

The Honorable Robert S. Lasnik

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

SUSAN SOTO PALMER, et al.,

Plaintiffs,

v.

STEVEN HOBBS, et al.,

Defendants.

NO. 3:22-cv-05035-RSL

REPLY IN SUPPORT OF MOTION TO
JOIN REQUIRED PARTIES

The issues in this case will not be fully and fairly presented if this case remains as Plaintiffs have designed it. Secretary Hobbs has decided—as is appropriate, given his Office’s limited role in the redistricting process—to take no position on the merits of Plaintiffs’ claims. Defendants Jenkins and Billig may or may not remain in this case depending on the outcome of their motion to dismiss. Nonetheless, Plaintiffs raise serious claims that, if successful, would significantly affect Washington voters and candidates. These claims merit full, adversarial consideration. The parties Secretary Hobbs seeks to join are in the best position to supply that consideration.

Moreover, the relief the Plaintiffs seek—not just a prohibition on using the current redistricting maps but also the creation and imposition of new maps—ultimately requires action from the Commission. Plaintiffs’ opposition fails to acknowledge that the central character in this case is missing. The Court can remedy that problem by joining as defendants the Commission, the Commissioners in their official capacities, or the State of Washington.

I. ARGUMENT

As Plaintiffs acknowledge in their opposition, this Court has considerable discretion to determine whether joinder of required parties is proper here. Dkt. #60 at 3-4. Indeed, as they agree, “[t]he determination is heavily influenced by the facts and circumstances of each case.” *Equal Emp. Opportunity Comm’n v. Peabody W. Coal Co.*, 610 F.3d 1070, 1081 (9th Cir. 2010) (quoting *N. Alaska Env’t Ctr. v. Hodel*, 803 F.2d 466, 468 (9th Cir. 1986)). The circumstances here are clear: a required party is not before the Court, and joinder is warranted.¹

A. The Redistricting Commission and the Commissioners in Their Official Capacities are Required Parties

The Washington Constitution grants the Redistricting Commission, and no one else, the power to draw legislative and congressional districts. Wash. Const. art. II, § 43. The legislature cannot do that (save for its very limited power to amend), the legislative leadership cannot do that, and the Secretary cannot do that. To the extent there is a problem with the 2021 redistricting maps, the Commission created it; to the extent this Court orders a solution, the Commission must be part of it.

Plaintiffs’ focus on who would trigger any modifications to redistricting, Dkt. #60 at 4, is incomplete: even if the Commission cannot reconvene itself, it and only it can actually draw and approve maps. Its role is narrow but essential to this case and any remedy. If the Court found that the Commission’s 2021 maps violated the Voting Rights Act, it would not suffice to prohibit holding elections based on those maps. Nor would it suffice to compel the legislative leadership to call for a vote reconvening the Commission (and indeed, as Defendants Billig and Jinkins point out in their motion to dismiss, Dkt. #37 at 7, they alone could not convene the Commission, and any legislator could call for a vote). Ultimately, the Commission would need to act to draw compliant maps. Their participation in the case is therefore necessary to afford complete relief.

¹ Secretary Hobbs does not seek dismissal under Rule 19.

1 It is irrelevant that, under normal circumstances, the current Commission's work would
 2 be done and the Commission would not be reconstituted until the next redistricting cycle.
 3 Dkt. #60 at 4-5. If the Commission committed legal error in that work, it is the only entity with
 4 constitutional authority to fix that error. And it is the party best suited to defend and explain the
 5 single act it was established to achieve.

6 The Commission's vote against voluntarily joining this lawsuit is also no reason to refuse
 7 to join it as a required party. Indeed, if an entity's declining to intervene were enough to rule out
 8 involuntary joinder, Rule 19 would have no force. The Commission has never voted on a position
 9 on the Voting Rights Act claims in this lawsuit. If the Commission were joined as a required
 10 party, the Commissioners would face a different question and a different set of considerations
 11 than they did in deciding whether they wished to join the suit in the first place. Speculation about
 12 what the Commission or Commissioners would do after being joined is no reason to decline
 13 joinder when it is otherwise justified.

14 Nor does the departure of Chair Augustine, *see* Dkt. #60 at 5, undermine the
 15 Commission's status as a required party. The Chair does not vote, Wash. Const. art. II, §43(2),
 16 and their primary role is as a "facilitator."² Only the Commissioners are ultimately responsible
 17 for decision-making—both in the course of litigation, if they were joined, and more importantly
 18 in the potential modification of maps should this Court find a violation and order a remedy.

19 The Commissioners, in their official capacities, are also required parties because at least
 20 two of them have stated they wish to participate in this lawsuit and defend the maps they helped
 21 create and voted to approve. The Commission's refusal to voluntarily join the lawsuit impedes
 22 these members' ability to protect that interest. That interest in defending and, if successful,
 23 preserving the official actions they took is not "superficial." It suffices that the party sought to
 24 be joined has an interest in defending the legality of their actions. *See, e.g., Meyer v. Kalanick*,

25
 26 ² Washington State Redistricting Commission, Frequently Asked Questions, <https://www.redistricting.wa.gov/frequently-asked-questions> (last visited April 7, 2022).

No. 15-Civ. 9796, 2016 WL 3509496 at *3 (S.D.N.Y. June 20, 2016) (finding that company was required party in suit brought only against CEO because company had interest in defending legality and continued use of its algorithm). Indeed, *Shermoen v. United States*, on which Plaintiffs rely, Dkt. #60 at 6, explains that “[j]ust adjudication of claims requires that courts protect a party’s right to be heard and to participate in adjudication of a claimed interest.” 982 F.2d 1312, 1317 (9th Cir. 1992). “Thus, the joinder rule is to be applied so as to preserve the right of parties ‘to make known their interests and legal theories.’” *Id.* (quoting *Wichita & Affiliated Tribes of Oklahoma v. Hodel*, 788 F.2d 765, 775 (D.C. Cir. 1986)). That is just what two Commissioners voted to do in supporting the Commission’s intervention. Those Commissioners likewise have a legal interest in being heard before they are potentially ordered by the Court to modify the maps they enacted.

Moreover, knowledge and documents held by the Commissioners will be central to resolving this case. All parties listed the Commissioners in their initial disclosures, and Plaintiffs served subpoenas for documents on each Commissioner on April 5. Exs. A-G. The Commissioners are therefore already involved in this case as third parties subject to discovery, and it is most sensible to make the Commission or Commissioners full parties.

Finally, and as the Secretary explained in his Motion to Join Required Parties (Dkt. #53), the normal July 1 end date for this cycle’s Commission does not affect its required party status. There is no reason to expect the state Supreme Court would not extend the Commission’s term, if needed, of its own volition. In any event, the question before the Court today is whether the Commission, currently, is a required party. The Commission’s future status has no bearing on that.

B. The State of Washington is a Required Party

Joining the State of Washington would achieve the same ends: making sure that the merits are fully and sharply presented, and affording complete relief.

1 The State of Washington is subject to the jurisdiction of this Court. If this Court found
 2 that the 2021 redistricting plan violated the Voting Rights Act, the Court could order the State
 3 both to refrain from enforcing the current plan and to create a new, compliant plan through the
 4 Commission. Such an order would achieve all Plaintiffs' stated aims. *See* Complaint, Dkt. #1,
 5 Prayer for Relief.

6 Plaintiffs' speculation that the State would raise a likely meritless sovereign immunity
 7 defense, Dkt. #60 at 6, is no reason to refrain from joining the State. The Court could consider,
 8 and likely reject, that defense if and when the State raised it after joinder.

9 When sovereign immunity is not a barrier, the scope of possible defendants is not limited
 10 to officials under *Ex Parte Young*; it can include the State itself. Here, where joining the State
 11 could allow the Court to order complete relief, and where the state has an interest in defending
 12 the duly enacted redistricting plan for its elections, the State must be a party.

13 II. CONCLUSION

14 The Court should order the Redistricting Commission, the Commissioners in their
 15 official capacities, and/or the State of Washington to be joined as required parties.

16 RESPECTFULLY SUBMITTED this 8th day of April, 2022.

17 ROBERT W. FERGUSON
 18 *Attorney General*

19 *s/ Leslie A. Griffith*
 20 KARL D. SMITH, WSBA No. 41988
 21 LESLIE A. GRIFFITH, WSBA No. 47197
 22 *Deputy Solicitors General*
 23 1125 Washington Street SE
 24 PO Box 40100
 25 Olympia, WA 98504-0100
 26 (360) 753-6200
 Karl.Smith@atg.wa.gov
 Leslie.Griffith@atg.wa.gov
Attorneys for Defendant Steven Hobbs

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 8th day of April 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

Exhibit A

UNITED STATES DISTRICT COURT

for the

Western District of Washington

SUSAN SOTO PALMER, ET AL.

Plaintiff

v.

STEVEN HOBBS, ET AL.

Defendant

Civil Action No. 3:22-cv-05035-RSL

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

Brady Pinero Walkinshaw
1414 E. Harrison St., Apt. K
Seattle, WA 98112-5170

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

SEE ATTACHMENT A - SUBPOENA FOR DOCUMENTS AND RECORDS

Place: Morfin Law Firm, PLLC
2602 N. Proctor Street, Suite 205
Tacoma, WA 98407

Date and Time:

04/21/2022

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 04/04/2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Edwardo Morfin

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plfs. Susan Soto Palmer, Alberto Macias, Brenda Garcia Rodriguez, Fabiola Lopez, Caty Padilla, Evangelina Aguilar, Lizette Parra, Heliadora Morfin, and the Southcentral Coalition of People of Color for Redistricting, who issues or requests this subpoena, are:

Edwardo Morfin, Morfin Law Firm, PLLC, 7325 W.Deschutes Ave., Suite A, Kennewick, WA 99336, 509-380-9999

Notice to the person who issues or requests this subpoena eddie @morfinlawfirm.com

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 3:22-cv-05035-RSL

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

The Honorable Robert S. Lasnik

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

SUSAN SOTO PALMER, et. al.,

Plaintiffs,

v.

STEVEN HOBBS, et. al.,

Defendants.

Case No.: 3:22-cv-05035-RSL

Judge: Robert S. Lasnik

ATTACHMENT A- SUBPOENA FOR DOCUMENTS AND RECORDS

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, you are commanded to produce to Plaintiffs the documents and electronically stored information described below in your possession, custody, or control.

