufficient to form a
22 belief as to the truth of the remaining allegations in this Paragraph, and therefore denies.

23 252. Defendant Hobbs admits that Dulce Gutierrez was a candidate for Yakima City
24 Council in 2015. Defendant Hobbs is without information sufficient to form a belief as to the
25 truth of the remaining allegations in this Paragraph, and therefore denies.

26

1 253. Defendant Hobbs admits that Jose Trevino was a candidate for mayor for the City
2 of Granger in 2015. Defendant Hobbs is without information sufficient to form a belief as to the
3 truth of the remaining allegations in this Paragraph, and therefore denies.

4 254. Defendant Hobbs admits that Jose Trevino was a candidate for Yakima County
5 Clerk in 2014, and Yakima County Commissioner District 3 in 2018. Defendant Hobbs is
6 without information sufficient to form a belief as to the truth of the remaining allegations in this
7 Paragraph, and therefore denies.

8 255. Defendant Hobbs is without information sufficient to form a belief as to the truth
9 of the allegations in this Paragraph, and therefore denies.

10 256. Admitted.

11 257. Defendant Hobbs is without information sufficient to form a belief as to the truth
12 of the allegations in this Paragraph, and therefore denies.

13 258. Defendant Hobbs is without information sufficient to form a belief as to the truth
14 of the allegations in this Paragraph, and therefore denies.

15 259. Defendant Hobbs is without information sufficient to form a belief as to the truth
16 of the allegations in this Paragraph, and therefore denies.

17 260. Defendant Hobbs admits that Pablo Gonzalez, Teodora Martinez-Chavez, and
18 Bengie Aguilar have each been candidates for state legislative positions in the former Legislative
19 District 15 and that each did not win. Defendant Hobbs is without information sufficient to form
20 a belief as to the truth of the remaining allegations in this Paragraph, and therefore denies.

21 261. Defendant Hobbs admits that the current Legislative District 15 is represented by
22 Bruce Chandler and Jeremie Dufault in the state house and Jim Honeyford in the state senate.
23 Defendant Hobbs is without information sufficient to form a belief as to the truth of the
24 remaining allegations in this Paragraph, and therefore denies.

25 262. Defendant Hobbs is without information sufficient to form a belief as to the truth
26 of the allegations in this Paragraph, and therefore denies.

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

3 264. Defendant Hobbs admits that Susan Soto Palmer ran for State Representative in
4 the 2016 Legislative District 14 election and was not elected. Defendant Hobbs is without
5 information sufficient to form a belief as to the truth of the remaining allegations in this
6 Paragraph, and therefore denies.

7 265. Defendant Hobbs admits that Legislative District 14 is currently represented by
8 Representatives Chris Corry and Gina Mosbrucker and Senator Curtis King. Defendant Hobbs
9 is without information sufficient to form a belief as to the truth of the remaining allegations in
10 this Paragraph, and therefore denies.

11 266. Defendant Hobbs is without information sufficient to form a belief as to the truth
12 of the allegations in this Paragraph, and therefore denies.

13 267. Defendant Hobbs admits that Jesse Palacios was elected to the Yakima County
14 Board of Commissioners in 1998 and 2002. Defendant Hobbs is without information sufficient
15 to form a belief as to the truth of the remaining allegations in this Paragraph, and therefore denies.

16 268. Defendant Hobbs is without information sufficient to form a belief as to the truth
17 of the allegations in this Paragraph, and therefore denies.

18 269. Defendant Hobbs is without information sufficient to form a belief as to the truth
19 of the allegations in this Paragraph, and therefore denies.

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

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

CLAIMS FOR RELIEF

Count 1

**Race and Language Minority Discrimination,
Discriminatory Results in Violation of Section 2 of the Voting Rights Act
52 U.S.C. § 10301**

272. Defendant Hobbs restates and incorporates by reference his responses to the allegations in the Complaint.

273. 52 U.S.C. § 10301(a) speaks for itself. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, Defendant Hobbs denies the allegations in this Paragraph.

274. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, Defendant Hobbs denies the allegations in this Paragraph.

275. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, Defendant Hobbs denies the allegations in this Paragraph.

276. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, Defendant Hobbs denies the allegations in this Paragraph.

277. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, Defendant Hobbs denies the allegations in this Paragraph.

278. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, Defendant Hobbs denies the allegations in this Paragraph.

279. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, Defendant Hobbs denies the allegations in this Paragraph.

280. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, Defendant Hobbs denies the allegations in this Paragraph.

Count 2
Race and Language Minority Discrimination,
Discriminatory Intent in Violation of Section 2 of the Voting Rights Act
52 U.C.S. § 10301

281. Defendant Hobbs restates and incorporates by reference his responses to the allegations in the Complaint.

283. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, Defendant Hobbs denies the allegations in this Paragraph.

PRAYER FOR RELIEF

Defendant Hobbs takes no position on whether Plaintiffs are entitled to any relief requested except that Defendant Hobbs denies that Plaintiffs are entitled to an award of costs, expenses, disbursements, or reasonable attorneys’ fees as against Defendant Hobbs.

AFFIRMATIVE DEFENSES

Defendant Hobbs’ affirmative defenses to the Complaint are set forth below. By setting forth the following defenses, Defendant Hobbs does not assume burden of proof on the matter and issue other than those on which he has the burden of proof as a matter of law. Defendant Hobbs reserves the right to supplement these defenses.

- 1. Plaintiffs have failed to join all necessary parties.
- 2. One or more Plaintiffs lack individual or associational standing to bring this action.

PRAYER FOR RELIEF

- 1. Such relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED this 27th day of May 2022.

ROBERT W. FERGUSON
Attorney General

s/ Karl D. Smith
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DECLARATION OF SERVICE

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court’s CM/ECF System which will serve a copy of this document upon all counsel of record.

DATED this 27th day of May 2022, at Olympia, Washington.

s/ Leena Vanderwood
Leena Vanderwood
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