

HONORABLE THOMAS O. RICE

Francis S. Floyd, WSBA No. 10642
ffloyd@floyd-ringer.com
John A. Safarli, WSBA No. 44056
jsafarli@floyd-ringer.com
FLOYD, PFLUEGER & RINGER, P.S.
200 W. Thomas Street, Suite 500
Seattle, WA 98119-4296
Tel (206) 441-4455
Fax (206) 441-8484
Attorneys for Defendants

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

ROGELIO MONTES and MATEO
ARTEAGA,

Plaintiffs,

vs.

CITY OF YAKIMA; MICAH
CAWLEY, in his official capacity as
Mayor of Yakima; and MAUREEN
ADKISON, SARA BRISTOL, KATHY
COFFEY, RICK ENSEY, DAVE ETTL,
and BILL LOVER, in their official
capacity as members of the Yakima City
Council,

Defendants.

NO. 12-cv-3108-TOR

DEFENDANTS' REPLY IN
SUPPORT OF PROPOSED
REMEDIAL REDISTRICTING
PLAN AND INJUNCTION

TABLE OF CONTENTS

TABLE OF AUTHORITIES	ii
ARGUMENT	1
A. Plaintiffs’ State Law Objections Are Baseless.....	1
B. Plaintiffs’ Criticisms of Defendants’ Projections Are Misguided	4
C. Plaintiffs’ Failure to Consider Electoral Equality is Another Flaw in Their Plan	9
D. Prematurely Terminating the Councilmembers’ Terms is Unwarranted	10
CONCLUSION	13

TABLE OF AUTHORITIES

Cases

<i>Branch v. Smith,</i> 538 U.S. 253 (2003).....	4
<i>Burns v. Richardson,</i> 384 U.S. 73 (1966).....	5
<i>Green v. Burns,</i> 433 F. Supp. 219 (D.R.I. 1977)	2
<i>Griffin v. Burns,</i> 570 F.2d 1065 (1st Cir. 1978).....	2, 12
<i>Romero v. City of Pomona,</i> 883 F.2d 1418 (9th Cir. 1989)	5
<i>Soules v. Kuaians for Nukolii Campaign Committee,</i> 849 F.2d 1176 (9th Cir. 1988)	11, 12
<i>United States v. Euclid City Sch. Bd.,</i> 632 F. Supp. 2d 740 (N.D. Ohio 2009)	3
<i>United States v. Vill. of Port Chester,</i> 407 F. Supp. 2d 411 (S.D.N.Y. 2010)	2

Other Authorities

Richard L. Engstrom, <i>Cumulative and Limited Voting: Minority Electoral Opportunities and More</i> , 30 ST. LOUIS U. L.J. 103 (2010)	3
--	---

ARGUMENT

A. Plaintiffs' State Law Objections Are Baseless

The leading argument in Plaintiffs' response is a misguided and irrelevant procedural objection to Defendants' Proposed Remedial Plan. Plaintiffs assert that Defendants have not officially withdrawn the provision of their plan that designates the two at-large positions as Mayor and Assistant Mayor. ECF No. 127 at 2. Plaintiffs are mistaken, as the City authorized Defendants' counsel to submit notification to this Court of the withdrawal of this nonessential component of Defendants' proposal. *See* ECF No. 119. This was sufficient to formally modify Defendants' Proposed Remedial Plan.

However, to eliminate any doubt about the legitimacy of the modification, the City Council passed a resolution on October 28, 2014, that amends Resolution No. 2014-118 to withdraw the provision that would have designated the two at-large positions as Mayor and Assistant Mayor. Declaration of Francis S. Floyd ("Floyd Decl."), Exhibit A. This eliminates any question about the validity of the withdrawal and moots Plaintiffs' argument under RCW 35.18.190 and RCW 35.18.210.