DEFINITIONS AND INSTRUCTIONS

1. “DOCUMENTS” is defined as synonymous in meaning and equal in scope to the usage of the term in Federal Rule of Civil Procedure 34(a), in its broadest sense, and shall mean to include all written, printed, typed, recorded or graphic matter of every kind and description, including COMMUNICATIONS, both originals and copies, and all attachments and appendices thereto, that are in YOUR possession, custody, or control, or in the possession, custody, or control of YOUR attorney. Without limiting the term “control,” a DOCUMENT is deemed to be within YOUR control if YOU have ownership, possession or custody of the DOCUMENT, or the right to secure the DOCUMENT or copy thereof from any persons or public or private entity having physical control thereof.

2. “LEGISLATOR” refers to a past or present elected member of the Washington House of Representatives (“Washington House”) or the Washington Senate, including such members’ past or present employees, legislative office staff, district office staff, committee staff,

caucus staff, campaign staff, all interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member's behalf, subject to the member's control or on behalf of any committee or body of which the elected member is a member.

3. "COMMUNICATION" means any communication, electronic or otherwise, including but not limited to, e-mail (whether from an official or personal account), phone logs, letters, postcards, faxes, text messages, voicemails, recorded conversations, complaints, messages on any internet or phone apps (including Slack, Microsoft Teams, Signal, What's App), whether on a publicly paid device or a personal one if used to discuss redistricting business. Communications also means any electronic calendar invitations and invitations sent regarding phone conversations and electronic meetings (such as invitations to join Zoom or conference calls).

4. "RELATING TO" any given subject matter means, without limitation, anything that, in whole or in part, directly or indirectly, analyzes, comments on, comprises, concerns, constitutes, contains, discusses, embodies, evidences, explains, identifies, manifests, mentions, reflects, refers to, relates to, states, summarizes, or is in any way relevant to the particular subject matter identified.

5. "REDISTRICTING" means any consideration of the alignment of district boundaries for an entire legislative body, a single legislative district, or districts within a geographic area.

6. "WASHINGTON REDISTRICTING COMMISSION" means the constitutional redistricting commission that is comprised of four voting members and one non-voting chair that is responsible for the drafting of district boundaries for congressional and state legislative district seats. This includes individual commissioners: Sarah Augustine, April Sims, Paul Graves, Brady Piñero Walkinshaw, Joe Fain, and all staff.

7. "2021 APPROVED WASHINGTON LEGISLATIVE DISTRICT MAP" means the map that was approved by the Washington Redistricting Commission on November 16, 2021, that was then sent to the Washington Legislature for final approval.

8. "HCR 4407" refers to the bill in the Washington Legislature that made amendments to the redistricting plan approved by the Washington Redistricting Commission for state legislative and congressional districts.

9. In responding to these requests, please produce all responsive documents in your possession, custody, or control. You must produce all responsive documents within your actual possession, custody, or control, as well as such documents which you have the legal right to obtain on demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

10. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person's behalf or subject to the control of such a person. All references in these requests to an entity, governmental entity, or any other type of organization include its past or present officers, executives, directors, employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such an organization or subject to its control.

11. In construing these document requests, apply the broadest construction, so as to produce the most comprehensive response. Construe the terms "and" and "or" either disjunctively or conjunctively, as necessary, to bring within the scope of the request all responses that might otherwise be construed to be outside that scope. Words used in the singular shall include the plural. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

12. Documents should be produced in their entirety, without abbreviation, redaction, or expurgation; file folders with tabs or labels identifying documents responsive to these requests should be produced intact with said documents; and documents attached to each other should not be separated. Please produce any electronically stored information ("ESI") in native format files or Bates numbered individual PDF files with a corresponding load file preserving all native metadata. Each document produced should be categorized by the number of the request for which it is produced. No portion of a request may be left unanswered because of an objection raised to another part of that request. If you object to any portion of a document request, you must state with specificity the grounds of the objection. Any ground not stated will be waived.

13. For any document withheld from production on a claim of privilege or work

product protection, you must provide a written privilege log identifying each document individually and containing all information required by Rule 45(e)(2)(A) of the Federal Rules of Civil Procedure, including a description of the basis of the claimed privilege and all information necessary for the United States to assess the claim of privilege.

14. If you contend that it would be unduly burdensome to obtain and provide all of the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking what you contend to be an unduly burdensome request; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

15. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or unless otherwise permitted by court order.

16. In the event that a responsive document has been destroyed or has passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

17. These requests are continuing in nature. Your response must be supplemented, and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

18. Unless otherwise specified, all document requests concern the period of time from January 1, 2019, to the present.

DOCUMENT REQUESTS

1. All documents relating to any redistricting proposal drawn, discussed, or considered for Washington's state legislative districts, including from the Washington Redistricting Commission, or a Legislator, their staff, consultants, or advisors. This request includes but is not limited to:
 - a. The origination(s) or source(s) of any such redistricting proposal;
 - b. The impetus, rationale, background, or motivation for any such redistricting proposal;
 - c. All drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files, or datasets used in mapping software, demographic data (including but not limited to Citizen Voting Age Population, Hispanic Citizen Voting Age Population, Voting Age Population, Hispanic Voting Age Population), election data (including but not limited to reconstituted election analyses), and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, or changing census geography;
 - d. The pairing or location of any incumbents in any such redistricting proposal;
 - e. Any redistricting amendment, whether partial or total to each such proposal;
 - f. Negotiations regarding any redistricting proposal; and
 - g. All calculations, reports, audits, estimates, projections, or other analyses, from any sources, relating to the existence of racially polarized voting including but not limited to the voting patterns of Hispanic or white voters; candidates of choice of Hispanic or white voters; and levels of bloc voting among white voters.
2. All communications between Legislators, including but not limited to their staff, consultants, and advisors, and members of the Washington Redistricting Commission relating to the redistricting process for the Washington House and Senate.
3. All documents relating to voting patterns in Washington with respect to race, ethnicity, or language minority status, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.
4. All documents relating to whether the 2021 APPROVED WASHINGTON

LEGISLATIVE DISTRICT MAP or HCR 4407, or any other redistricting proposal drawn, discussed, or considered with respect to the Washington state legislative districts complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.

5. All documents relating to whether the 2021 APPROVED WASHINGTON LEGISLATIVE DISTRICT MAP or HCR 4407, or any other redistricting proposal drawn, discussed, or considered with respect to the Washington state legislative districts could contain a legislative district with a Hispanic Citizen Voting Age Population of 50% or more of the district's voters, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.
6. All other documents relating to redistricting for Washington's state legislative districts from January 2021, to the present, including but not limited to redistricting criteria, public statements, correspondence, calendar invitations, scheduling emails, meeting minutes, agendas, attendance sheets, call logs, notes, presentations, studies, advocacy, letters, or other communications.
7. All documents and communications to, from or including any of Washington's 2021 redistricting commissioners, April Sims, Paul Graves, Brady Walkinshaw and Joe Fain, their staff, technical personnel, advisors. This includes, but is not limited to, emails, text messages, memos, voice messages, messages on any Internet or phone app or website, whether on a publicly paid-for device or a personal one.
8. All documents and communications to, from or including Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors referencing, related to, or in any way mentioning the 14th or 15th Legislative Districts.
9. All documents and communications to, from or including Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors referencing, related to, or in any way makes mention of Yakima County, Washington; Yakima City, Washington; Franklin County, Washington; Pasco, Washington; Franklin County, Washington; and/or the Yakima Valley Region.
10. All documents and communications to, from or including Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors that include

the terms, Latino, Latina, Hispanic, Native American, Black, African-American, race or ethnicity.

11. All documents and communications to, from or including Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors referencing, related to, or in any way mentioning Hispanic or Latino voters; Hispanic or Latino voter turnout; Spanish Surname voter turnout, Hispanic or Latino persons; Hispanic or Latino Voting Age Population (VAP) and/or Hispanic or Latino Citizen Voting Age Population (CVAP).
12. All documents and communications to and from, or including Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors referencing, related to, or in any way mentioning race, ethnicity, or language minority groups in context of drawing districts for the 14th or 15th Legislative Districts.
13. All documents and communications to and from Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors referencing, related to, or in any way makes mention of the Federal Voting Rights Act; Section 2 of the Voting Rights Act; Racially Polarized Voting (RPV); and/or Washington redistricting principles.
14. All documents and communications sent and/or received from Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors from any elected officials in the state Legislature of Washington and/or legislative staff
15. All communications related to scheduling and/or conversations with members of the Washington Legislature.
16. All Minutes or notes of meetings with the Washington Redistricting Commission and any staff related to redistricting.
17. Personal notes concerning any communications, deliberations or consideration of redistricting related events or matters.
18. All requests for proposals, invoices, reports, slides, analysis, and data from a person or entity that provided advice or information to the Commission.
19. Any communications, related in any way to the redrawing of Washington's state

legislative districts, population or demographics of Latino and/or Hispanic individuals, racial voting patterns, the Voting Rights Act, or Hispanic and/or Latino voters, with the following:

- a. Representative Joe Fitzgibbon
- b. Representative Jeremie Dufault
- c. Representative Bruce Chandler
- d. Representative Chris Corry
- e. Representative Gina Mosbrucker
- f. Representative Drew Stokesbary
- g. Representative Vicki Kraft
- h. Representative Peter Abbarno
- i. Representative Michelle Caldier
- j. Representative Greg Gilday
- k. Representative Laurie Dolan
- l. Senator Curtis King
- m. Senator Brad Hawkins
- n. Senator Mark Mullet
- o. Senator Jim Honeyford
- p. Lisa McLean
- q. Justin Bennett
- r. Daniel Pailthorp
- s. Maria Garza
- t. Anton Grose
- u. Osta Davis
- v. Dominique Meyers
- w. Ali O'Neil
- x. Melissa Vanderwerf
- y. Amy Ruble
- z. Kurt Fritts
- aa. Adam Hall
- bb. Matt Bridges

cc. Min Fei

dd. Paul Campos

ee. James D. Troyer

ff. Evan Ridley

gg. Alex Osenbach

hh. Thomas Brunell

ii. Peter Morrison

jj. Thomas Bryan

Exhibit B

UNITED STATES DISTRICT COURT

for the

Western District of Washington

SUSAN SOTO PALMER, ET AL.

Plaintiff

v.

STEVEN HOBBS, ET AL.

Defendant

Civil Action No. 3:22-cv-05035-RSL

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

Paul Graves
13509 SE 83rd Street
Newcastle, WA 98059-3308*(Name of person to whom this subpoena is directed)*

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

SEE ATTACHMENT A - SUBPOENA FOR DOCUMENTS AND RECORDS

Place: Morfin Law Firm, PLLC
2602 N. Proctor Street, Suite 205
Tacoma, WA 98407

Date and Time:

04/21/2022

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 04/04/2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Eduardo Morfin

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plfs. Susan Soto Palmer, Alberto Macias, Brenda Garcia Rodriguez, Fabiola Lopez, Caty Padilla, Evangelina Aguilar, Lizette Parra, Heliadora Morfin, and the Southcentral Coalition of People of Color for Redistricting, who issues or requests this subpoena, are:

Eduardo Morfin, Morfin Law Firm, PLLC, 7325 W.Deschutes Ave., Suite A, Kennewick, WA 99336, 509-380-9999

Notice to the person who issues or requests this subpoena eddie @morfinlawfirm.com

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 3:22-cv-05035-RSL

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

The Honorable Robert S. Lasnik

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

SUSAN SOTO PALMER, et. al.,

Plaintiffs,

v.

