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THE HONORABLE JOHN C. COUGHENOUR

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

WASHINGTON STATE REPUBLICAN  
PARTY, et al.,

Plaintiffs,

WASHINGTON DEMOCRATIC CENTRAL  
COMMITTEE, et al.,

Interveners

LIBERTARIAN PARTY OF  
WASHINGTON STATE, et al.,

Interveners

v.

STATE OF WASHINGTON, et al.,

Intervener Defendant

WASHINGTON STATE GRANGE, et al.,

Interveners

Case No: CV05-0927-JCC

LIBERTARIAN PARTY'S REPLY ON  
MOTION FOR CONTINUANCE OF  
HEARING ON STATE AND  
GRANGE MOTIONS

NOTE FOR MOTION CALENDAR  
FRIDAY, DECEMBER 12, 2008

On 12/5/08 the Libertarian Party, et al., requested a continuance of hearing on the State and Grange motions to dismiss and for recovery of attorney fees, to allow the Libertarian Party to identify and retain a new attorney.

LIBERTARIAN PARTY'S REPLY ON  
MOTION FOR CONTINUANCE OF  
HEARING ON STATE AND GRANGE  
MOTIONS – Page 1 of 4

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Tacoma, WA 98405  
(253) 383-2235

1 In response, the State of Washington agreed to a reasonable continuance of  
2 hearing on its motion on the condition that the Democratic and Republican Party motions  
3 to amend their complaints are also continued. The Democratic and Republican Parties  
4 opposed continuance of hearing on their motions, but have not opposed continuance of  
5 hearing on the State and Grange motions. The Washington State Grange opposes  
6 continuance of hearing on the State and Grange motions, but argues in the alternative; if  
7 hearing on any motion is continued then hearing on all motions should be continued.  
8 The Grange further suggests if the Libertarian Party cannot quickly find an attorney then  
9 it should be dismissed without prejudice from the case.

10 The Libertarian Party replies to the various responses as follows:

11 The Libertarian Party wants a fair opportunity to present its case to this court.  
12 The Libertarian Party takes no position whether hearing on the Democratic and  
13 Republican Party motions should be continued or not. However, the Libertarian Party  
14 wants to advise the court the Libertarian Party may seek leave to amend its complaint at a  
15 later date.

16 The Libertarian Party is also concerned, should the Grange's proposal for  
17 dismissal without prejudice be adopted, that potential subsequent litigation would extend  
18 the time of the public's uncertainty regarding the constitutional legitimacy a top two  
19 regime for any partisan election system. The Libertarian Party is also concerned, if it is  
20 dismissed from this case, that the interests of minor political parties and their adherents  
21 will not be represented and the final outcome may be correspondingly affected.

22 Finally, the Libertarian Party has apparently identified but not yet retained an  
23 attorney who is willing to represent the Libertarian Party interests in this case. Yesterday  
24 the undersigned had a telephone conversation with Oregon attorney Orrin Grover, Ore.

25 LIBERTARIAN PARTY'S REPLY ON  
MOTION FOR CONTINUANCE OF  
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1 Bar # 78010, wherein he expressed a willingness to represent the Libertarian Party on a  
2 pro hoc vice basis, pending final arrangements with the client and for retainer of local  
3 counsel.

4 Mr. Grover also indicated, assuming appropriate arrangements are made, that he  
5 would need a few weeks to review the case files and then a few more weeks to compose  
6 appropriate responses to the substantive motions now pending before the court. He  
7 suggested he would be able to advise the court of his specific scheduling needs after he  
8 has appeared and had a chance to read the court file.

9 Accordingly, the Libertarian Party specifically opposes the Grange's suggestion  
10 that it be dismissed from this case, with or without prejudice, and requests that before the  
11 court enters any dispositive orders the Libertarian Party is allowed a reasonable time to  
12 retain an attorney, whether that attorney is Mr. Grover or someone else, and for that  
13 attorney to familiarize himself with the issues of the case.

14 DATED Thursday, December 11, 2008, at Tacoma, Washington.

15 SHEPARD LAW OFFICE, PLLC

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18 RICHARD SHEPARD, WSBA # 16194

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25 LIBERTARIAN PARTY'S REPLY ON  
MOTION FOR CONTINUANCE OF  
HEARING ON STATE AND GRANGE  
MOTIONS – Page 3 of 4

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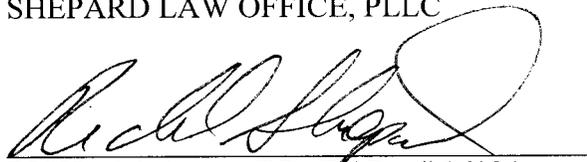
CERTIFICATE OF SERVICE

I, RICHARD SHEPARD, WSBA # 16194, declare on penalty of perjury under 28 USC 1746, as follows:

On this date I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system that will send notifications of such filing to: James K Pharris, Thomas Ahearne, John White and David McDonald.

DATED Thursday, December 11, 2008, at Tacoma, Washington.

SHEPARD LAW OFFICE, PLLC

  
RICHARD SHEPARD, WSBA # 16194