

EXHIBIT A

THE HONORABLE LEROY MCCULLOUGH

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

WASHINGTON ELECTION INTEGRITY
COALITION UNITED, a Washington State
Nonprofit Corporation; DOUG BASLER;
HOWARD FERGUSON; DIANA BASS;
TIMOFEY SAMOYLENKO; MARY
HALLOWELL; SAMANTHA BUCARI;
RONALD STEWART; LYDIA ZIBIN;
CATHERINE DODSON,

Plaintiffs,

v.

JULIE WISE, King County Director of
Elections; KING COUNTY, and DOES 1-30,
inclusive,

Defendants,

and

WASHINGTON STATE DEMOCRATIC
CENTRAL COMMITTEE,

Proposed Intervenor
Defendant.

No. 21-2-12603-7 KNT

WASHINGTON STATE
DEMOCRATIC CENTRAL
COMMITTEE'S [PROPOSED]
ANSWER

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ANSWER

Applicant Intervenor-Defendants Washington State Democratic Central Committee (“WSDCC”) by and through its attorneys, submit the following Answer to Plaintiff’s Complaint (the “Complaint”). WSDCC responds to the allegations in the Complaint as follows:

I. PARTIES

1. Proposed Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 1, and therefore denies the same.

2. Proposed Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 2, and therefore denies the same.

3. Proposed Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 3, and therefore denies the same.

4. Paragraph 4 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor denies the allegations.

II. OVERVIEW

5. Proposed Intervenor denies the first sentence of paragraph 5. Proposed Intervenor is without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations that WEiCU issued a records request for ballots, and therefore denies the same. The remaining allegations in Paragraph 5 are mere

1 characterizations, legal contentions, and conclusions to which no response is required. To the
2 extent a response is required, Proposed Intervenor denies the allegations.
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5 **III. JURISDICTION, VENUE, LIMITATIONS**

6 6. Paragraph 6 contains mere characterizations, legal contentions, and
7 conclusions to which no response is required. To the extent a response is required, Proposed
8 Intervenor denies the allegations.
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11 7. Paragraph 7 contains mere characterizations, legal contentions, and
12 conclusions to which no response is required. To the extent a response is required, Proposed
13 Intervenor denies the allegations.
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16 8. Paragraph 8 contains mere characterizations, legal contentions, and
17 conclusions to which no response is required. To the extent a response is required, Proposed
18 Intervenor denies the allegations.
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21 9. Proposed Intervenor is without sufficient information or knowledge with
22 which to form a belief as to the truth or falsity of the allegations contained in Paragraph 9, and
23 therefore denies the same.
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26 **IV. WRONGFUL ACTS: USE OF CERTIFIED VOTING SYSTEM**

27 **RCW 29A.68.013(1) and/or (2)**

28 **(Citizen Plaintiffs v. Director)**

29 10. Proposed Intervenor incorporates by reference all of its responses in the
30 preceding and ensuing paragraphs as if fully set forth herein.
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32 11. Proposed Intervenor denies the allegations in Paragraph 11.
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34 12. Proposed Intervenor is without sufficient information or knowledge with
35 which to form a belief as to the truth or falsity of the allegations contained in Paragraph 12,
36 and therefore denies the same.
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1 13. Proposed Intervenor is without sufficient information or knowledge with
2 which to form a belief as to the truth or falsity of the allegations contained in Paragraph 13,
3 and therefore denies the same.
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6 14. Proposed Intervenor denies the allegations in Paragraph 14.
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8 15. Proposed Intervenor denies the allegations in Paragraph 15.
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11 **V. DECLARATORY RELIEF: USE OF UNCERTIFIED VOTING SYSTEM**
12 **(Citizen Plaintiffs v. Director)**
13

14 16. Proposed Intervenor incorporates by reference all of its responses in the
15 preceding and ensuing paragraphs as if fully set forth herein.
16

17 17. Paragraph 17 contains mere characterizations, legal contentions, and
18 conclusions to which no response is required. To the extent a response is required, Proposed
19 Intervenor denies the allegations.
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22 18. Paragraph 18 contains mere characterizations, legal contentions, and
23 conclusions to which no response is required. To the extent a response is required, Proposed
24 Intervenor denies the allegations.
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27 19. Paragraph 19 contains mere characterizations, legal contentions, and
28 conclusions to which no response is required. To the extent a response is required, Proposed
29 Intervenor denies the allegations.
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32
33 **VI. EQUITABLE RELIEF: USE OF UNCERTIFIED VOTING SYSTEM**
34 **(Citizen Plaintiffs v. Director)**
35