STEVEN HOBBS, et. al.,

Defendants.

Case No.: 3:22-cv-05035-RSL

Judge: Robert S. Lasnik

ATTACHMENT A- SUBPOENA FOR DOCUMENTS AND RECORDS

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, you are commanded to produce to Plaintiffs the documents and electronically stored information described below in your possession, custody, or control.

DEFINITIONS AND INSTRUCTIONS

1. “DOCUMENTS” is defined as synonymous in meaning and equal in scope to the usage of the term in Federal Rule of Civil Procedure 34(a), in its broadest sense, and shall mean to include all written, printed, typed, recorded or graphic matter of every kind and description, including COMMUNICATIONS, both originals and copies, and all attachments and appendices thereto, that are in YOUR possession, custody, or control, or in the possession, custody, or control of YOUR attorney. Without limiting the term “control,” a DOCUMENT is deemed to be within YOUR control if YOU have ownership, possession or custody of the DOCUMENT, or the right to secure the DOCUMENT or copy thereof from any persons or public or private entity having physical control thereof.

2. “LEGISLATOR” refers to a past or present elected member of the Washington House of Representatives (“Washington House”) or the Washington Senate, including such members’ past or present employees, legislative office staff, district office staff, committee staff,

caucus staff, campaign staff, all interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member's behalf, subject to the member's control or on behalf of any committee or body of which the elected member is a member.

3. "COMMUNICATION" means any communication, electronic or otherwise, including but not limited to, e-mail (whether from an official or personal account), phone logs, letters, postcards, faxes, text messages, voicemails, recorded conversations, complaints, messages on any internet or phone apps (including Slack, Microsoft Teams, Signal, What's App), whether on a publicly paid device or a personal one if used to discuss redistricting business. Communications also means any electronic calendar invitations and invitations sent regarding phone conversations and electronic meetings (such as invitations to join Zoom or conference calls).

4. "RELATING TO" any given subject matter means, without limitation, anything that, in whole or in part, directly or indirectly, analyzes, comments on, comprises, concerns, constitutes, contains, discusses, embodies, evidences, explains, identifies, manifests, mentions, reflects, refers to, relates to, states, summarizes, or is in any way relevant to the particular subject matter identified.

5. "REDISTRICTING" means any consideration of the alignment of district boundaries for an entire legislative body, a single legislative district, or districts within a geographic area.

6. "WASHINGTON REDISTRICTING COMMISSION" means the constitutional redistricting commission that is comprised of four voting members and one non-voting chair that is responsible for the drafting of district boundaries for congressional and state legislative district seats. This includes individual commissioners: Sarah Augustine, April Sims, Paul Graves, Brady Piñero Walkinshaw, Joe Fain, and all staff.

7. "2021 APPROVED WASHINGTON LEGISLATIVE DISTRICT MAP" means the map that was approved by the Washington Redistricting Commission on November 16, 2021, that was then sent to the Washington Legislature for final approval.

8. "HCR 4407" refers to the bill in the Washington Legislature that made amendments to the redistricting plan approved by the Washington Redistricting Commission for state legislative and congressional districts.

9. In responding to these requests, please produce all responsive documents in your possession, custody, or control. You must produce all responsive documents within your actual possession, custody, or control, as well as such documents which you have the legal right to obtain on demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

10. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person's behalf or subject to the control of such a person. All references in these requests to an entity, governmental entity, or any other type of organization include its past or present officers, executives, directors, employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such an organization or subject to its control.

11. In construing these document requests, apply the broadest construction, so as to produce the most comprehensive response. Construe the terms "and" and "or" either disjunctively or conjunctively, as necessary, to bring within the scope of the request all responses that might otherwise be construed to be outside that scope. Words used in the singular shall include the plural. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

12. Documents should be produced in their entirety, without abbreviation, redaction, or expurgation; file folders with tabs or labels identifying documents responsive to these requests should be produced intact with said documents; and documents attached to each other should not be separated. Please produce any electronically stored information ("ESI") in native format files or Bates numbered individual PDF files with a corresponding load file preserving all native metadata. Each document produced should be categorized by the number of the request for which it is produced. No portion of a request may be left unanswered because of an objection raised to another part of that request. If you object to any portion of a document request, you must state with specificity the grounds of the objection. Any ground not stated will be waived.

13. For any document withheld from production on a claim of privilege or work

product protection, you must provide a written privilege log identifying each document individually and containing all information required by Rule 45(e)(2)(A) of the Federal Rules of Civil Procedure, including a description of the basis of the claimed privilege and all information necessary for the United States to assess the claim of privilege.

14. If you contend that it would be unduly burdensome to obtain and provide all of the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking what you contend to be an unduly burdensome request; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

15. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or unless otherwise permitted by court order.

16. In the event that a responsive document has been destroyed or has passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

17. These requests are continuing in nature. Your response must be supplemented, and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

18. Unless otherwise specified, all document requests concern the period of time from January 1, 2019, to the present.

DOCUMENT REQUESTS

1. All documents relating to any redistricting proposal drawn, discussed, or considered for Washington's state legislative districts, including from the Washington Redistricting Commission, or a Legislator, their staff, consultants, or advisors. This request includes but is not limited to:
 - a. The origination(s) or source(s) of any such redistricting proposal;
 - b. The impetus, rationale, background, or motivation for any such redistricting proposal;
 - c. All drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files, or datasets used in mapping software, demographic data (including but not limited to Citizen Voting Age Population, Hispanic Citizen Voting Age Population, Voting Age Population, Hispanic Voting Age Population), election data (including but not limited to reconstituted election analyses), and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, or changing census geography;
 - d. The pairing or location of any incumbents in any such redistricting proposal;
 - e. Any redistricting amendment, whether partial or total to each such proposal;
 - f. Negotiations regarding any redistricting proposal; and
 - g. All calculations, reports, audits, estimates, projections, or other analyses, from any sources, relating to the existence of racially polarized voting including but not limited to the voting patterns of Hispanic or white voters; candidates of choice of Hispanic or white voters; and levels of bloc voting among white voters.
2. All communications between Legislators, including but not limited to their staff, consultants, and advisors, and members of the Washington Redistricting Commission relating to the redistricting process for the Washington House and Senate.
3. All documents relating to voting patterns in Washington with respect to race, ethnicity, or language minority status, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.
4. All documents relating to whether the 2021 APPROVED WASHINGTON

LEGISLATIVE DISTRICT MAP or HCR 4407, or any other redistricting proposal drawn, discussed, or considered with respect to the Washington state legislative districts complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.

5. All documents relating to whether the 2021 APPROVED WASHINGTON LEGISLATIVE DISTRICT MAP or HCR 4407, or any other redistricting proposal drawn, discussed, or considered with respect to the Washington state legislative districts could contain a legislative district with a Hispanic Citizen Voting Age Population of 50% or more of the district's voters, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.
6. All other documents relating to redistricting for Washington's state legislative districts from January 2021, to the present, including but not limited to redistricting criteria, public statements, correspondence, calendar invitations, scheduling emails, meeting minutes, agendas, attendance sheets, call logs, notes, presentations, studies, advocacy, letters, or other communications.
7. All documents and communications to, from or including any of Washington's 2021 redistricting commissioners, April Sims, Paul Graves, Brady Walkinshaw and Joe Fain, their staff, technical personnel, advisors. This includes, but is not limited to, emails, text messages, memos, voice messages, messages on any Internet or phone app or website, whether on a publicly paid-for device or a personal one.
8. All documents and communications to, from or including Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors referencing, related to, or in any way mentioning the 14th or 15th Legislative Districts.
9. All documents and communications to, from or including Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors referencing, related to, or in any way makes mention of Yakima County, Washington; Yakima City, Washington; Franklin County, Washington; Pasco, Washington; Franklin County, Washington; and/or the Yakima Valley Region.
10. All documents and communications to, from or including Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors that include

the terms, Latino, Latina, Hispanic, Native American, Black, African-American, race or ethnicity.

11. All documents and communications to, from or including Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors referencing, related to, or in any way mentioning Hispanic or Latino voters; Hispanic or Latino voter turnout; Spanish Surname voter turnout, Hispanic or Latino persons; Hispanic or Latino Voting Age Population (VAP) and/or Hispanic or Latino Citizen Voting Age Population (CVAP).
12. All documents and communications to and from, or including Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors referencing, related to, or in any way mentioning race, ethnicity, or language minority groups in context of drawing districts for the 14th or 15th Legislative Districts.
13. All documents and communications to and from Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors referencing, related to, or in any way makes mention of the Federal Voting Rights Act; Section 2 of the Voting Rights Act; Racially Polarized Voting (RPV); and/or Washington redistricting principles.
14. All documents and communications sent and/or received from Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors from any elected officials in the state Legislature of Washington and/or legislative staff
15. All communications related to scheduling and/or conversations with members of the Washington Legislature.
16. All Minutes or notes of meetings with the Washington Redistricting Commission and any staff related to redistricting.
17. Personal notes concerning any communications, deliberations or consideration of redistricting related events or matters.
18. All requests for proposals, invoices, reports, slides, analysis, and data from a person or entity that provided advice or information to the Commission.
19. Any communications, related in any way to the redrawing of Washington's state

legislative districts, population or demographics of Latino and/or Hispanic individuals, racial voting patterns, the Voting Rights Act, or Hispanic and/or Latino voters, with the following:

- a. Representative Joe Fitzgibbon
- b. Representative Jeremie Dufault
- c. Representative Bruce Chandler
- d. Representative Chris Corry
- e. Representative Gina Mosbrucker
- f. Representative Drew Stokesbary
- g. Representative Vicki Kraft
- h. Representative Peter Abbarno
- i. Representative Michelle Caldier
- j. Representative Greg Gilday
- k. Representative Laurie Dolan
- l. Senator Curtis King
- m. Senator Brad Hawkins
- n. Senator Mark Mullet
- o. Senator Jim Honeyford
- p. Lisa McLean
- q. Justin Bennett
- r. Daniel Pailthorp
- s. Maria Garza
- t. Anton Grose
- u. Osta Davis
- v. Dominique Meyers
- w. Ali O'Neil
- x. Melissa Vanderwerf
- y. Amy Ruble
- z. Kurt Fritts
- aa. Adam Hall
- bb. Matt Bridges

cc. Min Fei

dd. Paul Campos

ee. James D. Troyer

ff. Evan Ridley

gg. Alex Osenbach

hh. Thomas Brunell

ii. Peter Morrison

jj. Thomas Bryan

Exhibit C

UNITED STATES DISTRICT COURT

for the

Western District of Washington

SUSAN SOTO PALMER, ET AL.

