

The Honorable John C. Coughenour

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

REPLY IN SUPPORT OF
WASHINGTON STATE GRANGE'S
MOTION TO STRIKE WASHINGTON
DEMOCRATIC CENTRAL
COMMITTEE'S FIRST AMENDED
AND SUPPLEMENTAL COMPLAINT

**NOTE ON MOTION CALENDAR:
FEBRUARY 26, 2010**

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I. REPLY ARGUMENT

Defendant Washington State Grange (the “Grange”) brought this Motion to Strike Democratic Party’s First Amended and Supplemental Complaint because the Democrats failed to seek leave from this Court to file an amended complaint as required by Federal Rule of Civil Procedure 15(a)(2). The Democrats’ Amended Complaint also fails to (1) identify and isolate the specific applications of Initiative 872 that the Republicans contend are unlawful or unconstitutional, within the scope of this Court’s August 20 Order; (2) specify the relief sought with respect to those allegations; and (3) remove allegations and claims relating to issues dismissed by the United States Supreme Court, the Ninth Circuit, and this Court.

First, the Democrats were required to comply with Rule 15 before filing the Amended Complaint, either by seeking leave from the Court or consent from the parties. Fed. R. Civ. P. 15(a)(2). The Democrats apparently concede that Rule 15 applies, because it does not address this argument. The Democrats’ Amended Complaint should be stricken on this ground alone.

As explained in the Grange and the State’s opening briefs, the Democrats’ Amended Complaint should also be stricken because it fails to comply with the Court’s August 20, 2009 Order. And, as explained by the State in its Reply on Motion to Strike Democratic Party’s First Amended and Supplemental Complaint, the Democrats’ arguments that the Amended Complaint complies with that Order are insufficient. Instead of repeating and rearguing those same arguments, to preserve the time of the Court and the parties, the Grange hereby joins in the State’s Reply, filed with the Court today (Docket No. 223).

II. CONCLUSION

For these reasons, including all reasons set forth in the State’s Reply on Motion to Strike Democratic Party’s First Amended and Supplemental Complaint, the Grange respectfully requests that Court strike the Democrats’ Amended Complaint.

1 DATED this 26th day of February, 2010.

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3 FOSTER PEPPER PLLC

4 /s/ Kathryn Carder

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CERTIFICATE OF SERVICE

Susan Grimes-Zak states: I hereby certify that on February 26, 2010, I electronically filed the following documents with the Clerk of the Court using the CM/ECF system:

1. Reply In Support of Washington State Grange’s Motion to Strike Washington Democratic Central Committee’s First Amended and Supplemental Complaint; and

2. this Certificate of Service.

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

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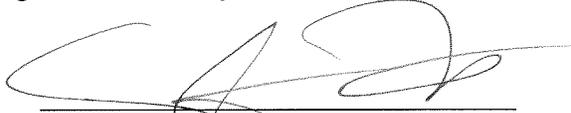
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I certify and declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed at Seattle, Washington this 26th day of February, 2009.



Susan Grimes-Zak