



FILED  
SUPERIOR COURT  
THURSTON COUNTY, WA

2021 DEC 22 AM 8:52

Linda Myhre Enlow  
Thurston County Clerk

**IN THE SUPERIOR COURT OF THE STATE  
OF WASHINGTON FOR THURSTON COUNTY**

|                           |   |                              |
|---------------------------|---|------------------------------|
|                           | ) |                              |
| <b>ARTHUR WEST,</b>       | ) |                              |
| <b>plaintiff,</b>         | ) | <b>No. 21-2-01949-34</b>     |
|                           | ) | <b>21-2-02069-34</b>         |
| <b>Vs.</b>                | ) |                              |
|                           | ) | <b>PLAINTIFF WEST'S</b>      |
| <b>WASHINGTON STATE</b>   | ) | <b>MOTION TO CONSOLIDATE</b> |
| <b>REDISTRICTING</b>      | ) |                              |
| <b>COMMISSION, et al,</b> | ) |                              |
| <b>defendants</b>         | ) |                              |

Comes now the plaintiff Arthur West, and respectfully moves the Court for the following relief:

1. That the Court Consolidate this case, (No. 21-2-01949-34) with the case brought by WASHCOG, Thurston County Cause No. 21-2-02069-34.

**I BASIS**

This Motion is based upon the files and records of the two cases, and CR 42(a). This Motion is further based upon the argument appearing below.

**II ARGUMENT**

The two cited cases involve virtually identical claims and defendants. Civil Rule 42(a) provides that the Court may order actions consolidated when they involve a "common question of law or fact."

1 | **PLAINTIFF  
WEST'S CR 42(a)  
MOTION**

**Arthur West  
120 State Ave. NE #1497  
Olympia, Washington 98501**

1 Consolidation increases "the productivity of the judicial system by arranging  
2 for the simultaneous resolution of issues or entire actions." Karl B. Tegland, 4  
3 *Washington Practice Series: Rules Practice* CR 42 at 89 (2013). Consolidation  
4 operates as "a valuable and important tool of judicial administration. . . to expedite  
5 trial and eliminate unnecessary repetition and confusion." *Devlin v. Transp.*  
6 *Comm'n Union*, 175 F.3d 121, 130 (2d Cir. 1999) (internal quotations omitted);  
7 see also *Jacobs v. Castillo*, 612 F. Supp.2d 369, 373 (S.D.N.Y.) ("Cases may be  
8 consolidated even where certain defendants are named in only one of the  
9 complaints.").

10 Whether consolidation is warranted rests within the sound discretion of the  
11 Court. See, e.g., *W.R. Grace & Co.—Conn. v. Dep't of Revenue*, 137 Wn.2d 580,  
12 590, 973 P.2d 1011 (1999). This Court should consolidate WASHCOG and  
13 plaintiff West's cases to avoid unnecessary costs, to further judicial economy, and  
14 to avoid inconsistent rulings.

15 Both plaintiffs seek a ruling that the State Redistricting Commission violated  
16 the OPMA. The central issue in both these cases is whether the OPMA was  
17 violated by the defendants on November 15, 2021. It is unnecessary for two  
18 separate judges to consider the same legal arguments and issues because both cases  
19 require the Court to adjudicate the same question of whether the OPMA was  
violated.

Consolidating these cases will avoid the possibility that the State will face  
conflicting rulings. In addition, consolidation will reduce the amount of costs  
associated with this case from both a party and judicial perspective. Obviously,  
having a single judge decide these cases creates efficiency in the judicial process.  
Likewise, having a single judge decide these cases reduces the costs and burdens  
of discovery, motions practice, and, if necessary, a trial.

2 | **PLAINTIFF**  
**WEST'S CR 42(a)**  
**MOTION**

**Arthur West**  
**120 State Ave. NE #1497**  
**Olympia, Washington 98501**

1 For the foregoing reasons, the two cases should be consolidated.

2 Plaintiff West suggests that they be loosely consolidated so that they continue  
3 under separate case numbers before the same judge on a single dispositive  
4 schedule, with any discovery coordinated to reduce duplication of efforts.

5   
S/ Arthur West  
ARTHUR WEST

6  
7  
8 **DECLARATION OF SERVICE**

9 I certify under penalty of perjury that, on or before December 13, 2021, I  
10 caused the above document to be electronically served upon counsel for  
11 WASHCOG, the Commissioners, the Commission, and the State of Washington at  
12 their addresses of record.

13 Done this day of December 21<sup>st</sup>, 2021.

14   
S/ Arthur West  
Arthur West