Plaintiff

v.

STEVEN HOBBS, ET AL.

Defendant

Civil Action No. 3:22-cv-05035-RSL

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

April Sims
631 110th Street S
Tacoma, WA 98444-5609

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

SEE ATTACHMENT A - SUBPOENA FOR DOCUMENTS AND RECORDS

Place: Morfin Law Firm, PLLC
2602 N. Proctor Street, Suite 205
Tacoma, WA 98407

Date and Time:

04/21/2022

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 04/04/2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Edwardo Morfin

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plfs. Susan Soto Palmer, Alberto Macias, Brenda Garcia Rodriguez, Fabiola Lopez, Caty Padilla, Evangelina Aguilar, Lizette Parra, Heliadora Morfin, and the Southcentral Coalition of People of Color for Redistricting, who issues or requests this subpoena, are:

Edwardo Morfin, Morfin Law Firm, PLLC, 7325 W.Deschutes Ave., Suite A, Kennewick, WA 99336, 509-380-9999

Notice to the person who issues or requests this subpoena eddie @morfinlawfirm.com

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 3:22-cv-05035-RSL

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

The Honorable Robert S. Lasnik

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

SUSAN SOTO PALMER, et. al.,

Plaintiffs,

v.

STEVEN HOBBS, et. al.,

Defendants.

Case No.: 3:22-cv-05035-RSL

Judge: Robert S. Lasnik

ATTACHMENT A- SUBPOENA FOR DOCUMENTS AND RECORDS

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, you are commanded to produce to Plaintiffs the documents and electronically stored information described below in your possession, custody, or control.

DEFINITIONS AND INSTRUCTIONS

1. “DOCUMENTS” is defined as synonymous in meaning and equal in scope to the usage of the term in Federal Rule of Civil Procedure 34(a), in its broadest sense, and shall mean to include all written, printed, typed, recorded or graphic matter of every kind and description, including COMMUNICATIONS, both originals and copies, and all attachments and appendices thereto, that are in YOUR possession, custody, or control, or in the possession, custody, or control of YOUR attorney. Without limiting the term “control,” a DOCUMENT is deemed to be within YOUR control if YOU have ownership, possession or custody of the DOCUMENT, or the right to secure the DOCUMENT or copy thereof from any persons or public or private entity having physical control thereof.

2. “LEGISLATOR” refers to a past or present elected member of the Washington House of Representatives (“Washington House”) or the Washington Senate, including such members’ past or present employees, legislative office staff, district office staff, committee staff,

caucus staff, campaign staff, all interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member's behalf, subject to the member's control or on behalf of any committee or body of which the elected member is a member.

3. "COMMUNICATION" means any communication, electronic or otherwise, including but not limited to, e-mail (whether from an official or personal account), phone logs, letters, postcards, faxes, text messages, voicemails, recorded conversations, complaints, messages on any internet or phone apps (including Slack, Microsoft Teams, Signal, What's App), whether on a publicly paid device or a personal one if used to discuss redistricting business. Communications also means any electronic calendar invitations and invitations sent regarding phone conversations and electronic meetings (such as invitations to join Zoom or conference calls).

4. "RELATING TO" any given subject matter means, without limitation, anything that, in whole or in part, directly or indirectly, analyzes, comments on, comprises, concerns, constitutes, contains, discusses, embodies, evidences, explains, identifies, manifests, mentions, reflects, refers to, relates to, states, summarizes, or is in any way relevant to the particular subject matter identified.

5. "REDISTRICTING" means any consideration of the alignment of district boundaries for an entire legislative body, a single legislative district, or districts within a geographic area.

6. "WASHINGTON REDISTRICTING COMMISSION" means the constitutional redistricting commission that is comprised of four voting members and one non-voting chair that is responsible for the drafting of district boundaries for congressional and state legislative district seats. This includes individual commissioners: Sarah Augustine, April Sims, Paul Graves, Brady Piñero Walkinshaw, Joe Fain, and all staff.

7. "2021 APPROVED WASHINGTON LEGISLATIVE DISTRICT MAP" means the map that was approved by the Washington Redistricting Commission on November 16, 2021, that was then sent to the Washington Legislature for final approval.

8. "HCR 4407" refers to the bill in the Washington Legislature that made amendments to the redistricting plan approved by the Washington Redistricting Commission for state legislative and congressional districts.

9. In responding to these requests, please produce all responsive documents in your possession, custody, or control. You must produce all responsive documents within your actual possession, custody, or control, as well as such documents which you have the legal right to obtain on demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

10. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person's behalf or subject to the control of such a person. All references in these requests to an entity, governmental entity, or any other type of organization include its past or present officers, executives, directors, employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such an organization or subject to its control.

11. In construing these document requests, apply the broadest construction, so as to produce the most comprehensive response. Construe the terms "and" and "or" either disjunctively or conjunctively, as necessary, to bring within the scope of the request all responses that might otherwise be construed to be outside that scope. Words used in the singular shall include the plural. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

12. Documents should be produced in their entirety, without abbreviation, redaction, or expurgation; file folders with tabs or labels identifying documents responsive to these requests should be produced intact with said documents; and documents attached to each other should not be separated. Please produce any electronically stored information ("ESI") in native format files or Bates numbered individual PDF files with a corresponding load file preserving all native metadata. Each document produced should be categorized by the number of the request for which it is produced. No portion of a request may be left unanswered because of an objection raised to another part of that request. If you object to any portion of a document request, you must state with specificity the grounds of the objection. Any ground not stated will be waived.

13. For any document withheld from production on a claim of privilege or work

product protection, you must provide a written privilege log identifying each document individually and containing all information required by Rule 45(e)(2)(A) of the Federal Rules of Civil Procedure, including a description of the basis of the claimed privilege and all information necessary for the United States to assess the claim of privilege.

14. If you contend that it would be unduly burdensome to obtain and provide all of the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking what you contend to be an unduly burdensome request; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

15. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or unless otherwise permitted by court order.

16. In the event that a responsive document has been destroyed or has passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

17. These requests are continuing in nature. Your response must be supplemented, and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

18. Unless otherwise specified, all document requests concern the period of time from January 1, 2019, to the present.

DOCUMENT REQUESTS

1. All documents relating to any redistricting proposal drawn, discussed, or considered for Washington's state legislative districts, including from the Washington Redistricting Commission, or a Legislator, their staff, consultants, or advisors. This request includes but is not limited to:
 - a. The origination(s) or source(s) of any such redistricting proposal;
 - b. The impetus, rationale, background, or motivation for any such redistricting proposal;
 - c. All drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files, or datasets used in mapping software, demographic data (including but not limited to Citizen Voting Age Population, Hispanic Citizen Voting Age Population, Voting Age Population, Hispanic Voting Age Population), election data (including but not limited to reconstituted election analyses), and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, or changing census geography;
 - d. The pairing or location of any incumbents in any such redistricting proposal;
 - e. Any redistricting amendment, whether partial or total to each such proposal;
 - f. Negotiations regarding any redistricting proposal; and
 - g. All calculations, reports, audits, estimates, projections, or other analyses, from any sources, relating to the existence of racially polarized voting including but not limited to the voting patterns of Hispanic or white voters; candidates of choice of Hispanic or white voters; and levels of bloc voting among white voters.
2. All communications between Legislators, including but not limited to their staff, consultants, and advisors, and members of the Washington Redistricting Commission relating to the redistricting process for the Washington House and Senate.
3. All documents relating to voting patterns in Washington with respect to race, ethnicity, or language minority status, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.
4. All documents relating to whether the 2021 APPROVED WASHINGTON

LEGISLATIVE DISTRICT MAP or HCR 4407, or any other redistricting proposal drawn, discussed, or considered with respect to the Washington state legislative districts complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.

5. All documents relating to whether the 2021 APPROVED WASHINGTON LEGISLATIVE DISTRICT MAP or HCR 4407, or any other redistricting proposal drawn, discussed, or considered with respect to the Washington state legislative districts could contain a legislative district with a Hispanic Citizen Voting Age Population of 50% or more of the district's voters, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.
6. All other documents relating to redistricting for Washington's state legislative districts from January 2021, to the present, including but not limited to redistricting criteria, public statements, correspondence, calendar invitations, scheduling emails, meeting minutes, agendas, attendance sheets, call logs, notes, presentations, studies, advocacy, letters, or other communications.
7. All documents and communications to, from or including any of Washington's 2021 redistricting commissioners, April Sims, Paul Graves, Brady Walkinshaw and Joe Fain, their staff, technical personnel, advisors. This includes, but is not limited to, emails, text messages, memos, voice messages, messages on any Internet or phone app or website, whether on a publicly paid-for device or a personal one.
8. All documents and communications to, from or including Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors referencing, related to, or in any way mentioning the 14th or 15th Legislative Districts.
9. All documents and communications to, from or including Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors referencing, related to, or in any way makes mention of Yakima County, Washington; Yakima City, Washington; Franklin County, Washington; Pasco, Washington; Franklin County, Washington; and/or the Yakima Valley Region.
10. All documents and communications to, from or including Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors that include

the terms, Latino, Latina, Hispanic, Native American, Black, African-American, race or ethnicity.

