

The Honorable John C. Coughenour

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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.

DEAN LOGAN, King County Records &
Elections Division Manager; et al.,

Defendants,

STATE OF WASHINGTON, et al.,

Defendant Intervenors

WASHINGTON STATE GRANGE,

Defendant Intervenors.

No. CV05-0927Z

WASHINGTON STATE GRANGE'S
OPPOSITION TO LIBERTARIAN
PARTY'S MOTION TO FILE FIRST
AMENDED COMPLAINT IN
INTERVENTION FOR
DECLARATORY JUDGMENT AND
OTHER RELIEF

**NOTE ON MOTION CALENDAR:
FEBRUARY 19, 2010**

1 **I. RELIEF REQUESTED**

2 Defendant-Intervenor Washington State Grange (the “Grange”) respectfully requests
3 that the Court deny the Libertarian Party’s Motion to File First Amended Complaint in
4 Intervention for Declaratory Judgment and Other Relief. The Libertarians’ Amended
5 Complaint rehashes allegations already explicitly rejected, and fails to comply with this Court’s
6 August 20, 2009 Order.

7 **II. ARGUMENT**

8 As explained by Defendant-Intervenors State of Washington, Secretary of State Sam
9 Reed, and Attorney General Rob McKenna (“the State”), the Libertarians’ Amended Complaint
10 includes arguments already dismissed by United States Supreme Court, the Ninth Circuit, and
11 this Court. (*See* State Intervenors’ Opposition to Libertarian Party’s Motion to File First
12 Amended Complaint in Intervention for Declaratory Judgment and Other Relief.) The
13 Libertarians’ Amended Complaint also falls well outside the scope of this Court’s prior ruling
14 on August 20, 2009. (*Id.*) That ruling set out a narrow range of issues that survived after the
15 United States Supreme Court held that I-872 is constitutional on its face. (Dkt. No. 184.)
16 Instead of repeating and rearguing those same arguments here, to preserve the time of the Court
17 and the parties, the Grange hereby joins in the State Intervenors’ Opposition motion, filed with
18 the Court today.

19 **III. CONCLUSION**

20 For these reasons, including all reasons stated in State Intervenors’ Opposition to
21 Libertarian Party’s Motion to File First Amended Complaint in Intervention for Declaratory
22 Judgment and Other Relief, the Grange opposes and respectfully requests that the Court deny
23 the Libertarian Party’s Motion to File First Amended Complaint in Intervention for Declaratory
24 Judgment and Other Relief.

1 DATED this 16th day of February, 2010.
2

3 FOSTER PEPPER PLLC

4 /s/ Kathryn Carder

5 Thomas F. Ahearne, WSBA No. 14844

6 Marco J. Magnano, WSBA No. 1293

7 Kathryn C. Carder, WSBA No. 38210

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CERTIFICATE OF SERVICE

Kathryn Carder states: I hereby certify that on February 16, 2010, I electronically filed the following documents with the Clerk of the Court using the CM/ECF system:

- 1. Washington State Grange’s Opposition to Libertarian Party's Motion to File First Amended Complaint in Intervention for Declaratory Judgment and Other Relief
- 2. [Proposed] Order Denying Libertarian Party's Motion to File First Amended Complaint in Intervention for Declaratory Judgment and Other Relief; and
- 3. this Certificate of Service.

which will send notification of such filing to the parties listed below:

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*Attorneys for Defendants State of Washington,
 Secretary of State Sam Reed and Attorney
 General Rob McKenna*

I certify and declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

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1 Executed at Seattle, Washington this 16th day of February, 2009.
2

3 /s/ Kathryn Carder

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