36 20. Proposed Intervenor incorporates by reference all of its responses in the
37 preceding and ensuing paragraphs as if fully set forth herein.
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40 21. Proposed Intervenor denies the allegations in Paragraph 21.
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42 22. Proposed Intervenor denies the allegations in Paragraph 22.
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1 **VII. WRONGFUL ACTS: VOTE FLIPPING, ADDITIONS, AND/OR DELETIONS**

2 **RCW 29A.68.013(1) and/or (2)**

3 **(Citizen Plaintiffs v. Director)**

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6 23. Proposed Intervenor incorporates by reference all of its responses in the
7 preceding and ensuing paragraphs as if fully set forth herein.
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10 24. Proposed Intervenor denies the allegations in Paragraph 24.

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12 25. Proposed Intervenor denies the allegations in Paragraph 25.

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14 26. Proposed Intervenor denies the allegations in Paragraph 26.
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17 **VIII. DECLARATORY RELIEF: VOTE FILLING, ADDITIONS, AND/OR**
18 **DELETION**

19 **(Citizen Plaintiffs v. Director)**

20
21 27. Proposed Intervenor incorporates by reference all of its responses in the
22 preceding and ensuing paragraphs as if fully set forth herein.
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25 28. Proposed Intervenor denies the allegations in Paragraph 28.

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27 29. Proposed Intervenor denies the allegations in Paragraph 29.
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30 **IX. EQUITABLE RELIEF: VOTE FLIPPING, ADDITIONS, AND/OR**
31 **DELETIONS**

32 **(Citizen Plaintiffs v. Director)**

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34 30. Proposed Intervenor incorporates by reference all of its responses in the
35 preceding and ensuing paragraphs as if fully set forth herein.
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38 31. Proposed Intervenor denies the allegations in Paragraph 31.

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40 32. Proposed Intervenor denies the allegations in Paragraph 32.
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42 **X. WRONGFUL ACTS: PARTY PREFERENCE**

43 **RCW 29A.68.013(1) and/or (2)**

44 **(Citizen Plaintiffs v. Director)**
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1 33. Proposed Intervenor incorporates by reference all of its responses in the
2 preceding and ensuing paragraphs as if fully set forth herein.
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4 34. Proposed Intervenor denies the allegations in Paragraph 34.
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6 **XI. DECLARATORY RELIEF: PARTY PREFERENCE**

7 **(Citizen Plaintiffs v. Director)**
8

9 35. Proposed Intervenor incorporates by reference all of its responses in the
10 preceding and ensuing paragraphs as if fully set forth herein.
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12 36. Proposed Intervenor denies the allegations in Paragraph 36.
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14 37. Proposed Intervenor denies the allegations in Paragraph 37.
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16 **XII. EQUITABLE RELIEF: PARTY PREFERENCE**

17 **(Citizen Plaintiffs v. Director)**
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19 38. Proposed Intervenor incorporates by reference all of its responses in the
20 preceding and ensuing paragraphs as if fully set forth herein.
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22 39. Proposed Intervenor denies the allegations in Paragraph 39.
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24 40. Proposed Intervenor denies the allegations in Paragraph 40.
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26 **XIII. WRONGFUL ACTS: BALLOT SECURITY**

27 **RCW 29A.68.013(1) and/or (2)**

28 **(Citizen Plaintiffs v. Director)**
29

30 41. Proposed Intervenor incorporates by reference all of its responses in the
31 preceding and ensuing paragraphs as if fully set forth herein.
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33 42. Proposed Intervenor denies the allegations in Paragraph 42.
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35 **XIV. DECLARATORY RELIEF: BALLOT SECURITY**

36 **(Citizen Plaintiffs v. Director)**
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1 43. Proposed Intervenor incorporates by reference all of its responses in the
2 preceding and ensuring paragraphs as if fully set forth herein.
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4 44. Proposed Intervenor denies the allegations in Paragraph 44.
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6 45. Proposed Intervenor denies the allegations in Paragraph 45.
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8 **XV. EQUITABLE RELIEF: BALLOT SECURITY**

9 **(Citizen Plaintiffs v. Director)**

10 46. Proposed Intervenor incorporates by reference all of its responses in the
11 preceding and ensuring paragraphs as if fully set forth herein.
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13 47. Proposed Intervenor denies the allegations in Paragraph 47.
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15 48. Proposed Intervenor denies the allegations in Paragraph 48.
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17 **XVI. PUBLIC RECORDS ACT**

18 **RCW 29A.68.013(1) and/or (2); RCW 42.56.030; RCW 42.56.550; RCW 29A.60.110**