11. All documents and communications to, from or including Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors referencing, related to, or in any way mentioning Hispanic or Latino voters; Hispanic or Latino voter turnout; Spanish Surname voter turnout, Hispanic or Latino persons; Hispanic or Latino Voting Age Population (VAP) and/or Hispanic or Latino Citizen Voting Age Population (CVAP).
12. All documents and communications to and from, or including Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors referencing, related to, or in any way mentioning race, ethnicity, or language minority groups in context of drawing districts for the 14th or 15th Legislative Districts.
13. All documents and communications to and from Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors referencing, related to, or in any way makes mention of the Federal Voting Rights Act; Section 2 of the Voting Rights Act; Racially Polarized Voting (RPV); and/or Washington redistricting principles.
14. All documents and communications sent and/or received from Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors from any elected officials in the state Legislature of Washington and/or legislative staff
15. All communications related to scheduling and/or conversations with members of the Washington Legislature.
16. All Minutes or notes of meetings with the Washington Redistricting Commission and any staff related to redistricting.
17. Personal notes concerning any communications, deliberations or consideration of redistricting related events or matters.
18. All requests for proposals, invoices, reports, slides, analysis, and data from a person or entity that provided advice or information to the Commission.
19. Any communications, related in any way to the redrawing of Washington's state

legislative districts, population or demographics of Latino and/or Hispanic individuals, racial voting patterns, the Voting Rights Act, or Hispanic and/or Latino voters, with the following:

- a. Representative Joe Fitzgibbon
- b. Representative Jeremie Dufault
- c. Representative Bruce Chandler
- d. Representative Chris Corry
- e. Representative Gina Mosbrucker
- f. Representative Drew Stokesbary
- g. Representative Vicki Kraft
- h. Representative Peter Abbarno
- i. Representative Michelle Caldier
- j. Representative Greg Gilday
- k. Representative Laurie Dolan
- l. Senator Curtis King
- m. Senator Brad Hawkins
- n. Senator Mark Mullet
- o. Senator Jim Honeyford
- p. Lisa McLean
- q. Justin Bennett
- r. Daniel Pailthorp
- s. Maria Garza
- t. Anton Grose
- u. Osta Davis
- v. Dominique Meyers
- w. Ali O'Neil
- x. Melissa Vanderwerf
- y. Amy Ruble
- z. Kurt Fritts
- aa. Adam Hall
- bb. Matt Bridges

cc. Min Fei

dd. Paul Campos

ee. James D. Troyer

ff. Evan Ridley

gg. Alex Osenbach

hh. Thomas Brunell

ii. Peter Morrison

jj. Thomas Bryan

Exhibit D

UNITED STATES DISTRICT COURT

for the

Western District of Washington

SUSAN SOTO PALMER, ET AL.

Plaintiff

v.

STEVEN HOBBS, ET AL.

Defendant

Civil Action No. 3:22-cv-05035-RSL

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

Joseph F. Fain
705 SW Colewood Lane
Normandy Park, WA 98166-3900*(Name of person to whom this subpoena is directed)*

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

SEE ATTACHMENT A - SUBPOENA FOR DOCUMENTS AND RECORDS

Place: Morfin Law Firm, PLLC 2602 N. Proctor Street, Suite 205 Tacoma, WA 98407	Date and Time: 04/21/2022
---	----------------------------------

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 04/04/2022

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Edwardo Morfin

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plfs. Susan Soto Palmer, Alberto Macias, Brenda Garcia Rodriguez, Fabiola Lopez, Caty Padilla, Evangelina Aguilar, Lizette Parra, Heliadora Morfin, and the Southcentral Coalition of People of Color for Redistricting, who issues or requests this subpoena, are:

Edwardo Morfin, Morfin Law Firm, PLLC, 7325 W.Deschutes Ave., Suite A, Kennewick, WA 99336, 509-380-9999

Notice to the person who issues or requests this subpoena eddie @morfinlawfirm.com

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 3:22-cv-05035-RSL

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

The Honorable Robert S. Lasnik

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

SUSAN SOTO PALMER, et. al.,

Plaintiffs,

v.

STEVEN HOBBS, et. al.,

Defendants.

Case No.: 3:22-cv-05035-RSL

Judge: Robert S. Lasnik

ATTACHMENT A- SUBPOENA FOR DOCUMENTS AND RECORDS

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, you are commanded to produce to Plaintiffs the documents and electronically stored information described below in your possession, custody, or control.

DEFINITIONS AND INSTRUCTIONS

1. “DOCUMENTS” is defined as synonymous in meaning and equal in scope to the usage of the term in Federal Rule of Civil Procedure 34(a), in its broadest sense, and shall mean to include all written, printed, typed, recorded or graphic matter of every kind and description, including COMMUNICATIONS, both originals and copies, and all attachments and appendices thereto, that are in YOUR possession, custody, or control, or in the possession, custody, or control of YOUR attorney. Without limiting the term “control,” a DOCUMENT is deemed to be within YOUR control if YOU have ownership, possession or custody of the DOCUMENT, or the right to secure the DOCUMENT or copy thereof from any persons or public or private entity having physical control thereof.

2. “LEGISLATOR” refers to a past or present elected member of the Washington House of Representatives (“Washington House”) or the Washington Senate, including such members’ past or present employees, legislative office staff, district office staff, committee staff,

caucus staff, campaign staff, all interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or other persons or entities acting or purporting to act on the member's behalf, subject to the member's control or on behalf of any committee or body of which the elected member is a member.

3. "COMMUNICATION" means any communication, electronic or otherwise, including but not limited to, e-mail (whether from an official or personal account), phone logs, letters, postcards, faxes, text messages, voicemails, recorded conversations, complaints, messages on any internet or phone apps (including Slack, Microsoft Teams, Signal, What's App), whether on a publicly paid device or a personal one if used to discuss redistricting business. Communications also means any electronic calendar invitations and invitations sent regarding phone conversations and electronic meetings (such as invitations to join Zoom or conference calls).

4. "RELATING TO" any given subject matter means, without limitation, anything that, in whole or in part, directly or indirectly, analyzes, comments on, comprises, concerns, constitutes, contains, discusses, embodies, evidences, explains, identifies, manifests, mentions, reflects, refers to, relates to, states, summarizes, or is in any way relevant to the particular subject matter identified.

5. "REDISTRICTING" means any consideration of the alignment of district boundaries for an entire legislative body, a single legislative district, or districts within a geographic area.

6. "WASHINGTON REDISTRICTING COMMISSION" means the constitutional redistricting commission that is comprised of four voting members and one non-voting chair that is responsible for the drafting of district boundaries for congressional and state legislative district seats. This includes individual commissioners: Sarah Augustine, April Sims, Paul Graves, Brady Piñero Walkinshaw, Joe Fain, and all staff.

7. "2021 APPROVED WASHINGTON LEGISLATIVE DISTRICT MAP" means the map that was approved by the Washington Redistricting Commission on November 16, 2021, that was then sent to the Washington Legislature for final approval.

8. "HCR 4407" refers to the bill in the Washington Legislature that made amendments to the redistricting plan approved by the Washington Redistricting Commission for state legislative and congressional districts.

9. In responding to these requests, please produce all responsive documents in your possession, custody, or control. You must produce all responsive documents within your actual possession, custody, or control, as well as such documents which you have the legal right to obtain on demand or the practical ability to obtain from a third party, including but not limited to any and all documents that you and your counsel or other persons or entities acting or purporting to act on your behalf have actually reviewed.

10. All references in these requests to an individual person include any and all past or present employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, predecessors in office or position, and all other persons or entities acting or purporting to act on the individual person's behalf or subject to the control of such a person. All references in these requests to an entity, governmental entity, or any other type of organization include its past or present officers, executives, directors, employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, and all other persons or entities acting or purporting to act on behalf of such an organization or subject to its control.

11. In construing these document requests, apply the broadest construction, so as to produce the most comprehensive response. Construe the terms "and" and "or" either disjunctively or conjunctively, as necessary, to bring within the scope of the request all responses that might otherwise be construed to be outside that scope. Words used in the singular shall include the plural. Words or terms used herein have the same intent and meaning regardless of whether the words or terms are depicted in lowercase or uppercase letters.

12. Documents should be produced in their entirety, without abbreviation, redaction, or expurgation; file folders with tabs or labels identifying documents responsive to these requests should be produced intact with said documents; and documents attached to each other should not be separated. Please produce any electronically stored information ("ESI") in native format files or Bates numbered individual PDF files with a corresponding load file preserving all native metadata. Each document produced should be categorized by the number of the request for which it is produced. No portion of a request may be left unanswered because of an objection raised to another part of that request. If you object to any portion of a document request, you must state with specificity the grounds of the objection. Any ground not stated will be waived.

13. For any document withheld from production on a claim of privilege or work

product protection, you must provide a written privilege log identifying each document individually and containing all information required by Rule 45(e)(2)(A) of the Federal Rules of Civil Procedure, including a description of the basis of the claimed privilege and all information necessary for the United States to assess the claim of privilege.

14. If you contend that it would be unduly burdensome to obtain and provide all of the documents called for in response to any document request or subsection thereof, then in response to the appropriate request: (a) produce all such documents as are available without undertaking what you contend to be an unduly burdensome request; (b) describe with particularity the efforts made by you or on your behalf to produce such documents; and (c) state with particularity the grounds upon which you contend that additional efforts to produce such documents would be unduly burdensome.

15. If any requested document or other potentially relevant document is subject to destruction under any document retention or destruction program, the documents should be exempted from any scheduled destruction and should not be destroyed until the conclusion of this lawsuit or unless otherwise permitted by court order.

16. In the event that a responsive document has been destroyed or has passed out of your possession, custody, or control, please provide the following information with respect to each such document: its title, date, author(s), sender(s), recipient(s), subject matter, the circumstances under which it has become unavailable, and, if known, its current location and custodian.

17. These requests are continuing in nature. Your response must be supplemented, and any additional responsive material disclosed if responsive material becomes available after you serve your response. You must also amend your responses to these requests if you learn that an answer is in some material respect incomplete or incorrect.

18. Unless otherwise specified, all document requests concern the period of time from January 1, 2019, to the present.

DOCUMENT REQUESTS

1. All documents relating to any redistricting proposal drawn, discussed, or considered for Washington's state legislative districts, including from the Washington Redistricting Commission, or a Legislator, their staff, consultants, or advisors. This request includes but is not limited to:
 - a. The origination(s) or source(s) of any such redistricting proposal;
 - b. The impetus, rationale, background, or motivation for any such redistricting proposal;
 - c. All drafts in the development or revision of any such redistricting proposal, including but not limited to shapefiles, files, or datasets used in mapping software, demographic data (including but not limited to Citizen Voting Age Population, Hispanic Citizen Voting Age Population, Voting Age Population, Hispanic Voting Age Population), election data (including but not limited to reconstituted election analyses), and files related to precinct names, precinct lines, split precincts, partisan indexes, population shifts, population deviations, voter registration, Spanish Surname Voter Registration, voter affiliation, Spanish Surname Voter Turnout, or changing census geography;
 - d. The pairing or location of any incumbents in any such redistricting proposal;
 - e. Any redistricting amendment, whether partial or total to each such proposal;
 - f. Negotiations regarding any redistricting proposal; and
 - g. All calculations, reports, audits, estimates, projections, or other analyses, from any sources, relating to the existence of racially polarized voting including but not limited to the voting patterns of Hispanic or white voters; candidates of choice of Hispanic or white voters; and levels of bloc voting among white voters.
2. All communications between Legislators, including but not limited to their staff, consultants, and advisors, and members of the Washington Redistricting Commission relating to the redistricting process for the Washington House and Senate.
3. All documents relating to voting patterns in Washington with respect to race, ethnicity, or language minority status, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.
4. All documents relating to whether the 2021 APPROVED WASHINGTON

LEGISLATIVE DISTRICT MAP or HCR 4407, or any other redistricting proposal drawn, discussed, or considered with respect to the Washington state legislative districts complies with the Voting Rights Act, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.

