

The Honorable Robert S. Lasnik

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

SUSAN SOTO PALMER, et al.,

Plaintiffs,

v.

STEVEN HOBBS, in his official capacity
as Secretary of State of Washington, and
the STATE OF WASHINGTON,

Defendants,

and

JOSE TREVINO, ISMAEL G. CAMPOS,
and State Representative ALEX YBARRA,

Intervenor-Defendants.

NO. 3:22-cv-5035-RSL

DECLARATION OF
ANDREW R.W. HUGHES IN
SUPPORT OF STATE OF
WASHINGTON'S MOTION TO
MODIFY SCHEDULING ORDER
AND EXTEND TRIAL DATE
AND RELATED DATES

NOTED: JULY 8, 2022

I, ANDREW R.W. HUGHES, hereby declare the following:

1. I am an Assistant Attorney General with the Office of the Attorney General of Washington, representing Defendant State of Washington, in the above-captioned matter. The following statements are based on my own personal knowledge and the records and files in this case.

2. Attached hereto as **Exhibit A** is a true and correct copy of an email string between me and counsel for the other parties, dated June 17, 2022, through June 22, 2022.

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 24th day of June 2022, at Seattle, Washington.

s/ Andrew R.W. Hughes
ANDREW R.W. HUGHES
Assistant Attorney General

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Exhibit A

RETRIEVED FROM DEMOCRACYDOCKET.COM

From: [Smith, Karl David \(ATG\)](#)
To: [Hughes, Andrew \(ATG\)](#)
Cc: [Sepe, Cristina \(ATG\)](#); [Wood, Jennifer \(ATG\)](#); [Hand, Amy \(ATG\)](#); [Annabelle Harless](#); [Simone Leeper](#); ["Drew Stokesbary"](#); ["Sonni Waknin"](#); [Griffith, Leslie \(ATG\)](#); ["chad@uclavrp.org"](#); [Mark Gaber](#); ["eherrera@maldef.org"](#); ["eddie@morfinlawfirm.com"](#); [Aseem Mulji](#); ["bernadette@uclavrp.org"](#); ["lsaucedo@maldef.org"](#); ["dthrift-viveros@maldef.org"](#)
Subject: RE: Palmer v. Hobbs - Case Schedule
Date: Wednesday, June 22, 2022 1:28:07 PM

Andrew,
Secretary Hobbs does not object to the proposed continuance.
Karl

Karl D. Smith

Deputy Solicitor General
Washington State Attorney General's Office
t 360.664.2510 f 360.664.2963
karl.smith@atg.wa.gov

From: Hughes, Andrew (ATG)

Sent: Tuesday, June 21, 2022 4:49 PM

To: Annabelle Harless <aharless@campaignlegalcenter.org>; Simone Leeper <SLeeper@campaignlegalcenter.org>; Smith, Karl David (ATG) <karl.smith@atg.wa.gov>; 'Drew Stokesbary' <dstokesbary@stokesbarypllc.com>; 'Sonni Waknin' <sonni@uclavrp.org>; Griffith, Leslie (ATG) <leslie.griffith@atg.wa.gov>; 'chad@uclavrp.org' <chad@uclavrp.org>; Mark Gaber <MGaber@campaignlegalcenter.org>; 'eherrera@maldef.org' <eherrera@maldef.org>; 'eddie@morfinlawfirm.com' <Eddie@MorfinLawFirm.com>; Aseem Mulji <amulji@campaignlegalcenter.org>; 'bernadette@uclavrp.org' <bernadette@uclavrp.org>; 'lsaucedo@maldef.org' <LSaucedo@maldef.org>; 'dthrift-viveros@maldef.org' <Dthrift-viveros@maldef.org>

Cc: Sepe, Cristina (ATG) <crisrina.sepe@atg.wa.gov>; Wood, Jennifer (ATG) <jennifer.wood@atg.wa.gov>; Hand, Amy (ATG) <amy.hand@atg.wa.gov>

Subject: RE: Palmer v. Hobbs - Case Schedule

Annabelle,

This is disappointing to hear. I think it's pretty clear that expecting the State to serve expert reports two months after being added as a party (or even two months and three weeks under your counter-proposal) is untenable and unfair. I do not believe Secretary Hobbs' and the Intervenor-Defendants' prior decisions not to seek extensions of the case schedule in their respective motion for joinder and motion to intervene (and the corresponding Court orders) have any bearing on a new and separate party's request to do so now. Finally, although you claim Plaintiffs would suffer prejudice from moving trial to summer 2023, you don't offer any explanation for why that is. In any event, we will note your position when we file our motion, hopefully later this week or next.

Could the remaining parties let me know their positions as soon as convenient? Thanks.

