

1 Hearing date:  
2 Hearing time:  
3 Judge/Calendar: Mary Sue Wilson

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6  
7 **STATE OF WASHINGTON**  
8 **THURSTON COUNTY SUPERIOR COURT**

9 ARTHUR WEST,

10 Plaintiff,

11 v.

12 WASHINGTON STATE REDISTRICTING  
13 COMMISSION, BRADY WALKINSHAW,  
14 JOE FAIN, APRIL SIMS, PAUL GRAVES,  
15 SARAH AUGUSTINE, STATE OF  
WASHINGTON,

16 Defendants.

NO. 21-2-01949-34

DEFNDANT STATE OF  
WASHINGTON'S ANSWER TO  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT FOR VIOLATION OF  
THE OPEN PUBLIC MEETINGS ACT

17 **GENERAL DENIAL**

18 The allegations in Plaintiff Arthur West's First Amended Complaint for Violation of the  
19 Open Public Meetings Act (Complaint) are by and large not directed at Defendant State of  
20 Washington, and the State is therefore not required to respond to them. To the extent a response is  
21 required, the State denies each and every allegation, statement, or charge contained in the  
22 Complaint, and denies that Plaintiff is entitled to any of the relief requested as to the State. The State  
23 responds to the numbered allegations in the Complaint as follows:

1 **I. INTRODUCTION**

2 **1.1.** The allegations in this paragraph are not directed to the State and states legal  
3 conclusions and argument to which no response is required. To the extent a response is required,  
4 the State denies the allegations in this paragraph.

5 **1.2.** The allegations in this paragraph are not directed to the State and states legal  
6 conclusions and argument to which no response is required. To the extent a response is required,  
7 the State denies the allegations in this paragraph.

8 **1.3.** The allegations in this paragraph are not directed to the State and states legal  
9 conclusions and argument to which no response is required. To the extent a response is required,  
10 the State denies the allegations in this paragraph.

11 **II. PARTIES AND JURISDICTION**

12 **2.1.** This paragraph states legal conclusions and argument as well as the allegations  
13 that are not directed to the State to which no response is required. To the extent a response is  
14 required, the State is without information sufficient to form a belief as to the truth of the  
15 allegations in this paragraph, and therefore denies.

16 **2.2.** This paragraph states legal conclusions and argument as well as the allegations  
17 that are not directed to the State to which no response is required. To the extent a response is  
18 required, the State admits that the Washington State Redistricting Commission is a “governing  
19 body” within the meaning of RCW 42.30.020. The State is without information sufficient to  
20 form a belief as to the truth of the remaining allegations in this paragraph, and therefore denies.

21 **2.3.** This paragraph states legal conclusions and argument as well as the allegations  
22 that are not directed to the State to which no response is required. To the extent a response is  
23

1 required, the State admits that Brady Piñero Walkinshaw, Joe Fain, April Sims, Paul Graves, and  
2 Sarah Augustine were at all relevant times members of the Washington State Redistricting  
3 Commission and that the Commission is subject to the Open Public Meetings Act. The State is  
4 without information sufficient to form a belief as to the truth of the allegations in this paragraph,  
5 and therefore denies.

6 **2.4.** This paragraph states legal conclusions and argument as well as the allegations  
7 that are not directed to the State to which no response is required. To the extent a response is  
8 required, the State admits that the Washington State Redistricting Commission is bound by  
9 Article II, section 43 of the Washington State Constitution, the Washington State Redistricting  
10 Act, RCW 44.05, and the Open Public Meetings Act, RCW 42.30. The State otherwise denies  
11 the allegations of this paragraph.

12 **2.5.** This paragraph states a legal conclusion to which no response is required. To the  
13 extent a response is required, the State denies the allegations in this paragraph.

14 **2.6.** This paragraph states a legal conclusion to which no response is required. To the  
15 extent a response is required, the State admits this Court has jurisdiction over the parties in this  
16 action but denies that this Court has jurisdiction over the subject matter of this action.

### 17 **III. ALLEGATIONS**

18 **3.1.** Upon information and belief, the State admits Commissioners of the Washington  
19 State Redistricting Commission convened virtually for a regular business meeting on November  
20 15, 2021, which started at or around 7:00 p.m. and ran through at least through 11:59:59 p.m.

21 **3.2.** The State is without information sufficient to form a belief as to the truth of the  
22 allegations in this paragraph, and therefore denies.

1           **3.3.** This paragraph states legal conclusions and argument as well as the allegations  
2 that are not directed to the State to which no response is required. To the extent a response is  
3 required, the State is without information sufficient to form a belief as to the truth of the  
4 allegations in this paragraph, and therefore denies.

5           **3.4.** The State is without information sufficient to form a belief as to the truth of the  
6 allegations in this paragraph, and therefore denies.

7           **3.5.** This paragraph states legal conclusions and argument as well as the allegations  
8 that are not directed to the State to which no response is required. To the extent a response is  
9 required, the State is without information sufficient to form a belief as to the truth of the  
10 allegations in this paragraph, and therefore denies.