5. All documents relating to whether the 2021 APPROVED WASHINGTON LEGISLATIVE DISTRICT MAP or HCR 4407, or any other redistricting proposal drawn, discussed, or considered with respect to the Washington state legislative districts could contain a legislative district with a Hispanic Citizen Voting Age Population of 50% or more of the district's voters, including but not limited to any calculations, reports, audits, estimates, projections, or other analyses.
6. All other documents relating to redistricting for Washington's state legislative districts from January 2021, to the present, including but not limited to redistricting criteria, public statements, correspondence, calendar invitations, scheduling emails, meeting minutes, agendas, attendance sheets, call logs, notes, presentations, studies, advocacy, letters, or other communications.
7. All documents and communications to, from or including any of Washington's 2021 redistricting commissioners, April Sims, Paul Graves, Brady Walkinshaw and Joe Fain, their staff, technical personnel, advisors. This includes, but is not limited to, emails, text messages, memos, voice messages, messages on any Internet or phone app or website, whether on a publicly paid-for device or a personal one.
8. All documents and communications to, from or including Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors referencing, related to, or in any way mentioning the 14th or 15th Legislative Districts.
9. All documents and communications to, from or including Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors referencing, related to, or in any way makes mention of Yakima County, Washington; Yakima City, Washington; Franklin County, Washington; Pasco, Washington; Franklin County, Washington; and/or the Yakima Valley Region.
10. All documents and communications to, from or including Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors that include

the terms, Latino, Latina, Hispanic, Native American, Black, African-American, race or ethnicity.

11. All documents and communications to, from or including Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors referencing, related to, or in any way mentioning Hispanic or Latino voters; Hispanic or Latino voter turnout; Spanish Surname voter turnout, Hispanic or Latino persons; Hispanic or Latino Voting Age Population (VAP) and/or Hispanic or Latino Citizen Voting Age Population (CVAP).
12. All documents and communications to and from, or including Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors referencing, related to, or in any way mentioning race, ethnicity, or language minority groups in context of drawing districts for the 14th or 15th Legislative Districts.
13. All documents and communications to and from Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors referencing, related to, or in any way makes mention of the Federal Voting Rights Act; Section 2 of the Voting Rights Act; Racially Polarized Voting (RPV); and/or Washington redistricting principles.
14. All documents and communications sent and/or received from Washington's 2021 redistricting commissioners, their staff, technical personnel and/or advisors, and their political advisors from any elected officials in the state Legislature of Washington and/or legislative staff
15. All communications related to scheduling and/or conversations with members of the Washington Legislature.
16. All Minutes or notes of meetings with the Washington Redistricting Commission and any staff related to redistricting.
17. Personal notes concerning any communications, deliberations or consideration of redistricting related events or matters.
18. All requests for proposals, invoices, reports, slides, analysis, and data from a person or entity that provided advice or information to the Commission.
19. Any communications, related in any way to the redrawing of Washington's state

legislative districts, population or demographics of Latino and/or Hispanic individuals, racial voting patterns, the Voting Rights Act, or Hispanic and/or Latino voters, with the following:

- a. Representative Joe Fitzgibbon
- b. Representative Jeremie Dufault
- c. Representative Bruce Chandler
- d. Representative Chris Corry
- e. Representative Gina Mosbrucker
- f. Representative Drew Stokesbary
- g. Representative Vicki Kraft
- h. Representative Peter Abbarno
- i. Representative Michelle Caldier
- j. Representative Greg Gilday
- k. Representative Laurie Dolan
- l. Senator Curtis King
- m. Senator Brad Hawkins
- n. Senator Mark Mullet
- o. Senator Jim Honeyford
- p. Lisa McLean
- q. Justin Bennett
- r. Daniel Pailthorp
- s. Maria Garza
- t. Anton Grose
- u. Osta Davis
- v. Dominique Meyers
- w. Ali O'Neil
- x. Melissa Vanderwerf
- y. Amy Ruble
- z. Kurt Fritts
- aa. Adam Hall
- bb. Matt Bridges

cc. Min Fei

dd. Paul Campos

ee. James D. Troyer

ff. Evan Ridley

gg. Alex Osenbach

hh. Thomas Brunell

ii. Peter Morrison

jj. Thomas Bryan

Exhibit E

The Honorable Robert S. Lasnik

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

SUSAN SOTO PALMER, *et al.*,

Plaintiffs,

v.

STEVEN HOBBS, *et al.*,

Defendants.

NO. 3:22-cv-05035-RSL

DEFENDANTS LAURIE JINKINS
AND ANDREW BILLIG'S
INITIAL DISCLOSURES

Pursuant to Fed. R. Civ. P. 26(a)(1), Defendants Laurie Jenkins and Andrew Billig, through their undersigned counsel, make the following initial disclosures:

A. The Name and, if Known, the Address and Telephone Number of Each Individual Likely to Have Discoverable Information—Along with the Subjects of That Information—That Defendants Jenkins and Billig May Use to Support Their Claims or Defenses, Unless Solely for Impeachment

At this time, Defendants Jenkins and Billig believe the below individuals have or are likely to have discoverable information that they may use to support their defenses. Defendants Jenkins and Billig specifically reserve the right to supplement or amend the below list before trial.

NAME/ADDRESS/TELEPHONE	DISCOVERABLE INFORMATION
Chair Sarah Augustine Washington State Redistricting Commission c/o Ms. Emma Grunburg Deputy Solicitor General	Chair Augustine is familiar with the information received and considered by the Redistricting Commission, the assessment of alternative or draft map configurations, and the

1	Washington State Office of the Attorney General	approval and transmission of the Commission's final maps to the Washington Supreme Court and the legislature.
2	800 Fifth Avenue, Suite 2000	
3	Seattle, WA 98104	
4	(206) 521-3222	
5	Commissioner Joe Fain	Commissioner Fain is familiar with the information received and considered by the Redistricting Commission, the assessment of alternative or draft map configurations, and the approval of the Commission's final maps.
6	Washington State Redistricting Commission	
7	c/o Ms. Emma Grunberg	
8	Deputy Solicitor General	
9	Washington State Office of the Attorney General	
10	800 Fifth Avenue, Suite 2000	
11	Seattle, WA 98104	
12	(206) 521-3222	
13	Commissioner Paul Graves	Commissioner Graves is familiar with the information received and considered by the Redistricting Commission, the assessment of alternative or draft map configurations, and the approval of the Commission's final maps.
14	Washington State Redistricting Commission	
15	c/o Ms. Emma Grunberg	
16	Deputy Solicitor General	
17	Washington State Office of the Attorney General	
18	800 Fifth Avenue, Suite 2000	
19	Seattle, WA 98104	
20	(206) 521-3222	
21	Commissioner April Sims	Commissioner Sims is familiar with the information received and considered by the Redistricting Commission, the assessment of alternative or draft map configurations, and the approval of the Commission's final maps.
22	Washington State Redistricting Commission	
23	c/o Ms. Emma Grunberg	
24	Deputy Solicitor General	
25	Washington State Office of the Attorney General	
26	800 Fifth Avenue, Suite 2000	
	Seattle, WA 98104	
	(206) 521-3222	
	Commissioner Brady Piñero Walkinshaw	Commissioner Piñero Walkinshaw is familiar with the information received and considered by the Redistricting Commission, the assessment of alternative or draft map configurations, and the approval of the Commission's final maps.
	Washington State Redistricting Commission	
	c/o Ms. Emma Grunberg	
	Deputy Solicitor General	
	Washington State Office of the Attorney General	
	800 Fifth Avenue, Suite 2000	
	Seattle, WA 98104	
	(206) 521-3222	
	Mr. Stuart Holmes	Mr. Holmes is familiar with voting data collected and maintained by the Secretary of State's office, the processes and procedures the Secretary of State's office oversees related to elections, and any communications with counties related to the timing for implementing revised redistricting maps.
	Washington State Acting Director of Elections,	
	Office of the Washington Secretary of State	
	c/o Mr. Karl Smith	
	Deputy Solicitor General	
	Washington State Office of the Attorney General	
	P.O. Box 40100	
	Olympia, WA 98504-0100	
	(360) 753-6200	

B. Copy of, or a Description by Category and Location of, All Documents, Data Compilations, and Tangible Things That Are in the Possession, Custody, or Control of Defendants Jinkins and Billig and That They May Use to Support Their Claims or Defenses, Unless Solely for Impeachment

Below is a list of documents that are in the possession, custody, or control of Defendants Jinkins and/or Billig or their counsel that may be used to support their defenses. The location of these documents is the Washington Attorney General's Office at 800 5th Avenue, Suite 2000, Seattle, Washington, 98104. Defendants Jinkins and Billig reserve the right to identify additional relevant documents or categories of documents as the case proceeds. They also reserve the right to redact or withhold documents for privileges, attorney work product, or other protections.

1. Final and draft legislative maps, as available at <https://www.redistricting.wa.gov/>
2. Filings, orders, commission maps and shapefiles, and communications from the Redistricting Commission to the Washington Supreme Court, as available at https://www.courts.wa.gov/appellate_trial_courts/SupremeCourt/?fa=supremecourt.redistricting
3. Press releases, articles, and redistricting information, as available on: <https://housedemocrats.wa.gov/jinkins/>
<https://senatedemocrats.wa.gov/billig/>

C. Computation of Each Category of Damages Claimed

Defendants do not claim any damages in this action.

D. Insurance Agreements Under Which an Insurance Business May Be Liable to Satisfy All or Part of a Possible Judgment in the Action or to Indemnify or Reimburse for Payments Made to Satisfy the Judgment

The State of Washington is self-insured and indemnifies or reimburses its officials for payments made to satisfy a judgment in such lawsuits.

E. Reservation of Rights

Defendants Billig and Jinkins reserve the right to amend or supplement these disclosures pursuant to Rule 26(e) of the Federal Rules of Civil Procedure and to object to the admissibility

1 of any document or statement herein or in Plaintiffs' initial disclosures on any basis set forth in
2 those Rules, the Federal Rules of Evidence, or governing law.

