

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

WASHINGTON STATE  
REPUBLICAN PARTY, et al.,  
  
Appellants,

v.

WASHINGTON STATE  
GRANGE, et al.,  
  
Appellees.

Nos. 11-35122, 11-35124,  
11-35125

WASHINGTON STATE  
DEMOCRATIC CENTRAL  
COMMITTEE’S RESPONSE  
TO APPELLEES’ JOINT  
MOTION TO CONSOLIDATE  
CASES AND FOR AN  
EXTENSION AND  
ENLARGEMENT UNDER  
CIRCUIT RULE 28-4

The Washington State Democratic Central Committee (the “Democratic Party”) responds to the Appellees’ Joint Motion to Consolidate Cases and for an Extension and Enlargement under Circuit Rule 28-4 (the “Motion”) as follows:

1. The Court presently has the Democratic Party’s request for priority hearing date under submission. Provided the State’s requested consolidation does not delay progress of the Democratic Party’s appeal, the

Democratic Party does not object to the consolidation of Case Nos. 11-35122, 11-35124, and 11-35125 for joint consideration by the Court, nor does it object to the filing of a single response brief by each Appellee to the Appellants' multiple opening briefs and a 1,400-word enlargement of that briefing.

2. The Democratic Party objects to an extension in the due date of the Appellees' response briefs beyond that which they would have received in Case No. 11-35-122, the Democratic Party's appeal, inclusive of a Circuit Rule 31-2.2(a) 14-day extension. With a 14-day extension, Appellees' brief in the Democratic Party's appeal would be due July 20, 2011.

3. The Democratic Party also objects to the extent the Appellees' requested 21-day extension jeopardizes the Party's motion for priority hearing date under Circuit Rule 34-3. The timing of this case is critical in order to prevent the constitutional violations caused by the State's implementation of Initiative 872 from continuing for another election cycle. Thus, a priority hearing date remains necessary to complete the appellate process prior to when candidate ballot designations are finalized in Spring, 2012.

ACCORDINGLY, the Democratic Party respectfully requests that if the Court consolidates Case Nos. 11-35122, 11-35124, and 11-35125, the Court at the same time set a firm deadline for the filing of the Appellees' briefs on July 20, 2011. If the Court is persuaded to extend the Appellees' briefing deadline beyond July 20, 2011, the Democratic Party respectfully requests that the consolidation and briefing schedule extension not affect the hearing date which would occur under its pending request for a priority hearing date.

DATED this 1st day of July, 2011.

K&L GATES LLP

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**CERTIFICATE OF SERVICE**

U.S. Court of Appeals Docket Nos. 11-35122, 11-35124, 11-35125

I hereby certify that I arranged for the foregoing document to be electronically filed with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on July 1, 2011.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

Signature: s/ Emily D. Throop