Plaintiffs' response lodges another unfounded state law objection, which also was not raised during the parties' meet and confer. Plaintiffs incorrectly assert that Defendants' Proposed Remedial Plan violates RCW 35.18.020(2) because the two at-large positions are not "specific positions." ECF No. 127 at 4-5. By assuming that candidates who file for one of two at-large positions are not filing for a "specific position[]," Plaintiffs torture the plain language of RCW 35.18.020(2). At-large candidates will obviously intend to run for a particular seat on the City Council, regardless of whether the candidates know in advance which

1 of the two seats they will ultimately win. The two at-large positions, moreover,
 2 would have specific numbers and designations. Plaintiffs' spurious attempt to
 3 manufacture a conflict between Defendants' Proposed Remedial Plan and RCW
 4 35.18.020(2) should be rejected.

5 Next, Plaintiffs object—also for the first time—under RCW 29A.52.210
 6 and RCW 29A.04.311. According to Plaintiffs, Defendants' Proposed Remedial
 7 Plan is inconsistent with these statutes because it does not include a primary
 8 election for the two at-large positions. ECF No. 127 at 6-7. Contrary to Plaintiffs'
 9 interpretation, these statutes do not expressly forbid Defendants' Proposed
 10 Remedial Plan and, in any event, state statutes may “give way” to remedy a
 11 Section 2 violation. *Green v. Burns*, 433 F. Supp. 219, 221 (D.R.I. 1977); *Griffin*
 12 *v. Burns*, 570 F.2d 1065, 1080 n.15 (1st Cir. 1978). If anything, Washington state
 13 is silent on the use of limited voting, and the absence of limited voting in other
 14 local jurisdictions within the state is not a basis for diminishing the deference for
 15 Defendants' Proposed Remedial Plan. *See United States v. Vill. of Port Chester*,
 16 407 F. Supp. 2d 411, 449 (S.D.N.Y. 2010) (“The Court also does not find that the
 17 absence of cumulative voting in other New York villages means that Port Chester
 18 should get less deference, as Plaintiffs suggest.”).¹

19
 20 ¹ *United States v. Euclid City Sch. Bd.*, 632 F. Supp. 2d 740, 752 n.9 (N.D. Ohio
 21 2009) (“*Euclid Sch. Bd.*”) (rejecting the United States' argument that defendants'
 22 plan was not entitled to deference because state statutes did not reference
 23 cumulative or limited voting and because no school board within the state used
 24 cumulative or limited voting, and explaining that “a defendant's plan is not
 25 entitled to deference out of respect for statutory law in the abstract, but under the

1 Additionally, Plaintiffs' strained reading of these statutes has an ominous
2 implication. Plaintiffs are contending that Washington state has effectively
3 outlawed any form of limited or cumulative voting. This proposition is startling,
4 not least because Plaintiffs cite no case law or legislative history to support it. Not
5 only does Plaintiffs' suggestion conflict with the well-established principle that
6 "no particular election scheme is required by Section 2," but Plaintiffs are clearly
7 seeking to deter courts and local governments in this state from considering
8 limited or cumulative voting as a compromise solution in other contexts. *Euclid*
9 *Sch. Bd.*, 632 F. Supp. 2d at 752 n.11. By so doing, Plaintiffs are ironically
10 championing the use of "winner-take-all" and numbered post systems, which are
11 required under all single-member district plans and which both this Court and
12 Plaintiffs' own expert have recognized as mechanisms that dilute minority-voting
13 opportunities. ECF No. 108 at 56-58; Richard L. Engstrom, *Cumulative and*
14 *Limited Voting: Minority Electoral Opportunities and More*, 30 ST. LOUIS U.
15 L.J. 103 (2010). Plaintiffs' extreme position is even more self-defeating given
16 that the limited voting system was included in Defendants' Proposed Remedial
17 Plan as a compromise proposal for the specific purpose of enhancing
18 opportunities for all Latinos in the City regardless of their residency district.

19 In sum, Defendants' limited voting proposal does not displace state law. By
20 shoehorning unconvincing objections into various state statutes, Plaintiffs feebly
21 seek to undercut the deference accorded to Defendants' Proposed Remedial Plan

22
23 principle that a federal court should substitute its judgment for a state or
24 municipality only when absolutely necessary and, even then, as minimally as
25 possible.") (citing *Upsham v. Seamon*, 456 U.S. 37, 41-42 (2009)).