3 DATED this 3rd day of March 2022.

4 ROBERT W. FERGUSON
5 Attorney General

6 /s/ Elana Matt

7 JEFFREY T. EVEN, WSBA #20367
8 Deputy Solicitor General
9 ELANA MATT, WSBA #37719
10 SPENCER W. COATES, WSBA #49683
11 Assistant Attorneys General
12 Jeffrey.Even@atg.wa.gov
13 Elana.Matt@atg.wa.gov
14 Spencer.Coates@atg.wa.gov

15 *Attorneys for Defendants Laurie Jenkins and*
16 *Andrew Billig*

DECLARATION OF SERVICE

I declare that on this day I caused the foregoing document to be electronically served, pursuant to the parties' agreement, upon all counsel of record.

Edwardo Morfin, WSBA No. 47831
Morfin Law Firm, PLLC
2602 N. Proctor Street, Suite 205
Tacoma, WA 98407
(509) 380-9999
eddie@morfinlawfirm.com

Deylin Thrift-Viveros
Ernest Herrera
Thomas A. Saenz
Mexican American Legal Defense and Educational Fund
643 S. Spring Street, 11th Floor
Los Angeles, CA 90014
(213) 629-2512
dthrift-viveros@maldef.org
eherrera@maldef.org
tsaenz@maldef.org

Leticia Marie Saucedo
Mexican American Legal Defense and Educational Fund (SAC)
1512 14th Street
Sacramento, CA 95814
(702) 324-6186
lsaucedo@maldef.org

Annabelle Harless
Campaign Legal Center
55 W. Monroe Street, Suite 1925
Chicago, IL 60603
aharless@campaignlegal.org

Chad W. Dunn
Sonni Waknin
UCLA Voting Rights Project
3250 Public Affairs Building
Los Angeles, CA 90095
(310) 400-6019
chad@uclavrp.org
Sonni@uclavrp.org

Mark P. Gaber
Simone Leeper
Aseem Mulji
Campaign Legal Center
1101 14th Street NW, Suite 400

1 Washington, DC 20005
2 mgaber@campaignlegal.org
3 sleeper@campaignlegal.org
4 amulji@campaignlegal.org

5 *Attorneys for Plaintiffs*

6 I declare under penalty of perjury under the laws of the State of Washington that this
7 statement is true and correct.

8 DATED this 3rd day of March 2022, at Seattle, Washington.

9 /s/ Elana Matt

10 ELANA MATT, WSBA #37719
11 Assistant Attorney General
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Exhibit F

The Honorable Robert S. Lasnik

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

SUSAN SOTO PALMER, et al.,

Plaintiffs,

v.

STEVEN HOBBS, et al.,

Defendants.

NO. 3:22-cv-05035-RSL

DEFENDANT STEVEN HOBBS'
INITIAL DISCLOSURES

Pursuant to Fed. R. Civ. P. 26(a)(1), Defendant Steven Hobbs, Washington Secretary of State, through his undersigned counsel, makes the following initial disclosures:

A. The Name and, if Known, the Address and Telephone Number of Each Individual Likely to Have Discoverable Information—Along With the Subjects of That Information—That Defendant Hobbs May Use to Support His Claims or Defenses, Unless Solely for Impeachment

Defendant Hobbs takes no position on Plaintiffs' claims and does not intend to put forth evidence related to the merits of those claims. Defendant Hobbs may put forth evidence regarding the feasibility and timeliness of any remedy should those claims be resolved in Plaintiffs' favor.

NAME/ADDRESS/TELEPHONE	DISCOVERABLE INFORMATION
Chair Sarah Augustine Washington State Redistricting Commission c/o Ms. Emma Grunberg	Chair Augustine is familiar with the information received and considered by the Redistricting Commission, the assessment

1 2 3 4	Deputy Solicitor General Washington State Office of the Attorney General 800 Fifth Avenue, Suite 2000 Seattle, WA 98104 (206) 521-3222	of alternative or draft map configurations, and the approval and transmission of the Commission's final maps to the Washington Supreme Court and the legislature.
5 6 7 8 9	Commissioner April Sims Washington State Redistricting Commission c/o Ms. Emma Grunberg Deputy Solicitor General Washington State Office of the Attorney General 800 Fifth Avenue, Suite 2000 Seattle, WA 98104 (206) 521-3222	Commissioner Sims is familiar with the information received and considered by the Redistricting Commission, the assessment of alternative or draft map configurations, and the approval of the Commission's final maps.
10 11 12 13 14	Commissioner Paul Graves Washington State Redistricting Commission c/o Ms. Emma Grunberg Deputy Solicitor General Washington State Office of the Attorney General 800 Fifth Avenue, Suite 2000 Seattle, WA 98104 (206) 521-3222	Commissioner Graves is familiar with the information received and considered by the Redistricting Commission, the assessment of alternative or draft map configurations, and the approval of the Commission's final maps.
15 16 17 18 19	Commissioner Brady Piñero Walkinshaw Washington State Redistricting Commission c/o Ms. Emma Grunberg Deputy Solicitor General Washington State Office of the Attorney General 800 Fifth Avenue, Suite 2000 Seattle, WA 98104 (206) 521-3222	Commissioner Piñero Walkinshaw is familiar with the information received and considered by the Redistricting Commission, the assessment of alternative or draft map configurations, and the approval of the Commission's final maps.
20 21 22 23 24 25 26	Commissioner Joe Fain Washington State Redistricting Commission c/o Ms. Emma Grunberg Deputy Solicitor General Washington State Office of the Attorney General 800 Fifth Avenue, Suite 2000 Seattle, WA 98104 (206) 521-3222	Commissioner Fain is familiar with the information received and considered by the Redistricting Commission, the assessment of alternative or draft map configurations, and the approval of the Commission's final maps.

1	Stuart Holmes	Director Holmes is familiar with the
2	Acting Director of Elections	timeline and feasibility of implementing
3	Office of the Secretary of State	revisions to legislative districts.
4	c/o Ms. Leslie Griffith	
5	Deputy Solicitor General	
6	Washington State Office of the Attorney General	
7	1125 Washington Street SE	
8	PO Box 40100	
9	Olympia, WA 98504-0100	
10	(360) 753-6200	
11	Nick Pharris	Mr. Pharris has information related to
12	VoteWA Support Lead	Washington's statewide elections system
13	Elections Division	(VoteWA). Mr. Pharris also has limited
14	Office of the Secretary of State	information about communications
15	c/o Ms. Leslie Griffith	regarding the 2021 redistricting process
16	Deputy Solicitor General	and legislative amendments to the
17	Washington State Office of the Attorney General	Commission's plan.
18	1125 Washington Street SE	
19	PO Box 40100	
20	Olympia, WA 98504-0100	
21	(360) 753-6200	
22	Charles Ross	Mr. Ross has information related to the
23	Yakima County Auditor	timing and process of elections
24	128 N. 2nd Street, Room 117	administration in Yakima County.
25	Yakima, WA 98901	
26	(509) 574-1400	
	Brenda Chilton	Ms. Chilton has information related to the
	Benton County Auditor	timing and process of elections
	620 Market Street	administration in Benton County.
	Prosser, WA 99350	
	(509) 786-5620	
	Michele Jaderlund	Ms. Jaderlund has information related to
	Grant County Auditor	the timing and process of elections
	35 C Street NW.	administration in Grant County.
	Ephrata, WA 98823	
	(509) 754-2011	

1	Matt Beaton Franklin County Auditor 1016 N. 4th Avenue Pasco, WA 99301 (509) 545-3502	Mr. Beaton has information related to the timing and process of elections administration in Franklin County.
2		
3		
4		
5	Heidi Hunt Adams County Auditor 210 W. Broadway Ritzville, WA 99169 (509) 659-3247	Ms. Hunt has information related to the timing and process of elections administration in Adams County.
6		
7		
8	Jerry Pettit Kittitas County Auditor 205 W. 5th Avenue, Suite 105 Ellensburg WA 98926 (509) 962-7504	Mr. Pettit has information related to the timing and process of elections administration in Kittitas County.
9		
10		
11		
12	Brenda Sorenson Klickitat County Auditor 205 S. Columbus Avenue, Room 203 Goldendale, WA 98620 (509) 773-4001	Ms. Sorenson has information related to the timing and process of elections administration in Klickitat County.
13		
14		
15	Chandra Schumacher Lincoln County 450 Logan Street PO Box 28 Davenport, WA 99122 (509) 725-4971	Ms. Schumacher has information related to the timing and process of elections administration in Lincoln County.
16		
17		
18		

B. Copy of, or a Description by Category and Location of, all Documents, Data Compilations, and Tangible Things That are in the Possession, Custody, or Control of the Defendant Hobbs and That He May Use to Support His Claims or Defenses, Unless Solely for Impeachment

Defendant Hobbs takes no position on Plaintiffs' claims and does not intend to put forth evidence related to the merits of those claims. Defendant Hobbs may put forth evidence regarding the feasibility and timeliness of any remedy should those claims be resolved in Plaintiffs' favor.

Defendant reserves the right to identify additional relevant documents or categories of documents as the case proceeds. He also reserves the right to redact or withhold documents for privileges, attorney work product, or other protections.

C. Computation of Each Category of Damages Claimed

Plaintiffs do not claim any damages in this action.

D. Insurance Agreements under which an Insurance Business may be Liable to Satisfy All or Part of a Possible Judgment in the Action or to Indemnify or Reimburse for Payments Made to Satisfy the Judgment

The State of Washington is self-insured and indemnifies or reimburses its officials for payments made to satisfy a judgment in such lawsuits.

E. Reservation of Rights

Defendant reserves the right to amend or supplement these disclosures pursuant to Rule 26(e) of the Federal Rules of Civil Procedure and to object to the admissibility of any document or statement herein or in Plaintiff's initial disclosures on any basis set forth in those Rules, the Federal Rules of Evidence, or governing law.

DATED this 3rd day of March 2022.

ROBERT W. FERGUSON
Attorney General

s/ Leslie Griffith
KARL D. SMITH, WSBA No. 41988
LESLIE GRIFFITH, WSBA No. 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

Attorneys for Defendant Steven Hobbs

DECLARATION OF SERVICE

I hereby declare that on this day I served the foregoing documents upon the following
via email, pursuant to agreement by the parties, at the email addresses below:

Edwardo Morfin, WSBA #47831
MORFIN LAW FIRM, PLLC
2602 M Procter St., Ste. 205
Tacoma, WA 98407
eddie@morfinlawfirm.com

Chad W. Dunn
Sonni Waknin
UCLA VOTING RIGHTS PROJECT
3250 Public Affairs Building
Los Angeles, CA 90095
chad@uclavrp.org
sonni@uclavrp.org

Mark P. Gaber
Simone Leeper
Aseem Mulji
CAMPAIGN LEGAL CENTER
1101 14th St. NW, Ste. 400
Washington, DC 20005
mgaber@campaignlegal.org
sleeper@campaignlegal.org
amulji@campaignlegal.org

Jeffrey T. Even, WSBA No. 20367
Elana Matt, WSBA No. 37719
Spencer W. Coates, WSBA No. 49683
OFFICE OF THE ATTORNEY GENERAL
800 Fifth Ave., Ste. 2000
Seattle, WA 98104
Jeffrey.Even@atg.wa.gov
Elana.Matt@atg.wa.gov
Spencer.Coates@atg.wa.gov

Thomas A. Saenz
Ernest Herrera
Leticia M. Saucedo
Deylin Thrift-Viveros
MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND
643 S. Spring St., 11th Fl.
Los Angeles, CA 90014
tsaenz@maldef.org
eherrera@maldef.org
lsaucedo@maldef.org
dthrift-viveros@maldef.org

Annabelle Harless
Campaign Legal Center
55 W. Monroe St., Ste. 1925
Chicago, IL 60603
aharless@campaignlegal.org

DATED this 3rd day of March 2022, at Olympia, Washington.