11           **3.6.** This paragraph states legal conclusions and argument as well as the allegations  
12 that are not directed to the State to which no response is required. To the extent a response is  
13 required, the State is without information sufficient to form a belief as to the truth of the  
14 allegations in this paragraph, and therefore denies.

15           **3.7.** This paragraph states argument as well as the allegations that are not directed to  
16 the State to which no response is required. To the extent a response is required, the State is  
17 without information sufficient to form a belief as to the truth of the allegations in this paragraph,  
18 and therefore denies.

19           **3.8.** This paragraph states argument as well as the allegations that are not directed to  
20 the State to which no response is required. To the extent a response is required, the State is  
21 without information sufficient to form a belief as to the truth of the allegations in this paragraph,  
22 and therefore denies.

1           **3.9.** This paragraph states argument as well as the allegations that are not directed to  
2 the State to which no response is required. To the extent a response is required, the State is  
3 without information sufficient to form a belief as to the truth of the allegations in this paragraph,  
4 and therefore denies.

5           **3.10.** This paragraph states legal conclusions and argument as well as the allegations  
6 that are not directed to the State to which no response is required. To the extent a response is  
7 required, the State is without information sufficient to form a belief as to the truth of the  
8 allegations in this paragraph, and therefore denies.

9           **3.11.** Upon information and belief, the State admits that around midnight on November  
10 15, 2021, the Commissioners voted to approve a formal resolution adopting the redistricting plan  
11 and also voted to approve a transmittal letter—the cover letter to the Senate and House Majority  
12 and Minority Leaders enclosing the Commission’s redistricting plan.

13           **3.12.** The State is without information sufficient to form a belief as to the truth of the  
14 allegations in this paragraph, and therefore denies.

15           **3.13.** This paragraph states legal conclusions and argument as well as the allegations  
16 that are not directed to the State to which no response is required. To the extent a response is  
17 required, the State is without information sufficient to form a belief as to the truth of the  
18 allegations in this paragraph, and therefore denies.

19           **3.14.** This paragraph states legal conclusions and argument as well as the allegations  
20 that are not directed to the State to which no response is required. To the extent a response is  
21 required, the State is without information sufficient to form a belief as to the truth of the  
22 allegations in this paragraph, and therefore denies.

1           **3.15.** This paragraph states legal conclusions and argument as well as the allegations  
2 that are not directed to the State to which no response is required. To the extent a response is  
3 required, the State is without information sufficient to form a belief as to the truth of the  
4 allegations in this paragraph, and therefore denies.

5           **3.16.** This paragraph states legal conclusions and argument as well as the allegations  
6 that are not directed to the State to which no response is required. To the extent a response is  
7 required, the State is without information sufficient to form a belief as to the truth of the  
8 allegations in this paragraph, and therefore denies.

9           **3.17.** This paragraph states legal conclusions and argument as well as the allegations  
10 that are not directed to the State to which no response is required. To the extent a response is  
11 required, the State is without information sufficient to form a belief as to the truth of the  
12 allegations in this paragraph, and therefore denies.

13           **3.18.** This paragraph states legal conclusions and argument as well as the allegations  
14 that are not directed to the State to which no response is required. To the extent a response is  
15 required, the State is without information sufficient to form a belief as to the truth of the  
16 allegations in this paragraph, and therefore denies.

17           **3.19.** This paragraph states argument as well as the allegations that are not directed to  
18 the State to which no response is required. To the extent a response is required, the State is  
19 without information sufficient to form a belief as to the truth of the allegations in this paragraph,  
20 and therefore denies.

21           **3.20.** Upon information and belief, the State admits that Melissa Santos wrote an article  
22 published with *Crosscut* titled “New WA political maps a mystery after final redistricting  
23

1 meeting.” The State is without information sufficient to form a belief as to the truth of the  
2 remaining allegations in this paragraph, and therefore denies.

3 **3.21.** Upon information and belief, the State admits that Daniel Walters wrote an article  
4 published with *Inlander* titled “11 reasons the Washington State Redistricting Commission  
5 turned into a deadline-botching fiasco.” The allegations in this paragraph partially quotes that  
6 article—a document that speaks for itself to which no response is required. To the extent a further  
7 response is required, paragraph 3.21 accurately quotes a portion from that article.

8 **3.22.** Upon information and belief, the State admits that *The Spokesman Review*  
9 published an article titled “Washington redistricting commission admits it failed to meet  
10 deadline; questions on what happened in final hours remain.” The allegations in this paragraph  
11 partially quotes that article—a document that speaks for itself to which no response is required.  
12 To the extent a further response is required, paragraph 3.22 accurately quotes portions from that  
13 article, which includes quotes from sources.

14 **3.23.** Upon information and belief, the State admits that this paragraph quotes an article  
15 published by *The Seattle Times*—a document that speaks for itself to which no response is  
16 required. To the extent a further response is required, paragraph 3.23 appears to accurately quote  
17 portions from that article, which includes quotes from sources.