1 and to create a *de facto* ban on limited and cumulative voting in Washington state.
 2 Plaintiffs are essentially asking this Court to restrict the exercise of its own
 3 authority to adopt “an at-large election plan that awards seats on a cumulative
 4 basis, or by some other method that would result in a plan that satisfies the Voting
 5 Rights Act.” *Branch v. Smith*, 538 U.S. 253, 309-10 (2003) (O’Connor, J.,
 6 concurring). Defendants’ Proposed Remedial Plan is consistent with state law and
 7 should be adopted.

8 **B. Plaintiffs’ Criticisms of Defendants’ Projections Are Misguided**

9 Next, Plaintiffs claim that Dr. Morrison’s projections of Latino population
 10 growth are mere “speculation.” ECF No. 127 at 8. This criticism is unfounded, as
 11 Dr. Morrison has provided a comprehensive explanation of the methodology
 12 underlying his projections in the appendix submitted with his most recent
 13 declaration.² See ECF No. 132-1 at 11-13 (“*Post Hoc* Evaluation of Demographic
 14 Accounting Model Predictive Accuracy”). A review of this appendix firmly
 15 establishes the validity of Dr. Morrison’s projections and their predictive
 16 accuracy. Thus, Plaintiffs have no basis for challenging the methodology of Dr.
 17 Morrison’s projections.

18
 19
 20 ² Plaintiffs also dismissively refer to a “PowerPoint presentation” as the only
 21 support for Dr. Morrison’s projections. ECF No. 127 at 8. As explained above,
 22 Plaintiffs ignore the appendix submitted with Dr. Morrison’s declaration.
 23 Furthermore, Dr. Morrison’s presentation constituted the first stage of a normal
 24 academic peer review, which involves soliciting critical comments from academic
 25 peers prior to submitting the results for publication in a scientific journal.

1 Plaintiffs then assert that Defendants' District 5³ is not a true influence
 2 district. ECF No. 127 at 9. Dr. Morrison has projected that Defendants' District 5
 3 will achieve the same share of eligible Latino voters as Plaintiffs' District 2 by
 4 2020, which is within two election cycles under Defendants' Remedial Plan. ECF
 5 No. 132-1 at 5. Nevertheless, Plaintiffs are critical of Defendants' District 5
 6 because "[e]ven assuming constant voter registration rate increases in step" with
 7 the growth in Latino citizen voting-age population ("LCVAP"), Latinos would
 8 constitute 43% of registered voters in Defendants' District 5, which is about 10%
 9 below the current percentage in Plaintiffs' District 2. ECF No. 127 at 9.

10 Plaintiffs' criticism is a classic example of moving the goalposts. LCVAP
 11 is the commonly-accepted measure for determining whether a single-member
 12 district provides a meaningful opportunity for Latinos to elect their candidate of
 13 choice. *See Romero v. City of Pomona*, 883 F.2d 1418, 1425-26 (9th Cir. 1989),
 14 *abrogated on other grounds by Townsend v. Holman Consulting Corp.*, 929 F.2d
 15 1358, 1363 (9th Cir. 1990) (en banc). This is because alternative measurements,
 16 such as registered or actual voters, depend "upon the extent of political activity of
 17 those eligible to register and vote" and such figures are "susceptible to improper
 18 influences." *Burns v. Richardson*, 384 U.S. 73, 93 (1966). Accordingly,
 19 Defendants' District 5 should not be considered a lesser influence district simply
 20 because Plaintiffs believe it is to their advantage in this case to use registered

21 _____
 22 ³ To clarify, Defendants' District 5 is located in the southeast corner of the City.
 23 The map attached to Dr. Morrison's previously-submitted declaration labels this
 24 district as District 2. ECF No. 114-1. This district is correctly labeled as District 5
 25 in Defendants' other filings. *See* ECF No. 115-1; ECF No. 116-1.

1 voters rather than eligible voters to gauge minority voting strength in single-
2 member districts.

