

The Honorable Robert S. Lasnik  
The Honorable David G. Estudillo  
The Honorable Lawrence Van Dyke

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

BENANCIO GARCIA III,

Plaintiff,

v.

STEVEN HOBBS in his official capacity  
as Secretary of State of Washington, et al.

Defendants.

NO. 3:22-cv-05152-RSL-DGE-LJCV

DEFENDANT STEVEN HOBBS'  
ANSWER TO PLAINTIFF'S  
AMENDED COMPLAINT

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

19 13. Secretary Hobbs admits that this Court's Order of Joinder directed Plaintiffs to  
20 join the State of Washington. The remaining allegations consist of legal conclusions and  
21 questions of law to be determined by the Court, to which no response is required. To the extent  
22 a response is required, Secretary Hobbs admits.

## 23 III. JURISDICTION

24 14. 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, Secretary  
26

1 Hobbs admits that this Court has jurisdiction over the federal law claims in this action, but denies  
2 all necessary parties have been joined.

3 15. This paragraph requests a three-judge court, a request to which no response is  
4 required. Secretary Hobbs admits that Plaintiff has accurately quoted a portion of 28 U.S.C.  
5 § 2284(a).

6 16. Secretary Hobbs admits that the State of Washington is a state of the United States  
7 of America. Secretary Hobbs further admits that he is a state official who resides in Washington  
8 and performs official duties in Olympia, Washington. The remaining allegation in this Paragraph  
9 asserts a legal conclusion and question of law to be determined by the Court, to which no  
10 response is required. To the extent that a response is required, Secretary Hobbs admits.

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

#### 15 **IV. FACTS**

##### 16 **A. Washington State Redistricting**

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

23 20. 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.  
26

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

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

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

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

13          25. 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 a further  
15 response is required, denied.

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

19          27. Secretary Hobbs admits only that this Paragraph has accurately quoted a portion  
20 of the Revised Code of Washington, which otherwise speaks for itself. To the extent that a  
21 response is required, Secretary Hobbs denies that the Paragraph is a complete or accurate  
22 recitation or summary of the referenced law.

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

24          28. Secretary Hobbs admits that from 1931 to 1982, and 2002 to 2021, Legislative  
25 District 15 contained a portion of Yakima County, and from 1982 to 2001, contained a portion  
26

1 of Yakima County as well as portions of neighboring counties, but never Othello or Pasco.  
2 Secretary Hobbs denies any remaining allegations in this paragraph.

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

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

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

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

23 33. Secretary Hobbs admits that the image in this paragraph is an accurate  
24 reproduction of a portion of the 1982-1991 district map in STATE OF WASH., MEMBERS OF  
25 THE LEGISLATURE 1889-2019 (2019). Secretary Hobbs admits that the section of the image  
26

1 designated as Legislative District 15 contains portions of Yakima and Benton Counties. To the  
2 extent a further response is required, denied.

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

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

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

18 **C. The 2021 Redistricting Process**

19 37. Admit.

20 38. Admit.

21 39. Admit.

22 40. Admit.

23 41. Admit.

24 42. Secretary Hobbs admits that none of the four maps proposed to the public on  
25 September 12, 2021, included the cities of Pasco or Othello in Legislative District 15. Secretary  
26

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

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

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

11 45. Secretary Hobbs admits that the image appears to be a partial reproduction of  
12 Commissioner Fain's proposed map, which speaks for itself. Secretary Hobbs admits that the  
13 quoted language appears in Commissioner Fain's statement on his proposal, which otherwise  
14 speaks for itself. To the extent a further response is required, denied.

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

19 47. Secretary Hobbs admits that the hyperlink in this Paragraph leads to the cited  
20 report by Dr. Barreto, which otherwise speaks for itself. Secretary Hobbs is without information  
21 sufficient to form a belief as to the truth of the remaining allegations in this Paragraph, and  
22 therefore denies.

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



1           49. 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           50. This Paragraph contains Plaintiff’s characterization of the above-cited report,  
5 which otherwise speaks for itself and does not require a response. To the extent a further response  
6 is required, denied.

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

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

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

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

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

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

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

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

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

8 59. Admit.

9 60. Admit.

10 61. 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 a response is required, Secretary  
12 Hobbs admits only that the image appears to be a reproduction of Legislative District 15 under  
13 the Commission's plan, and otherwise denies.

14 62. 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 a response is required, Secretary  
16 Hobbs admits only that the current Legislative District 15 extends to Mattawa and Othello, and  
17 otherwise denies.

18 63. 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 a response is required, Secretary  
20 Hobbs admits only that the current Legislative District 15 covers portions of five counties and  
21 no complete county, and otherwise denies.

22 64. 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, Secretary  
24 Hobbs admits only that the adopted district plan divides Yakima, Pasco, Grandview, and Moxee,  
25 and that Pasco, Othello, and the Hanford Nuclear Site have not previously been in the same  
26 legislative district as Yakima County or city, and otherwise denies.





1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

DATED this 8th day of July, 2022.

ROBERT W. FERGUSON  
*Attorney General*

*s/ Karl D. Smith*  
KARL D. SMITH, WSBA 41988  
LESLIE A. GRIFFITH, WSBA 47197  
*Deputy Solicitors General*

1125 Washington Street SE  
PO Box 40100  
Olympia, WA 98504-0100  
(360) 753-6200  
Karl.Smith@atg.wa.gov  
Leslie.Griffith@atg.wa.gov

RETRIEVED FROM DEMOCRACYDOCKET.COM

**CERTIFICATE OF SERVICE**

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

DATED this 8th day of July 2022, at Olympia, Washington.

*s/ Leena Vanderwood*  
LEENA VANDERWOOD  
*Legal Assistant*  
1125 Washington Street SE  
PO Box 40100  
Olympia, WA 98504-0100  
(360) 753-6200  
Leena.Vanderwood@atg.wa.gov

RETRIEVED FROM DEMOCRACYDOCKET.COM