

CA No. 05-35774
related appeal: CA No. 05-35780
DC. No. C 05-0927Z

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

WASHINGTON STATE REPUBLICAN PARTY, et al.
Plaintiff-Appellees,

v.

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

and

WASHINGTON STATE GRANGE,
Defendant-Intervenor-Appellant,

STATE OF WASHINGTON, et al.
Defendant-Intervenor-Appellants,

v.

WASHINGTON DEMOCRATIC CENTRAL COMMITTEE, et al.; and
LIBERTARIAN PARTY OF WASHINGTON STATE, et al.;
Plaintiff-Intervenor-Appellees.

On Appeal From The United States District Court
for the Western District of Washington
The Honorable Thomas Zilly

**APPELLANT WASHINGTON STATE GRANGE'S
RESPONSE TO
MOTION OF FAIRVOTE CENTER FOR VOTING & DEMOCRACY
FOR LEAVE TO FILE AMICI CURIAE BRIEF**

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In July, the Appellant Grange moved for expedited review. (As explained in the Grange's July 29 Motion To Expedite, the year 2006 is "short session" year for the Washington Legislature with a February 4 bill cutoff date – which means an appellate decision by mid-January 2006 is essential if this Court is to allow the Washington Legislature to enact top-two legislation in compliance with this Court's decision in time for the State's upcoming 2006 election cycle.)

In August, this Court granted expedited review, and set a specific briefing schedule to accomplish that expedited review. The Appellants filed their opening briefs on September 16 pursuant to that expedited schedule. The Appellees filed their response briefs earlier this month pursuant to that expedited schedule. And Appellants will be filing their reply briefs the following week pursuant to that expedited schedule.


Although they use differently worded sentences to characterize this appeal's fundamental legal questions, all of the parties' briefs raise the same fundamental First Amendment and Equal Protection Clause issues. Expedited resolution with a hearing date in the very near future therefore remains entirely practical and reasonable under this appeal's briefing by the parties.

A few days ago, "Fairvote Center For Voting And Democracy", et al. ("FCFVAD") filed a motion requesting leave to file an amicus brief. FCFVAD filed its motion **long after** this Court's August 19 Order granting expedited review. And its proposed amicus brief does **not** address the issues raised in the parties' briefs. The Grange therefore adopts the State's opposition in the companion

appeal (CA No. 05-35780), and opposes FCFVAD's request to at this late date inject new briefing irrelevant to the legal issues raised by the parties.

RESPECTFULLY SUBMITTED this 28th day of October 2005.

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STATEMENT OF RELATED CASES

The co-defendant State of Washington (on behalf of itself, Secretary of State, Attorney General, and County Auditors) has also filed an appeal from the district court's injunction orders. This is being processed under CA No. 05-35780.

DATED this 28th day of October 2005.



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CERTIFICATE OF SERVICE

RAMSEY RAMERMAN states:

I hereby certify that I served the above document via U.S. Mail and e-mail on October 28, 2005, upon the following parties:

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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 28th day of October, 2005.

A handwritten signature in black ink, appearing to read 'Ramsey Ramerman', written over a horizontal line.

Ramsey Ramerman