19 **(Plaintiff WEiCU v. Director and County)**

20 49. Proposed Intervenor incorporates by reference all of its responses in the
21 preceding and ensuing paragraphs as if fully set forth herein.
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23 50. Paragraph 50 contains mere characterizations, legal contentions, and
24 conclusions to which no response is required. To the extent a response is required, Proposed
25 Intervenor denies the allegations.
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27 51. Proposed Intervenor is without sufficient information or knowledge with
28 which to form a belief as to the truth or falsity of the allegations contained in Paragraph 51,
29 and therefore denies the same.
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31 52. Paragraph 52 contains mere characterizations, legal contentions, and
32 conclusions to which no response is required. To the extent a response is required, Proposed
33 Intervenor denies the allegations.
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1 53. Paragraph 53 contains mere characterizations, legal contentions, and
2 conclusions to which no response is required. To the extent a response is required, Proposed
3 Intervenor denies the allegations.
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6 54. Paragraph 54 contains mere characterizations, legal contentions, and
7 conclusions to which no response is required. To the extent a response is required, Proposed
8 Intervenor denies the allegations.
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11 55. Paragraph 55 contains mere characterizations, legal contentions, and
12 conclusions to which no response is required. To the extent a response is required, Proposed
13 Intervenor denies the allegations.
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16 56. Proposed Intervenor denies the allegations in Paragraph 56.
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22 **XVII. DECLARATORY RELIEF: VIOLATIONS OF CONSTITUTIONAL RIGHTS**
23 **WA STATE CONSTITUTION ART. I, § 1, § 2, § 3, § 12, § 19, § 29; ART. VI, § 6, US**
24 **CONSTITUTION AMENDMENTS I, XIV**
25 **(Citizen Plaintiffs v. Director)**
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28 57. Proposed Intervenor incorporates by reference all of its responses in the
29 preceding and ensuing paragraphs as if fully set forth herein.
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32 58. Paragraph 58 contains mere characterizations, legal contentions, and
33 conclusions to which no response is required. To the extent a response is required, Proposed
34 Intervenor denies the allegations.
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37 59. Paragraph 59 contains mere characterizations, legal contentions, and
38 conclusions to which no response is required. To the extent a response is required, Proposed
39 Intervenor denies the allegations.
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42 60. Article I Section 3 of the Washington State Constitution speaks for itself.
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1 61. Proposed Intervenor denies the allegations in Paragraph 61.

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3 62. Proposed Intervenor denies the allegations in Paragraph 62.

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5 63. Proposed Intervenor denies the allegations in Paragraph 63.

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7 **XVIII. INJUNCTIVE RELIEF: VIOLATIONS OF CONSTITUTIONAL RIGHTS**
8
9 **(Citizen Plaintiffs v. Director)**

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11 64. Proposed Intervenor incorporates by reference all of its responses in the
12 preceding and ensuing paragraphs as if fully set forth herein.

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15 65. Proposed Intervenor denies the allegations in Paragraph 65.

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17 66. Proposed Intervenor denies the allegations in Paragraph 66.

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19 **XIX. DAMAGES FOR CIVIL RIGHTS VIOLATIONS**

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21 **42 USC § 1983, § 1988**

22
23 **(Citizen Plaintiffs v. Director)**

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25 67. Proposed Intervenor incorporates by reference all of its responses in the
26 preceding and ensuing paragraphs as if fully set forth herein.

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28 68. 42 U.S.C. § 1983 speaks for itself.

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30 69. Paragraph 69 contains mere characterizations, legal contentions, and
31 conclusions to which no response is required. To the extent a response is required, Proposed
32 Intervenor denies the allegations.
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36 70. Proposed Intervenor denies the allegations in Paragraph 70.

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38 71. Proposed Intervenor denies the allegations in Paragraph 71.

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40 **XX. DEMAND FOR JURY TRIAL**

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42 72. Proposed Intervenor denies the allegations in Paragraph 72.

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44 **XXI. RELIEF SOUGHT**

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46 WHEREFORE, Proposed Intervenor respectfully requests that this Court:
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Dated: March 30, 2023

s/ Kevin J. Hamilton

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*Attorneys for Proposed Intervenor Washington
State Democratic Central Committee*

EXHIBIT B

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SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

WASHINGTON ELECTION
INTEGRITY COALITION UNITED, a
Washington State Nonprofit Corporation;
DOUG BASLER; HOWARD
FERGUSON; DIANA BASS; TIMOFEY
SAMOYLENKO; MARY
HALLOWELL; SAMANTHA BUCARI;
RONALD STEWART; LYDIA ZIBIN;
CATHERINE DODSON,

Plaintiff,

v.

