

The Honorable J. Robert S. Lasnik

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

BENANCIO GARCIA III,	NO. 3:22-cv-05152-RSL
Plaintiff,	DEFENDANT STEVEN HOBBS'
v.	ANSWER TO PLAINTIFF'S
STEVEN HOBBS in his official capacity as Secretary of State of Washington,	COMPLAINT
Defendant.	

Defendant Steven Hobbs hereby answers Plaintiff's Complaint as follows.

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

I. INTRODUCTION

1. Admit.

2. Secretary Hobbs admits that, as part of the 2021 redistricting process, the Washington State Redistricting Commission approved a plan for the redistricting of state legislative districts. Secretary Hobbs further admits that the Washington Legislature amended that plan. Secretary Hobbs is without information sufficient to form a belief as to the truth of the remaining allegations in this Paragraph, and therefore denies.

1 3. 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, Secretary
3 Hobbs admits that the language in quotations is accurate but denies that the Paragraph is a
4 complete or accurate recitation or summary of the referenced law.

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

9 5. This Paragraph asserts legal conclusions and questions of law to be determined
10 by the Court, to which no response is required. To the extent that a response is required, Secretary
11 Hobbs admits only that this Paragraph has accurately quoted a portion of *Cooper v. Harris*, 137
12 S. Ct. 1455 (2017), which otherwise speaks for itself. To the extent a further response is required,
13 denied.

14 6. 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, Secretary
16 Hobbs admits only that this Paragraph has accurately quoted a portion of *Cooper v. Harris*, 137
17 S. Ct. 1455 (2017), which otherwise speaks for itself. To the extent a further response is required,
18 denied.

19 7. 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, Secretary
21 Hobbs admits only that this Paragraph has accurately quoted a portion of *Abbott v. Perez*, 138 S.
22 Ct. 2305 (2018), which otherwise speaks for itself. Secretary 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 8. 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 a further response is required,

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

3 9. 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, denied.

5 10. This paragraph summarizes Plaintiff's request for relief, and requires no
6 response.

7 II. PARTIES

8 11. Secretary Hobbs admits that Plaintiff Benancio Garcia III has attested that he is a
9 United States citizen and over the age of 18, and is a registered voter in the state of Washington.
10 Secretary Hobbs admits that Plaintiff has provided a residential address in Grandview,
11 Washington, in Yakima County, and that the address is in the current District 15. Secretary
12 Hobbs is without information sufficient to form a belief as to the truth of the remaining
13 allegations in this Paragraph, and therefore denies.

14 12. Secretary Hobbs admits that the Complaint purports to assert a claim against
15 Secretary Hobbs in his official capacity as the Secretary of State of Washington. Secretary Hobbs
16 admits that Plaintiff has accurately quoted portions of the Revised Code of Washington, and that
17 Legislative District 15 is composed of voters from two or more counties. To the extent that a
18 further response is required, Secretary Hobbs denies.

19 III. JURISDICTION

20 13. 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, Secretary
22 Hobbs admits that this Court has jurisdiction over the federal law claims in this action, but denies
23 all necessary parties have been joined.

24 14. This paragraph requests a three-judge court, a request to which no response is
25 required. Secretary Hobbs admits that Plaintiff has accurately quoted a portion of 28 U.S.C.
26 § 2284(a).

1 15. 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, Secretary
3 Hobbs admits that he is a state official who resides in Washington and performs official duties
4 in Olympia, Washington.

5 16. 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, Secretary
7 Hobbs admits only that venue is proper in this judicial district and that he is a state official
8 performing official duties in the Western District of Washington.

9 **IV. FACTS**

10 **A. Washington State Redistricting**

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

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

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

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

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

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

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

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

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

13 26. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion
14 of the Revised Code of Washington, which otherwise speaks for itself. To the extent that a
15 response is required, Secretary Hobbs denies that the Paragraph is a complete or accurate
16 recitation or summary of the referenced law.

17 **B. The History of Legislative District 15**

18 27. Secretary Hobbs admits that from 1931 to 1982, and 2002 to 2021, Legislative
19 District 15 contained a portion of Yakima County, and from 1982 to 2001, contained a portion
20 of Yakima County as well as portions of neighboring counties, but never Othello or Pasco.
21 Secretary Hobbs denies any remaining allegations in this paragraph.

22 28. Secretary Hobbs admits that the image in this paragraph is an accurate
23 reproduction of a portion of the 1931-1957 district map in STATE OF WASH., MEMBERS OF
24 THE LEGISLATURE 1889-2019 (2019). Secretary Hobbs admits that the section of the image
25 designated as Legislative District 15 contains only a portion of Yakima County. To the extent a
26 further response is required, denied.

