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August 31, 2011

COURT FILING

Office of the Clerk
James R. Browning Courthouse
U.S. Court of Appeals for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939

Re: *Washington State Republican Party, et al. v. Washington State Grange, et al.*
Case Nos. 11-35122, 11-35124, and 11-35125 (consolidated)

Dear Office of the Clerk:

Appellees, the State of Washington, Rob McKenna, Attorney General of the State of Washington, Sam Reed, Secretary of State of the State of Washington (the State), respectfully wish to advise this Court, before oral argument is scheduled, of dates on which counsel are unavailable for oral argument.

Only two of the State's counsel anticipate being available to present oral argument on this matter. Both of them are currently scheduled to argue before the Washington Supreme Court in October 2011. Specifically, Mr. Even is scheduled to argue on October 11, 2011, in the case of *Tesoro Refining and Marketing Co. v. State of Washington, Department of Revenue*, No. 85556-1. Ms. Zipp is scheduled to argue on October 18, 2011, in the case of *In re Dependency of MSR and TSR*, No. 85729-6.

In order to permit proper time to prepare for oral argument in those cases, and in this case, the State respectfully requests that this Court not set this case for argument during the weeks of those arguments, or in the week prior to the first of those arguments. Specifically, the State respectfully requests that this Court not set argument between the dates of October 3 and October 21.

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The State thanks the Court for its consideration of this concern.

Sincerely,

ROBERT M. MCKENNA
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s/ Jeffrey T. Even
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cc: Parties of Record (via ECF)