3 However, prompted by Plaintiffs' willingness to measure opportunity
4 districts by using the Latino share of registered voters and by the disclosure of the
5 data underlying Plaintiffs' proposed plan, Defendants examined the possibility of
6 creating a plan with three at-large positions elected through limited voting and
7 four single-member district positions in which Latinos comprise a majority of
8 registered voters in one district. As explained in Dr. Morrison's declaration, the
9 possibility of creating such a plan was mathematically possible given that two of
10 Plaintiffs' districts contained a registered voter population that was more than
11 50% Latino. ECF 132-1 at ¶ 16. Since then, Defendants have in fact created such
12 a plan using the geocoding method that Plaintiffs' expert William Cooper
13 employed in this litigation. *See* ECF No. 66-1 (Ex. 4 at ¶¶ 34-37). The map and
14 accompanying figures are attached as Exhibit B to the Declaration of Francis S.
15 Floyd.

16 Next, Plaintiffs criticize Defendants' plan because it provides one
17 immediate opportunity district (measured by the Latino share of both eligible
18 voters and registered voters) and lays the groundwork for opportunities for
19 Latinos to elect at least two more positions. Acting as self-anointed
20 spokespersons for the entire Latino community in Yakima, Plaintiffs claim that
21 "Latinos would gladly forego" the opportunities offered by Defendants' Proposed
22 Remedial Plan in exchange for the immediate possibility of electing two positions
23 on a City Council composed entirely of district representatives. ECF No. 127 at
24 12. Setting aside Plaintiffs' failure to cite any evidence (or *amicus curiae* brief
25 filed by the United States or any other party) supporting their sweeping claim,

1 Plaintiffs ignore the unavoidable disenfranchising effect that their all single-
2 member district plan will have on Latinos living outside the two Latino-heavy
3 districts. As Dr. Morrison has projected, Plaintiffs' Districts 3 through 7 will
4 remain decidedly in control of non-Latinos for the foreseeable future. ECF No.
5 132-1, Tbl. 7.

6 In spite of these projections, Plaintiffs contend that their plan "allows for
7 greater responsiveness to demographic changes over time." ECF No. 127 at 11.
8 Plaintiffs' plan actually accomplishes the opposite by silencing the political voice
9 of nearly 60% of the eligible Latino voters who would reside in those districts.
10 Plaintiffs' exclusive single-member district plan sacrifices the voting
11 opportunities of most Latinos at the expense of Latinos who are fortunate enough
12 to reside in Plaintiffs' Districts 1 and 2. Defendants' Proposed Remedial Plan, in
13 contrast, provides a meaningful opportunity for all eligible Latino voters in the
14 City, which also dovetails with the City Council's legitimate, nondiscriminatory
15 political decision that at least some Councilmembers should be "impartial" to
16 limited geographic constituencies and "concerned with issues affecting the entire
17 City." ECF No. 115-3. Additionally, Defendants' Proposed Remedial Plan creates
18 three positions that Latinos are likely to obtain in the near future as their
19 demographic continues to grow inexorably. These virtues is wholly lacking in
20 Plaintiffs' plan.

21 If this Court is concerned with providing immediate proportionality, then
22 this Court should adopt the proposal set forth in FairVote's *amicus curiae* brief
23 and the map attached to this reply. FairVote's proposal observes the stated
24 legislative aims of the City Council in that both plans enfranchise all Latinos in
25 the City while avoiding the balkanization of the City into all single-member

1 districts. Moreover, according to Mr. Cooper, the Latino share of the City's
2 eligible voters already exceeds the threshold of exclusion necessary to elect a
3 candidate under a limited voting system with three at-large positions. ECF No.
4 118-1 (Ex. 3 at ¶ 3); *id.* (Ex. 2 at ¶ 9). As demonstrated in the map submitted
5 herein, it is possible to create four single-member districts with one district that
6 contains a registered voter population that is more than 50% Latino. By Plaintiffs'
7 own admission, this qualifies as an opportunity district. ECF No. 117 at 11. No
8 incumbent would reside in this district, and the only changes to the existing
9 election system would be to the district boundaries and the method by which
10 voters choose the at-large representatives.

