1 The Honorable Robert S. Lasnik 2 3 4 5 6 7 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 8 AT SEATTLE 9 SUSAN SOTO PALMER, et al., NO. 3:22-cy-5035-RSL 10 Plaintiffs, DECLARATION OF ANDREW R.W. HUGHES IN 11 SUPPORT OF STATE OF WASHINGTON'S MOTION TO 12 STEVEN HOBBS, in his official capacity MODIFY SCHEDULING ORDER as Secretary of State of Washington, and AND EXTEND TRIAL DATE 13 the STATE OF WASHINGTON, AND RELATED DATES 14 Defendants, **NOTED: JULY 8, 2022** 15 and 16 JOSE TREVINO, ISMAEL G. CAMPOS, and State Representative ALEX YBARRA, 17 Intervenor-Defendants. 18 19 I, ANDREW R.W. HUGHES, hereby declare the following: 20 I am an Assistant Attorney General with the Office of the Attorney General of 21 Washington, representing Defendant State of Washington, in the above-captioned matter. The 22 following statements are based on my own personal knowledge and the records and files in this 23 case. 24 2. Attached hereto as **Exhibit A** is a true and correct copy of an email string between 25 me and counsel for the other parties, dated June 17, 2022, through June 22, 2022. 26

1	3. Since being served with Plaintiffs' Amended Complaint, my colleague Cristina
2	Sepe and I have worked diligently to get up to speed on Plaintiffs' lawsuit and prepare to defend
3	against it. Together, we spent many hours reviewing Plaintiffs' Amended Complaint, including
4	its many, many factual and legal allegations in order to prepare the State's Answer.
5	4. Additionally, we have done considerable factual and legal research to understand
6	and begin to evaluate Plaintiffs' claims. To preserve client confidences, I cannot discuss the
7	specific work we have been doing, but I can be available to discuss this in camera, if the Court
8	has any questions.
9	5. We have reached out to Plaintiffs' counsel numerous times to obtain more
10	information about their claims. For example, we set up a Zoom call with some of Plaintiffs'
11	counsel in which they used interactive redistricting software to walk us through some of the
12	specifics of their claims. We have also been in contact with them regarding documents they
13	apparently obtained some time ago from key witnesses via subpoena, although to date we have
14	still not obtained those documents.
15	6. We have also been researching potential experts and have recently been in contact
16	with multiple potential experts. However, the State has not yet been able to retain an expert, in
17	part because the experts with whom we have spoken are not available to begin work until July
18	at the earliest.
19	I declare under penalty of perjury under the laws of the United States that the foregoing
20	is true and correct.
21	DATED this 24th day of June 2022
22	o/ An June D. W. Headon
23	s/ Andrew R.W. Hughes ANDREW R.W. HUGHES, WSBA No. 49515
24	Assistant Attorneys General
25	
26	
	DECLARATION OF 2 ATTORNEY GENERAL OF WASHINGTON

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

Exhibit A

PAFEL BYFELD ENOWN DEFINO CHARCE TO COMPARE THE OWN DEFINO CHARCE TO CHARCE

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"; "Isaucedo@maldef.org"; "dthrift-

viveros@maldef.org"

Subject:RE: Palmer v. Hobbs - Case ScheduleDate: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 <a harless@campaignlegalcenter.org>; Simone Leeper

<SLeeper@campaignlegalcenter.org>; Smith, Karl David (ATG) < karl.smith@atg.wa.gov>; 'Drew
Stokesbary' <dstokesbary@stokesbarypllc.com>; 'Sonni Waknın' <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' <Dthriftviveros@maldef.org>

Cc: Sepe, Cristina (ATG) <cristina.sep@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 counterproposal) 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 800 Fifth Avenue, Suite 2000 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) <<u>andrew.hughes@atg.wa.gov</u>>; Simone Leeper

 $$$ < \underline{SLeeper@campaignlegalcenter.org}$; Smith, Karl David (ATG) < \underline{karl.smith@atg.wa.gov}$; 'Drew Stokesbary' < \underline{dstokesbary@stokesbarypllc.com}$; 'Sonni Waknin' < \underline{sonni@uclavrp.org}$; Griffith, Leslie (ATG) < \underline{leslie.griffith@atg.wa.gov}$; 'chad@uclavrp.org' < \underline{chad@uclavrp.org}$; 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' <<u>LSaucedo@maldef.org</u>>; 'dthrift-viveros@maldef.org' <<u>Dthrift-</u>

viveros@maldef.org>

Cc: Sepe, Cristina (ATG) < cristina.sepe@atg.wa.gov>; Wood, Jennifer (ATG) < iennifer.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 Facebook | Twitter

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

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

To: Simone Leeper < <u>SLeeper@campaignlegalcenter.org</u>>, Smith, Karl David (ATG)

<<u>karl.smith@atg.wa.gov</u>>, 'Drew Stokesbary' <<u>dstokesbary@stokesbarypllc.com</u>>, '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'

<<u>eherrera@maldef.org</u>>, 'eddie@morfinlawfirm.com' <<u>Eddie@MorfinLawFirm.com</u>>, Aseem

Mulji <a mulji@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) < cristina.sepe@atg.wa.gov>, Wood, Jennifer (ATG)

<iennifer.wood@atg.wa.gov>, Hand, Amy (ATG) <amv.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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