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

Exhibit G

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

SUSAN SOTO PALMER, ALBERTO
MACIAS, BRENDA RODRIGUEZ
GARCIA, FABIOLA LOPEZ, CATY
PADILLA, EVANGELINA AGUILAR,
LIZETTE PARRA, HELIODORA MORFIN,
and SOUTHCENTRAL COALITION OF
PEOPLE OF COLOR FOR
REDISTRICTING

Plaintiffs,

v.

Secretary of State STEVEN HOBBS, in his
official capacity as Secretary of State of
Washington; LAURIE JINKINS, in her
official capacity as Speaker of the Washington
State House of Representatives; and ANDY
BILLIG, in his official capacity as Majority
Leader of the Washington State Senate

Defendants.

Case No. 3:22-cv-5035-RSL

PLAINTIFFS' RULE 26(a)(1)
INITIAL DISCLOSURES

Pursuant to Fed. R. Civ. P. 26(a)(1), Plaintiffs Susan Soto Palmer, Alberto Macias, Brenda Rodriguez Garcia, Fabiola Lopez, Caty Padilla, Evangelina Aguilar, Lizette Parra, Heliodora Morfin, and Southcentral Coalition of People of Color for Redistricting hereby provide the following initial disclosures:

I. Rule 26(a)(1)(A)(i): Individuals Likely to Have Information

A. Plaintiffs Soto Palmer, Macias, Rodriguez Garcia, Lopez, Padilla, Aguilar, Parra, Morfin, and Southcentral Coalition of People of Color for Redistricting

The eight individual plaintiffs identified in the complaint and Plaintiff Southcentral Coalition of People of Color for Redistricting are expected to have information related to Plaintiffs' claims. They will testify to the circumstances supporting their claims including their experiences as Latinos in their communities, their experiences voting, volunteering, and campaigning for public office, their experiences of governmental responsiveness to the Latino community in their district, and their experiences advocating for an effective majority-minority district for the Yakima Valley. All Plaintiffs may be contacted through their counsel named below.

B. Members of the 2021 Washington State Redistricting Commission and Staff

The members and staff of the 2021 Washington State Redistricting Commission are expected to have information related to Plaintiffs' claims including efforts by the Latino community to obtain a Latino opportunity district in the Yakima Valley, the maps considered by the Commission, and the actions of Commissioners and staff. The commissioners are Chair Sarah Augustine, Joe Fain, Paul Graves, April Sims, and Brady Piñero Walkinshaw. The Commission staff includes Executive Director Lisa McLean, GIS Analyst Justin Bennett, Public Outreach Coordinator Daniel Pailthorp, and Administrative Assistant Maria Garza. Additionally, staff, consultants, and advisors for each Commissioner are expected to have information related to Plaintiffs' claims. The Redistricting Commission is located at 1007 Washington Street SE, Olympia, WA 98105 and can be reached at (360) 999-5209. The e-mails of the staff members are also provided below. Plaintiffs are still identifying those specific individuals they may rely upon and will amend these disclosures to add any specific individuals they contact who may have discoverable information.

Sarah Augustine:	Sarah.Augustine@redistricting.wa.gov
Joe Fain:	Joe.Fain@redistricting.wa.gov
Paul Graves:	Paul.Graves@redistricting.wa.gov
April Sims:	April.Sims@redistricting.wa.gov
Brady Piñero Walkinshaw:	Brady.Walkinshaw@redistricting.wa.gov
Lisa McLean:	Lisa.McLean@redistricting.wa.gov
Justin Bennett:	Justin.Bennett@redistricting.wa.gov
Daniel Pailthorp:	Daniel.Pailthorp@redistricting.wa.gov
Maria Garza:	Maria.Garza@redistricting.wa.gov
Anton Grose	Anton.Grose@leg.wa.gov
Osta Davis	Osta.David@leg.wa.gov
Dominique Meyers	Dominique.Meyers@leg.wa.gov
Ali O'Neil	Ali.O'Neil@leg.wa.gov
Melissa Vanderwerf	Melissa.Vanderwerf@leg.wa.gov
Amy Ruble	Amy.Ruble@leg.wa.gov
Kurt Fritts	Kfritts@gmail.com
Adam Hall	Adam.Hall@leg.wa.gov
Matt Bridges	Matt.Bridges@leg.wa.gov
Min Fei	Min.Fei@leg.wa.gov
Paul Campos	Paul.Campos@leg.wa.gov
James D. Troyer	James.Troyer@leg.wa.gov
Evan Ridley	Evan.Ridley@leg.wa.gov
Alex Osenbach	Alec.Osenbach@leg.wa.gov

C. Washington State Elected Officials

Washington state elected officials for the Washington legislature who communicated with the 2021 Redistricting Commission are expected to have information related to Plaintiffs' claims including efforts by the Latino community to obtain a Latino opportunity district and the maps considered by the Commission. Plaintiffs are still identifying those specific individuals they may rely upon and will amend these disclosures to add any specific individuals they contact who may have discoverable information.

Representative Joe Fitzgibbon	Joe.Fitzgibbon@leg.wa.gov
Senator Curtis King	Curtis.King@leg.wa.gov
Representative Jeremie Dufault	Jeremie.Dufault@leg.wa.gov
Representative Chris Corry	Chris.Corry@leg.wa.gov

D. Dr. Matt A. Barreto

Dr. Matt A. Barreto, who was retained as a consultant to the Washington Senate Democratic Caucus for the 2021 redistricting process, is expected to have information related to Plaintiffs' claims including efforts by the Latino community to obtain a Latino opportunity district in the Yakima Valley, voting patterns of Latino and white voters in the Yakima Valley region, Latino voter turnout patterns, the maps considered by the Commission, and alternative configurations of legislative districts in the Yakima Valley region. Dr. Barreto is located at 3345 Bunche Hall, 11282 Portola Plaza, Los Angeles, CA 90095 and can be reached at (909) 489-2955 or barretom@ucla.edu.

E. Secretary of State Steve Hobbs and Staff

Washington Secretary of State Steve Hobbs and/or his staff are expected to have information related to Plaintiffs' claims, including information relating to the implementation of a

state legislative redistricting plan, information relating to county election processes and the state election calendar, and possibly other information relating to voting records or data. Secretary Hobbs is a Defendant in this action, and his contact information is thus known to Defendants.

II. Rule 26(a)(1)(A)(ii): Documents in Plaintiffs' Possession

Plaintiffs intend to rely on the documents included as exhibits to their Motion for Preliminary Injunction as well as documents obtained by the UCLA Voting Rights Project in a Public Record Request of the Washington Redistricting Commission. Plaintiffs may also rely on newspaper articles, including but not limited to those articles which were cited to or included as exhibits to Plaintiffs' filed Motion for Preliminary Injunction. Plaintiffs may also rely on generally available demographic data from the United States Census Bureau. Plaintiffs will disclose all materials relied upon by their experts at the time they disclose their expert reports pursuant to the Court's future scheduling order. Plaintiffs may also rely on documents, information, or things in the custody of Defendants or third parties which are subject to the discovery process and not in Plaintiffs' possession, custody, or control.

Copies of documents which Plaintiffs may discover and use to support their case that are not already in the court record will be made available to Defendants through the discovery process. Plaintiffs expect to receive additional documents via discovery from Defendants and other individuals and entities that will support their claims.

III. Rule 26(a)(1)(A)(iii): Damages Amount in Controversy

Plaintiffs' action seeks injunctive and declaratory relief and an award of attorneys' fees and costs under federal law; it does not seek monetary damages.

IV. Rule 26(a)(1)(A)(iv): Insurance

Plaintiffs do not possess any insurance agreement under which any person carrying on an insurance business may be held liable to satisfy part of or all of a judgment which may be entered in the action, or to indemnify or reimburse for payments made to satisfy the judgment.

V. Conclusion

These initial disclosures are based on information reasonably available to Plaintiffs at this time. Plaintiffs reserve the right to identify additional persons, documents, tangible things and other information in this case by supplementation of these disclosures, expert disclosures, the formal discovery process, or by any other method of communication. Plaintiffs also reserve the right to make use of any party's witnesses or documents to pursue this action. These disclosures are not intended and should not be construed as a waiver of any objection to the production, use, or admission into evidence of any document or information that Plaintiffs may legally be entitled to assert during the discovery or trial of this action.

Dated: March 3, 2022

By: /s/Edwardo Morfin

Chad W. Dunn*
Sonni Waknin*
UCLA Voting Rights Project
3250 Public Affairs Building
Los Angeles, CA 90095
Telephone: 310-400-6019
Chad@uclavrp.org
Sonni@uclavrp.org

Mark P. Gaber*
Simone Leeper*
Aseem Mulji*
Campaign Legal Center

Edwardo Morfin
WSBA No. 47831
Morfin Law Firm, PLLC
2602 N. Proctor Street, Suite 205
Tacoma, WA 98407
Telephone: 509-380-9999

Annabelle Harless*
Campaign Legal Center
55 W. Monroe St., Ste. 1925
Chicago, IL 60603
aharless@campaignlegal.org
Thomas A. Saenz**

1101 14th St. NW, Ste. 400
Washington, DC 20005
mgaber@campaignlegal.org
sleeper@campaignlegal.org
amulji@campaignlegal.org

Ernest Herrera*
Leticia M. Saucedo*
Deylin Thrift-Viveros*
Mexican American Legal Defense and
Educational Fund
643 S. Spring St., 11th Fl.
Los Angeles, CA 90014
Telephone: (213) 629-2512
tsaenz@maldef.org
eherrera@maldef.org
lsaucedo@maldef.org
dthrift-viveros@maldef.org

*Admitted pro hac vice

Counsel for Plaintiffs