11 In sum, Plaintiffs' challenges to Defendants' Proposed Remedial Plan are
12 baseless and shortsighted. Defendants' plan provides the most complete and
13 inclusive remedy for the Section 2 violation found by this Court, as it offers
14 Latinos an immediate opportunity to elect their candidate of choice and affords
15 least two more opportunities to accommodate the rapidly growing numerical
16 presence of Latinos among the City's eligible voters. These opportunities include
17 a meaningful chance to elect a citywide representative, which will empower
18 Latinos regardless of their residency district. Defendants' Proposed Remedial
19 Plan also upholds the City Council's longstanding practice and genuine,
20 nondiscriminatory political objective of ensuring that some Councilmembers
21 represent and are accountable to the entire City. Plaintiffs' plan offers none of
22 these merits.

23 The only feature in Plaintiffs' plan arguably lacking in Defendants' plan is
24 the provision of immediate proportionality. FairVote's proposal, which is a
25 variation of Defendants' plan, addresses the immediate proportionality concern

1 while protecting the benefits of citywide representation and political opportunity
 2 for all Latinos in the City. However, as explained in Defendants' response,
 3 Defendants' plan is superior to FairVote's proposal in that Defendants' Proposed
 4 Remedial Plan offers a likely maximum of three seats that Latinos could obtain in
 5 the near future instead of two. ECF No. 129 at 3. Plaintiffs' plan, in contrast,
 6 offers no advantages and is inferior in every respect to both Defendants' and
 7 FairVote's proposals. Thus, this Court should adopt Defendants' Proposed
 8 Remedial Plan or, in the alternative, adopt FairVote's proposal as set forth in their
 9 *amicus* brief and the map attached to this reply.

10 **C. Plaintiffs' Failure to Consider Electoral Equality is Another**
 11 **Flaw in Their Plan**

12 Plaintiffs' electoral equality argument misconstrues Defendants' position.
 13 As Defendants have maintained throughout this case, Plaintiffs' burden under the
 14 first *Gingles* factor of the liability phase required them to balance electoral
 15 equality with other constitutional norms and traditional redistricting criteria. *See*
 16 ECF Nos. 67, 85, 100. That is, Plaintiffs were obligated to attempt to reduce the
 17 imbalance in eligible voter populations across the districts in their demonstrative
 18 redistricting plan. Plaintiffs' expert, Mr. Cooper, admitted that he made no such
 19 effort.

20 As in the liability phase, Plaintiffs have not made any effort in the remedial
 21 stage to reduce the CVAP imbalances in their proposed plan. This is equivalent to
 22 an admission by Plaintiffs that no analysis was done to determine whether the
 23 districts could be more geographically compact or whether fewer precincts could
 24 be split. Such omissions would likely doom a redistricting plan, and Plaintiffs'
 25

1 failure to attempt to reduce electoral inequality should likewise invalidate their
2 plan.

3 Defendants, in contrast, attempted to moderate electoral inequality within
4 their Proposed Remedial Plan while also creating a single-member district in
5 which Latinos formed a majority of eligible voters. ECF No. 114 at ¶¶ 13-17.
6 Plaintiffs wrongly claim that because Defendants' Proposed Remedial Plan
7 contains a maximum CVAP deviation of 52.4%, Defendants "dislike,"
8 "disapprov[e]," and "don't support" their own plan. ECF No. 127 at 14. These
9 strident comments ignore the fact that a majority of Councilmembers voted in
10 favor of Defendants' Proposed Remedial Plan. Furthermore, Defendants'
11 Proposed Remedial Plan is not subject to the same flaw as Plaintiffs' plan. Unlike
12 Plaintiffs, Defendants attempted to reduce electoral inequality in their plan while
13 complying with this Court's instruction that an effective remedy should include
14 "a minority district in which minority voters represent more than 50% of all
15 eligible voters." ECF No. 108 at 14. And although both plans contain a high level
16 of electoral inequality due to the constraint of creating at least one opportunity
17 district, Defendants' Proposed Remedial Plan has a maximum CVAP deviation of
18 only 52.45%, which is significantly less than the 61.40% figure found in
19 Plaintiffs' plan. This reduced level of electoral inequality is not a reason to reject
20 Defendants' plan, but rather another justification for favoring it over Plaintiffs'
21 proposal.

