

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

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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
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