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The Honorable Thomas S. Zilly

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

WASHINGTON STATE REPUBLICAN
PARTY, et al.,

Plaintiffs,

WASHINGTON DEMOCRATIC
CENTRAL COMMITTEE, et al.,

Plaintiff Intervenors,

LIBERTARIAN PARTY OF
WASHINGTON STATE, et al.,

Plaintiff Intervenors,

v.

STATE OF WASHINGTON, et al.,

Defendant Intervenors,

WASHINGTON STATE GRANGE,
et al.,

Defendant Intervenors.

NO. CV-05-00927-TSZ

[PROPOSED] ORDER
GRANTING STATE'S
MOTION TO DISMISS

1 The Order remanding this case from the United States Court of Appeals for the Ninth
2 Circuit instructs this Court to dismiss the following claims, which are hereby DISMISSED:

- 3 1. All facial associational rights claims challenging Initiative 872;
4 2. All equal protection claims; and
5 3. All claims that Initiative 872 imposes illegal qualifications for federal office, sets
6 illegal timing of federal elections, or imposes discriminatory campaign finance
7 rules are dismissed as waived.

8 The Order remanding this action also authorized this Court to further develop the
9 record with respect to the claims that Initiative 872 unconstitutionally constrains access to the
10 ballot and appropriates the political parties' trademarks, to the extent these claims have not
11 been waived or disposed of by the Supreme Court. With regard to these issues, the State of
12 Washington, together with Secretary of State Sam Reed and Attorney General Rob
13 McKenna, has moved to dismiss. Having considered that motion, and all responses and
14 replies thereto, that motion is GRANTED. All claims related to access to the ballot and
15 trademark are DISMISSED.

16 The State's Motion to Recover Attorneys' Fees and For Costs is resolved by separate
17 Order.

18 There are no issues remaining in this case, and this case is, therefore, DISMISSED
19 with prejudice.

20 DATED this _____ day of November, 2008.

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22 _____
23 THOMAS S. ZILLY
24 United States District Court Judge
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