22 **D. Prematurely Terminating the Councilmembers' Terms is**
23 **Unwarranted**

24 Plaintiffs assert that unless all seven City Council positions stand for
25 election in 2015, then "the Section 2 violation [will] linger another two years."

1 ECF No. 127 at 15. This concern is misguided, as District 1 in Defendants'
2 Proposed Remedial Plan will be immediately contested in the next election cycle
3 in 2015.

4 Plaintiffs also allege that they are not seeking to invalidate past elections,
5 yet contradict themselves by asserting that the incumbent Councilmembers have
6 been elected "under [an] unlawful system." ECF No. 127 at 15. Even if Plaintiffs
7 are genuinely disavowing their intent to invalidate prior contests, the practical
8 effect of Plaintiffs' requested relief would do just that: Three of the current seven
9 incumbent Councilmembers have several more years remaining in their term, and
10 ejecting them from office in 2015 is tantamount to voiding the election that
11 originally granted the term.

12 The balancing test of *Soules v. Kuaians for Nukolii Campaign Committee*,
13 849 F.2d 1176 (9th Cir. 1988) weighs in favor of allowing the incumbent
14 Councilmembers to serve the remainder of their term. Plaintiffs correctly point
15 out that the Ninth Circuit in *Soules* refused to invalidate the challenged election
16 because the plaintiffs "fail[ed] to press their claim before the election" despite
17 being aware of the basis of their claim prior to the election. *Id.* at 1182. However,
18 the Ninth Circuit identified other factors aside from "sandbagging" that would
19 weigh against annulling previous elections, such as "the extremely disruptive
20 effect of election invalidation and the havoc it wreaks upon local political
21 continuity." *Id.* at 1180.

1 Here, Plaintiffs' proposal calls for the extreme measure of denying three
2 incumbent Councilmembers the remainder of their terms.⁴ Plaintiffs' plan would
3 unnecessarily confuse voters and disrupt the traditional election cycle by
4 requiring three Councilmembers to initially serve a two-year term and then run
5 for reelection for a four-year term. In contrast to the intrusive and confusing
6 consequences of Plaintiffs' plan, this Court should balance the nature of the
7 violation in this case. Although this Court has found a Section 2 violation in this
8 case, there has been no finding of "willful conduct" that would outweigh the
9 severe and disruptive effects of voiding of previous elections. *Griffin*, 570 F.2d at
10 1077 (quoting *Hennings v. Grafton*, 523 F.2d 861 (7th Cir. 1975)).

11 Plaintiffs improperly analogize this case to the examples cited in *Griffin*
12 where state or local elections were invalidated. In the first example discussed in
13 *Griffin*, a Board of Village Trustees "quietly proposed and passed an ordinance
14 reducing the number of voting precincts from 32 to 6" only two months before a
15 scheduled contest, which created massive turmoil on election day. *Id.* at 1077-78
16 (citing *Ury v. Santee*, 303 F. Supp. 119 (N.D. Ill. 1969)). The other case involved
17 changes by a Board of Election Commissioners to the requirements for a petition
18 to nominate candidates. The new requirements arbitrarily called for, among other
19 things, the middle initial in the signatures to the petitions. *Id.* at 1078 (citing
20 *Briscoe v. Kusper*, 435 F.2d 1046 (7th Cir. 1970)). In both cases, the elections
21
22

23 ⁴ Plaintiffs implicitly suggest that the Councilmembers who have sat for five or
24 more years have simply had their fill of serving on the City Council and therefore
25 deserve to be ousted. *See* ECF No. 127 at 15.

1 were invalidated because of the wrongful conduct by the local governmental
2 entity.