Andrew

Andrew Hughes (he/him)
Assistant Attorney General
Complex Litigation Division
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Seattle, WA 98104

andrew.hughes@atg.wa.gov

Office: 206-332-7096

Cell: 206-498-8113

From: Annabelle Harless <aharless@campaignlegalcenter.org>

Sent: Tuesday, June 21, 2022 2:39 PM

To: Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>; Simone Leeper <SLeeper@campaignlegalcenter.org>; Smith, Karl David (ATG) <karl.smith@atg.wa.gov>; 'Drew Stokesbary' <dstokesbary@stokesbarypllc.com>; 'Sonni Waknin' <sonni@uclavrp.org>; Griffith, Leslie (ATG) <leslie.griffith@atg.wa.gov>; 'chad@uclavrp.org' <chad@uclavrp.org>; Mark Gaber <MGaber@campaignlegalcenter.org>; 'eherrera@maldef.org' <eherrera@maldef.org>; 'eddie@morfinlawfirm.com' <Eddie@MorfinLawFirm.com>; Aseem Mulji <amulji@campaignlegalcenter.org>; 'bernadette@uclavrp.org' <bernadette@uclavrp.org>; 'Isaucedo@maldef.org' <LSaucedo@maldef.org>; 'dthrift-viveros@maldef.org' <Dthrift-viveros@maldef.org>

Cc: Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>; Wood, Jennifer (ATG) <jennifer.wood@atg.wa.gov>; Hand, Amy (ATG) <amy.hand@atg.wa.gov>

Subject: Re: Palmer v. Hobbs - Case Schedule

[EXTERNAL]

Counsel,

Plaintiffs oppose your request for a 4-6 month continuance. We do not think any basis for such a continuance exists. When Secretary Hobbs sought to join the State in this case, he stated that he was not seeking changes to the scheduling order (as did the Intervenor-Defendants). Further, when the Court granted the joinder and intervention motions on May 6, Judge Lasnik specifically stated that "the case management deadlines established at Dkt. #46 remain unchanged." Discovery is underway and a trial date has been set for January 9, 2023 in this case. Extending that trial date would prejudice Plaintiffs.

Plaintiffs would be open to considering and discussing changes to the expert discovery deadlines, within the framework of the case management schedule set by the court (Dkt. 46). Plaintiffs propose the below schedule, which would give you an extension for your expert report, and slightly extend expert discovery:

Plaintiffs' Expert Reports: due July 13, 2022
Defendants' Expert Reports: due August 3, 2022
Plaintiffs' Rebuttal Reports: due August 17, 2022
Fact Discovery Cutoff: September 11, 2022
Expert Discovery Cutoff: September 20, 2022
Settlement Conference: September 25, 2022
Dispositive Motions: October 11, 2022
Motions in Limine: December 12, 2022
Pretrial Order Due: December 28, 2022
Trial Briefs and Exhibits: January 4, 2022

Best,

Annabelle

Annabelle Harless

Senior Legal Counsel, Redistricting

C: 810.701.5029 | @a_harless

Campaign Legal Center

55 W. Monroe Street, Suite 1925

Chicago, IL 60603

campaignlegalcenter.org

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From: Hughes, Andrew (ATG) <andrew.hughes@atg.wa.gov>

Date: Friday, June 17, 2022 at 4:20 PM

To: Simone Leeper <SLeeper@campaignlegalcenter.org>, Smith, Karl David (ATG) <karl.smith@atg.wa.gov>, 'Drew Stokesbary' <dstokesbary@stokesbarypllc.com>, 'Sonni Waknin' <sonni@uclavrp.org>, Griffith, Leslie (ATG) <leslie.griffith@atg.wa.gov>, 'chad@uclavrp.org' <chad@uclavrp.org>, Mark Gaber <MGaber@campaignlegalcenter.org>, Annabelle Harless <aharless@campaignlegalcenter.org>, 'eherrera@maldef.org' <eherrera@maldef.org>, 'eddie@morfinlawfirm.com' <Eddie@MorfinLawFirm.com>, Aseem Mulji <amulji@campaignlegalcenter.org>, 'bernadette@uclavrp.org' <bernadette@uclavrp.org>, 'Isaucedo@maldef.org' <LSaucedo@maldef.org>, 'dthrift-viveros@maldef.org' <Dthrift-viveros@maldef.org>

Cc: Sepe, Cristina (ATG) <cristina.sepe@atg.wa.gov>, Wood, Jennifer (ATG) <jennifer.wood@atg.wa.gov>, Hand, Amy (ATG) <amy.hand@atg.wa.gov>

Subject: Palmer v. Hobbs - Case Schedule

Counsel,

We are writing regarding the Court's scheduling order. As you know, that schedule was entered in March, two months before the State became a Defendant in this lawsuit, and does not reflect the nearly fourth-month late start the State got in defending against this lawsuit. In order to give the State adequate time to address Plaintiffs' allegations, we believe a continuance of four-to-six months is necessary. Given the relative lack of urgency—there will not be a contested election in either LD 15 or LD 14 until 2024 at the earliest—we do not believe Plaintiffs, Secretary Hobbs, or Intervenors would be prejudiced by this minor delay. Accordingly, please let us know if you are willing to work with us on a continuance and we can send over some proposed dates. If not, we will need to file a motion with the Court.

And, Drew, just a heads up, we will be writing to you separately with a similar request in *Garcia*.

Thanks. Please let us know if you have any questions or want to discuss further.

Andrew

Andrew Hughes (he/him)

Assistant Attorney General

Complex Litigation Division

800 Fifth Avenue, Suite 2000

Seattle, WA 98104

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Cell: 206-498-8113