1 29. Secretary Hobbs admits that the image in this paragraph is an accurate
2 reproduction of a portion of the 1957-1965 district map in STATE OF WASH., MEMBERS OF
3 THE LEGISLATURE 1889-2019 (2019). Secretary Hobbs admits that the section of the image
4 designated as Legislative District 15 contains only a portion of Yakima County. To the extent a
5 further response is required, denied.

6 30. Secretary Hobbs admits that the image in this paragraph is an accurate
7 reproduction of a portion of the 1965-1972 district map in STATE OF WASH., MEMBERS OF
8 THE LEGISLATURE 1889-2019 (2019). Secretary Hobbs admits that the section of the image
9 designated as Legislative District 15 contains only a portion of Yakima County. To the extent a
10 further response is required, denied.

11 31. Secretary Hobbs admits that the image in this paragraph is an accurate
12 reproduction of a portion of the 1972-1981 district map in STATE OF WASH., MEMBERS OF
13 THE LEGISLATURE 1889-2019 (2019). Secretary Hobbs admits that the section of the image
14 designated as Legislative District 15 contains only a portion of Yakima County. To the extent a
15 further response is required, denied.

16 32. Secretary Hobbs admits that the image in this paragraph is an accurate
17 reproduction of a portion of the 1982-1991 district map in STATE OF WASH., MEMBERS OF
18 THE LEGISLATURE 1889-2019 (2019). Secretary Hobbs admits that the section of the image
19 designated as Legislative District 15 contains portions of Yakima and Benton Counties. To the
20 extent a further response is required, denied.

21 33. Secretary Hobbs admits that the image in this paragraph is an accurate
22 reproduction of a portion of the 1991-2001 district map in STATE OF WASH., MEMBERS OF
23 THE LEGISLATURE 1889-2019 (2019). Secretary Hobbs admits that the section of the image
24 designated as Legislative District 15 contains portions of Yakima, Benton, Klickitat, and
25 Skamania Counties. To the extent a further response is required, denied.
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1 34. Secretary Hobbs admits that the image in this paragraph is an accurate
2 reproduction of a portion of the 2002-2011 district map in STATE OF WASH., MEMBERS OF
3 THE LEGISLATURE 1889-2019 (2019). Secretary Hobbs admits that the section of the image
4 designated as Legislative District 15 contains portions of Yakima, Klickitat, Skamania, and
5 Clark Counties. To the extent a further response is required, denied.

6 35. Secretary Hobbs admits that the image in this paragraph is an accurate
7 reproduction of a portion of the 2012-2021 district map in STATE OF WASH., MEMBERS OF
8 THE LEGISLATURE 1889-2019 (2019). Secretary Hobbs admits that the section of the image
9 designated as Legislative District 15 contains only a portion of Yakima County. To the extent a
10 further response is required, denied.

11 **C. The 2021 Redistricting Process**

12 36. Admit.

13 37. Admit.

14 38. Admit.

15 39. Admit.

16 40. Admit.

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

21 42. Secretary Hobbs admits that the image appears to be a partial reproduction of
22 Commissioner Sims' proposed map, which speaks for itself. Secretary Hobbs admits that the
23 quoted language appears in Commissioner Sims' statement on her proposal, which otherwise
24 speaks for itself. To the extent a further response is required, denied.

25 43. Secretary Hobbs admits that the image appears to be a partial reproduction of
26 Commissioner Walkinshaw's proposed map, which speaks for itself. Secretary Hobbs admits

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

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

7 45. Secretary Hobbs admits that the image appears to be a partial reproduction of
8 Commissioner Graves’s proposed map, which speaks for itself. Secretary Hobbs admits that the
9 quoted language appears in Commissioner Graves’s statement on his proposal, which otherwise
10 speaks for itself. To the extent a further response is required, denied.

11 46. Secretary Hobbs admits that the hyperlink in this Paragraph leads to the cited
12 report by Dr. Barreto, which otherwise speaks for itself. Secretary Hobbs is without information
13 sufficient to form a belief as to the truth of the remaining allegations in this Paragraph, and
14 therefore denies.

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

17 48. This Paragraph contains Plaintiff’s characterization of the above-cited report,
18 which otherwise speaks for itself and does not require a response. To the extent a further response
19 is required, denied.

20 49. This Paragraph contains Plaintiff’s characterization of the above-cited report,
21 which otherwise speaks for itself and does not require a response. To the extent a further response
22 is required, denied.