3 Plaintiffs' attempt to equate this case with *Ury* and *Briscoe* fails. Although
4 this Court has found the City Council's current election system unlawful under
5 Section 2, the nature of the violation is not willful or malicious and does not
6 outweigh the confusing and disruptive effects that would flow from Plaintiffs'
7 plan. Both Defendants' Proposed Remedial Plan and FairVote's proposal, in
8 contrast, do not require any special elections and would ensure a smooth
9 transition to a new system while avoiding the "drastic if not staggering' remedy"
10 of prematurely terminating the tenures of incumbent Councilmembers. *Soules*,
11 849 F.2d at 1180 (quoting *Bell v. Southwell*, 376 F.2d 659, 662 (5th Cir. 1967)).
12 This is yet another factor among many that supports the adoption of Defendants'
13 Proposed Remedial Plan.

14 CONCLUSION

15 Defendants respectfully request that this Court adopt Defendants' Proposed
16 Remedial Plan or, in the alternative, adopt FairVote's proposal.

17
18 RESPECTFULLY SUBMITTED this 30th day of October, 2014.

19 s/ Francis S. Floyd
20 Francis S. Floyd, WSBA No. 10642
ffloyd@floyd-ringer.com
21 John A. Safarli, WSBA No. 44056
jsafarli@floyd-ringer.com
22 FLOYD, PFLUEGER & RINGER, P.S.
200 W. Thomas Street, Suite 500
23 Seattle, WA 98119-4296
24 Tel (206) 441-4455
25 Fax (206) 441-8484
Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the State of Washington, that on the date noted below, a true and correct copy of the foregoing was delivered and/or transmitted in the manner(s) noted below:

Sarah Dunne
La Rond Baker
ACLU OF WASHINGTON
FOUNDATION
901 Fifth Avenue, Suite 630
Seattle, WA 98164
(206) 624-2184
dunne@aclu-wa.org
lbaker@aclu-wa.org

*Counsel for
Plaintiffs*

☐ VIA EMAIL
☐ VIA FACSIMILE
☐ VIA MESSENGER
☐ VIA U.S. MAIL
☒ VIA CM/ECF
SYSTEM

Joaquin Avila
THE LAW FIRM OF JOAQUIN
AVILA
P.O. Box 33687
Seattle, WA 98133
(206) 724-3731
jgavotingrights@gmail.com

*Counsel for
Plaintiff Rogelio
Montes*

Pro Hac Vice

☐ VIA EMAIL
☐ VIA FACSIMILE
☐ VIA MESSENGER
☐ VIA U.S. MAIL
☒ VIA CM/ECF
SYSTEM

Laughlin McDonald
ACLU FOUNDATION, INC.
VOTING RIGHTS PROJECT
230 Peachtree Street, Suite 1440
Atlanta, GA 30303-1227
(404) 523-2721
lmcdonald@aclu.org

*Counsel for
Plaintiff Mateo
Arteaga*

Pro Hac Vice

☐ VIA EMAIL
☐ VIA FACSIMILE
☐ VIA MESSENGER
☐ VIA U.S. MAIL
☒ VIA CM/ECF
SYSTEM

Kevin J. Hamilton
William B. (Ben) Stafford
Abha Khanna
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
(206) 359-8000
khamilton@perkinscoie.com

*Counsel for
Plaintiffs*

☐ VIA EMAIL
☐ VIA FACSIMILE
☐ VIA MESSENGER
☐ VIA U.S. MAIL
☒ VIA CM/ECF
SYSTEM

1 wstafford@perkinscoie.com
2 akhanna@perkinscoie.com

3 Pamela Jean DeRusha
4 U.S. ATTORNEY'S OFFICE
5 920 W. Riverside, Ste. 300
6 P.O. Box 1494
7 Spokane, WA 99210-1494
8 (509) 353-2767
9 USAWAE.PDeRushaECF@usdoj.gov

Interested Party

☐ VIA EMAIL
☐ VIA FACSIMILE
☐ VIA MESSENGER
☐ VIA U.S. MAIL
☒ VIA CM/ECF
SYSTEM

10 DATED this 30th day of October, 2014

11 s/ Yalda Biniazan

12 Yalda Biniazan, Legal Assistant