

Exhibit D



William B. Stafford
PHONE: (206) 359-6217
FAX: (206) 359-7217
EMAIL: WStafford@perkinscoie.com

1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
PHONE: 206.359.8000
FAX: 206.359.9000
www.perkinscoie.com

February 21, 2013

VIA EMAIL

John Safarli
FLOYD, PFLUEGER & RINGER P.S.
200 W. Thomas Street, Suite 500
Seattle, WA 98119-4296

Re: Defendants' Inquiries Regarding Plaintiffs' Responses to Defendants' Discovery Requests

Dear John:

I am in receipt of your letter of yesterday, in which you request that Plaintiffs provide two types of data pertaining to William Cooper's report. First, with regard to each district in Figures 7, 9 and 11, you ask Plaintiffs to provide "[t]he absolute numbers of each district's CVAP, Latino CVAP, registered voter population, and Latino registered voter population." Second, you also request we identify "(1) whether *Maptitude* was unable to assign a usable geocode to any of those registered voter records (2) or if so, which records did not yield usable geocodes."

As I have said previously, we believe that these requests are better suited to a deposition of Mr. Cooper. To clarify, this is because we have already provided the facts and data that Mr. Cooper used to render his opinions and which the City of Yakima's expert should need to evaluate Mr. Cooper's analysis. Mr. Cooper explained his methodology in his report. Moreover, Mr. Cooper did not form any of his opinions on the strength of the information set out in your letter as you frame it within the sense of FRCP 26(a)(2)(B)(ii). Plaintiffs have thus met their obligations under the applicable discovery rules and, to the extent you have further questions about Mr. Cooper's methodology, those questions are best and appropriately answered through deposition testimony or cross examination.

All this said, we do not think there is any real dispute that it is possible to draw majority-Latino districts along the lines of what Mr. Cooper sets out in his report, and we are interested in

68142-0004/LEGAL25881082.1

ANCHORAGE • BEIJING • BELLEVUE • BOISE • CHICAGO • DALLAS • DENVER • LOS ANGELES • MADISON • NEW YORK
PALO ALTO • PHOENIX • PORTLAND • SAN DIEGO • SAN FRANCISCO • SEATTLE • SHANGHAI • TAIPEI • WASHINGTON, D.C.

Perkins Coie LLP

John Safarli
February 21, 2013
Page 2

ensuring the parties remain focused on the merits of Plaintiffs' claims rather than unnecessary disputes about discovery. We therefore provide this further response to your requests.

CVAP and Registered Voter Population

You first request that we provide the "absolute numbers" of each district's total CVAP, Latino CVAP, registered voter population, and Latino registered voter population. We have already provided the data supporting Mr. Cooper's calculations. Mr. Cooper provided, with his report, a file that listed every census block in the city and the district to which he allocated each census block. On February 12, 2013, we provided an "output" file containing Mr. Cooper's census block CVAP data. Your expert should be able to use this information to calculate the figures in which you are interested.

Mr. Cooper did not provide these calculations in his report because Mr. Cooper did not calculate the data contained in Figures 7, 9, and 11 using the methodology that you suggest in your letter. Instead, as Mr. Cooper describes in paragraph 38 of his report, he developed block-level estimates of the Hispanic and non-Hispanic citizen voting age population from the block group estimates in the *2007-2011 American Community Survey 5-year Estimates* dataset prepared by the U.S. Census Bureau, and then allocated the estimated Hispanic and non-Hispanic block group citizen voting age population to census blocks based on the complete count block-level voting age Hispanic and non-Hispanic population, according to the 2010 Census. It is therefore the relative percentage of the Latino and non-Latino CVAP and registered voter population within areas of the City of Yakima upon which Mr. Cooper based his opinion that it is possible to create majority-Latino districts of the type set out in his report.

All this said, to avoid an unnecessary discovery dispute, we provide the following data:

Yakima City Council 2011 Plan (Figure 7)						
DISTRICT	LCVAP	NH CVAP	% LCVAP	REGISTERED (1/2013)	LATINO REGISTERED (1/2013)	% LATINO REGISTERED (1/2013)¹
1	1655.46	13807.74	10.71%	13501	1082	8.01%
2	3432.54	10054.36	25.45%	9025	1994	22.09%
3	3892.92	5798.58	40.17%	5363	2376	44.30%
4	2773.27	12818.95	17.79%	11079	1745	15.75%

¹ Please note that in the course of preparing this response to your letter, we learned that Mr. Cooper inadvertently utilized data regarding the percentage of Latino registered voters from September 2012, rather than January 2013. The correct data is set out in this letter. We will also provide an errata to Mr. Cooper's report making this correction.

John Safarli
February 21, 2013
Page 3

Illustrative Plan 1 (Figure 9)						
DISTRICT	LCVAP	NH_CVAP	% LCVAP	REGISTERED (1/2013)	LATINO REGISTERED (1/2013)	% LATINO REGISTERED (1/2013)
1	2217.91	2196.17	50.25%	2433	1257	51.66%
2	2258.08	2975.21	43.15%	3200	1633	51.03%
3	2144.56	6913.74	23.68%	5955	1012	16.99%
4	2018.64	5581.12	26.56%	4802	1099	22.89%
5	1099.23	7857.10	12.27%	6161	827	13.42%
6	677.69	8833.46	7.13%	8886	588	6.62%
7	1338.07	8122.84	14.14%	7531	781	10.37%

Illustrative Plan 2 (Figure 11)						
DISTRICT	LCVAP	NH_CVAP	% LCVAP	REGISTERED (1/2013)	LATINO REGISTERED (1/2013)	% LATINO REGISTERED (1/2013)
1	2279.36	2267.27	50.13%	2524	1309	51.86%
2	2172.07	2925.44	42.61%	3103	1569	50.56%
3	2171.92	7011.18	23.65%	6032	1033	17.13%
4	2063.73	5645.58	26.77%	4838	1114	23.03%
5	1055.32	7975.04	11.69%	6358	830	13.05%
6	673.72	8532.28	7.32%	8582	561	6.54%
7	1338.07	8122.84	14.14%	7531	781	10.37%

Geocoding Data

You also request that Mr. Cooper identify “(1) whether *Maptitude* was unable to assign a usable geocode to any . . . registered voter records (2) or if so, which records did not yield usable geocodes.” As you may know, when geocoding addresses using *Maptitude* or a similar program, there generally will be a handful of addresses that do not correlate to a point on the computer-generated map. Barring unusual circumstances, this amounts to a rounding error. In this case, this feature of the geocoding process did not impact Mr. Cooper’s conclusions that Latinos are sufficiently numerous and geographically compact to constitute a voting age majority and registered voter majority in two of seven single-member City Council districts, as well as a citizen voting age majority in at least one of the seven districts.

While this information is not germane to Mr. Cooper’s conclusions, it is contained in the data that we have already provided. It should be simple for your expert to compare the January 2013

John Safarli
February 21, 2013
Page 4

Yakima City registered voter list with the Maptitude "output" file that we provided to you on February 12, 2013. Should the City of Yakima be interested in exploring features of the available data that were not germane to Mr. Cooper's conclusions, we trust your expert can do so in the first instance.

If the City of Yakima needs further assistance, please do not hesitate to let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ben Stafford", with a stylized, flowing script.

Ben Stafford

WBS:wbs

cc: La Rond Baker
Sarah Dunne
Kevin J. Hamilton
Abha Khanna
Elva Gonzalez