23 50. This Paragraph contains Plaintiff’s characterization of the above-cited report,
24 which otherwise speaks for itself and does not require a response. To the extent a further response
25 is required, denied.
26

1 51. This Paragraph contains Plaintiff's characterization of the above-cited report,
2 which otherwise speaks for itself and does not require a response. To the extent a further response
3 is required, denied.

4 52. Secretary Hobbs admits only that the quoted language is attributed to
5 Commissioner Walkinshaw and appears on a website with the title and website given in the
6 Paragraph. To the extent a further response is required, denied.

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

10 54. Secretary Hobbs admits only that Commissioners Sims and Graves released
11 revised proposed maps on October 25, 2021, which otherwise speak for themselves. Secretary
12 Hobbs is without information sufficient to form a belief as to the truth of the remaining
13 allegations in this Paragraph, and therefore denies.

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

16 **D. Legislative District 15 under the 2021 Plan**

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

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

23 58. Admit.

24 59. Admit.

25 60. 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 a response is required, Secretary

1 Hobbs admits only that the image appears to be a reproduction of Legislative District 15 under
2 the Commission's plan, and otherwise denies.

3 61. 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 a response is required, Secretary
5 Hobbs admits only that the current Legislative District 15 extends to Mattawa and Othello, and
6 otherwise denies.

7 62. 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 a response is required, Secretary
9 Hobbs admits only that the current Legislative District 15 covers portions of five counties and
10 no complete county, and otherwise denies.

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 a response is required, Secretary
13 Hobbs admits only that the adopted district plan divides Yakima, Pasco, Grandview, and Moxee,
14 and that Pasco, Othello, and the Hanford Nuclear Site have not previously been in the same
15 legislative district as Yakima County or city, and otherwise denies.

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

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

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

24 67. 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 a response is required, denied.
26

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 a response is required, Secretary
3 Hobbs admits that this Paragraph has accurately quoted a portion of *Cooper v. Harris*, 137 S. Ct.
4 1455 (2017), which otherwise speaks for itself.

5 69. This Paragraph asserts legal conclusions and questions of law to be determined
6 by the Court, to which no response is required. To the extent a response is required, Secretary
7 Hobbs admits that this Paragraph has accurately quoted a portion of *Abbott v. Perez*, 138 S. Ct.
8 2305 (2018), which otherwise speaks for itself.

9 70. This Paragraph asserts legal conclusions and questions of law to be determined
10 by the Court, to which no response is required. To the extent a response is required, Secretary
11 Hobbs admits that this Paragraph has accurately quoted a portion of *Cooper v. Harris*, 137 S. Ct.
12 1455 (2017), which otherwise speaks for itself.

13 **V. CLAIMS**

14 **A. Violation of the Equal Protection Clause of the United States Constitution**

15 71. Secretary Hobbs restates and incorporates by reference his responses to the
16 allegations in the Complaint.

17 72. Secretary Hobbs admits that this Paragraph accurately quotes a portion of
18 Section 1 of the Fourteenth Amendment of the U.S. Constitution, which otherwise speaks for
19 itself.

20 73. 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 a response is required, denied.

22 74. 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 a response is required, denied.

24 75. 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 a response is required, denied.

26

1 76. This Paragraph asserts legal conclusions and questions of law to be determined
2 by the Court, to which no response is required. To the extent a response is required, denied.

3 **VI. PLAINTIFF’S PRAYER FOR RELIEF**

4 Secretary Hobbs takes no position on whether Plaintiff is entitled to any relief requested
5 except that Secretary Hobbs denies that Plaintiff is entitled to an award of costs, expenses,
6 disbursements, or reasonable attorneys’ fees against Secretary Hobbs.

7 **AFFIRMATIVE DEFENSES**

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

- 12 1. Plaintiff has failed to join all necessary parties.

13 **PRAYER FOR RELIEF**

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

15 DATED this 13th day of May, 2022.

16 ROBERT W. FERGUSON
17 *Attorney General*

18 *s/ Leslie A. Griffith*
19 KARL D. SMITH, WSBA 41988
20 LESLIE A. GRIFFITH, WSBA 47197
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CERTIFICATE OF SERVICE

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

Andrew R. Stokesbary, WSBA 46097
1003 Main Street, Suite 5
Sumner, WA 98390
(206) 486-0795
dstokesbary@stokesbarypllc.com

DATED this 13th day of May 2022, at Olympia, Washington.

s/ Leena Vanderwood
LEENA VANDERWOOD
Legal Assistant

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