18 **3.24.** This paragraph partially quotes Supreme Court Order No. 25700-B-675, a  
19 judicial order that speaks for itself to which no response is required. To the extent Plaintiff  
20 attempts to characterize this order, it speaks for itself. To the extent a response is required, the  
21 State admits the paragraph accurately quotes portions of Supreme Court Order No. 25700-B-675.

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

3 **3.25.** This paragraph states legal conclusions and argument as well as the allegations  
4 that are not directed to the State to which no response is required. To the extent a response is  
5 required, the State is without information sufficient to form a belief as to the truth of the  
6 allegations in this paragraph, and therefore denies.

7 **3.26.** This paragraph states legal conclusions and argument as well as the allegations  
8 that are not directed to the State to which no response is required. To the extent a response is  
9 required, the State is without information sufficient to form a belief as to the truth of the  
10 allegations in this paragraph, and therefore denies.

11 **3.27.** This paragraph states legal conclusions and argument as well as the allegations  
12 that are not directed to the State to which no response is required. To the extent a response is  
13 required, the State is without information sufficient to form a belief as to the truth of the  
14 allegations in this paragraph, and therefore denies.

15 **3.28.** This paragraph characterizes the relief Plaintiff claims to seek in its Complaint,  
16 which speaks for itself, and states legal conclusions and argument as well as the allegations that  
17 are not directed to the State to which no response is required. To the extent a response is required,  
18 the State denies the allegations in this paragraph.

19 **3.29.** This paragraph states legal conclusions and argument as well as the allegations  
20 that are not directed to the State to which no response is required. To the extent a response is  
21 required, the State is without information sufficient to form a belief as to the truth of the  
22 allegations in this paragraph, and therefore denies.



1           **3.30.** This paragraph states legal conclusions and argument as well as the allegations  
2 that are not directed to the State to which no response is required. To the extent a response is  
3 required, the State is without information sufficient to form a belief as to the truth of the  
4 allegations in this paragraph, and therefore denies.

5           **3.31.** This paragraph characterizes the relief Plaintiff claims to seek in its Complaint,  
6 which speaks for itself, and states legal conclusions and argument as well as the allegations that  
7 are not directed to the State to which no response is required. To the extent a response is required,  
8 the State denies the allegations in this paragraph.

9   **IV. CAUSES OF ACTION**

10           The State incorporates by reference its responses to the preceding paragraphs.

11   **4.1. OPMA CLAIM**

12           This paragraph states legal conclusions and argument as well as the allegations that are  
13 not directed to the State to which no response is required. To the extent a response is required,  
14 the State denies the allegations in this paragraph.

15   **4.2. UNIFORM DECLARATORY JUDGMENTS ACT (RCW 7.24)**

16           This paragraph states legal conclusions and argument as well as the allegations that are  
17 not directed to the State to which no response is required. To the extent a response is required,  
18 the State denies the allegations in this paragraph.

19   **V. REQUEST FOR RELIEF**

20           Paragraphs 5.1 through 5.6 of the Prayer for Relief section of the Complaint assert  
21 Plaintiff's requests for relief, to which no response is required. To the extent a response is  
22  
23

1 required, the State denies Plaintiff is entitled to the relief requested with respect to the State of  
2 Washington.

3 **DEFENDANT STATE OF WASHINGTON'S AFFIRMATIVE DEFENSES**

4 The State's affirmative defenses to the Complaint are set forth below. By setting forth  
5 the following defenses, the State does not assume the burden of proof on the matter and issue  
6 other than those on which they have the burden of proof as a matter of law. The State reserves  
7 the right to supplement these defenses.

- 8 1. Plaintiff lacks standing.
- 9 2. Plaintiff has sued the wrong party.
- 10 3. Plaintiff fails to allege any claims against the State of Washington.

11 **DEFENDANT STATE OF WASHINGTON'S REQUEST FOR RELIEF**

12 Wherefore, the State prays that the Court:

- 13 1. Dismiss Plaintiff's Complaint with prejudice as to the State of Washington;
- 14 2. Deny all relief that Plaintiff requests with respect to the State of Washington;
- 15 3. Grant the State costs and reasonable attorneys' fees; and
- 16 4. Grant the State such other and further relief as the Court may deem just and  
17 proper.

1 DATED this 7th day of January 2022.

2 ROBERT W. FERGUSON  
3 Attorney General

4 */s/ Cristina Sepe*

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13 *Attorneys for Defendant State of Washington*

1 **DECLARATION OF SERVICE**

2 I hereby declare that on this day I caused the foregoing document to be served via  
3 electronic mail on the following:

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6 *Plaintiff, pro se*

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12  
13 *Attorneys for Defendants Washington State Redistricting Commission, Sarah  
Augustine, April Sims, Paul Graves, Brady Walkinshaw and Joe Fain*

14 I declare under penalty of perjury under the laws of the State of Washington that the  
15 foregoing is true and correct.

16 DATED this 7th day of January 2022, at Tacoma, Washington.

17 /s/ Cristina Sepe  
18 CRISTINA SEPE, WSBA #53609  
Assistant Attorney General