JULIE WISE, King County Director of
Elections KING COUNTY, and DOES
1-30, inclusive,

Defendants,

and

WASHINGTON STATE DEMOCRATIC
CENTRAL COMMITTEE,

Proposed Intervenor-
Defendant.

No. 21-2-12603-7 KNT

DECLARATION OF TINA
PODLODOWSKI IN SUPPORT OF
WASHINGTON STATE DEMOCRATIC
CENTRAL COMMITTEE'S RENEWED
MOTION TO INTERVENE

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DECLARATION OF TINA PODLODOWSKI

I, Tina Podlodowski, do hereby declare:

1. I am the current State Party Chair of the Washington State Democratic Party.

I have held that title since I was elected to my first term as Chair in 2017.

2. The Washington State Democratic Central Committee (“WSDCC”) is the governing body of the Washington State Democratic Party, made up of two people of different gender identities from each Legislative District and County. Specifically, the WSDCC has 176 State Committee Members from 88 different Local Party Organizations, including 49 Legislative District and 39 County organizations. It holds three annual meetings, nominates and endorses local candidates, recruits and manages precinct committee officers, passes resolutions, and campaigns for local candidates.

3. The WSDCC works to elect Democrats, uphold Democratic values, and support Democrat voters and candidates across the state.

4. As part of its work to uphold Democratic values, the WSDCC fights for equal access to the franchise because we believe that the right to vote is the foundation of democracy. The WSDCC believes that our government is stronger if every voice is heard and that injustice in our election system means many communities, especially communities of color and the disability community, are not being fairly represented by government.

5. The WSDCC believes that conservative groups have resorted to making unsupported claims of voter and election fraud to mislead voters. The WSDCC is committed to fighting back against this rhetoric, and against any attempts to restrict the right to vote based on these groundless assertions.

1 6. Groups like the Washington Election Integrity Coalition United (“WeICU”)
2
3 suggest that fraud is perpetrated by or to benefit Democratic election officials. To fulfill its
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5 mission of supporting Democratic voters and candidates, the WSDCC must be able to defend
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7 its candidates’ victories and reputations against the WeICU’s allegations.
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I declare under penalty of perjury that the foregoing is true and correct.



Dated: March 30, 2023

Tina Podlodowski
Washington State Democratic Central Committee

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EXHIBIT C

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THE HONORABLE LEROY MCCULLOUGH

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

WASHINGTON ELECTION INTEGRITY
COALITION UNITED, a Washington State
Nonprofit Corporation; DOUG BASLER;
HOWARD FERGUSON; DIANA BASS;
TIMOFEY SAMOYLENKO; MARY
HALLOWELL; SAMANTHA BUCARI;
RONALD
STEWART; LYDIA ZIBIN; CATHERINE
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Plaintiffs,

v.

JULIE WISE, Director of King County
Elections; KING COUNTY, and DOES 1-30,
inclusive,

Defendants,

and

WASHINGTON STATE DEMOCRATIC
CENTRAL COMMITTEE,
Proposed Intervenor-
Defendant.

No. 21 2 12603-7 KNT

WASHINGTON STATE
DEMOCRATIC CENTRAL
COMMITTEE'S [PROPOSED]
MOTION TO DISMISS

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I. INTRODUCTION

“Unless an election is clearly invalid, when the people have spoken, their verdict should not be disturbed by the courts.” *Dumas v. Gagner*, 137 Wn. 2d 268, 283, 971 P.2d 17 (1999) (citations omitted). The people of Washington have spoken. Four million Washingtonians voted in the November 2020 General Election. That election has been audited pursuant to state law, certified by county election officials, and certified by Washington’s Secretary of State. Certificates of Election have been issued to all of the prevailing candidates, all of whom have been sworn in and have held office since January 8, 2021.

Over a full year after the election, the Washington Election Integrity Coalition United (“WEiCU”) and several individual *pro se* voters filed this election contest raising fantastical allegations, seeking to call into question the legitimacy of Washington’s November 2020 Election and question the integrity of the King County (“the County”) Director of Elections, Julie Wise, and the County’s election officials. Plaintiffs ask the Court to declare that the County broke Washington law and violated the Washington and U.S. Constitution, and to bar the County from doing so moving forward. Plaintiffs also ask for an extra-legal license to “audit” the County’s election department and assert that they should be permitted to inspect sealed ballots from the 2020 election. But their claims fail as a matter of law, their extraordinary and sweeping relief is not justified, and their Complaint should be dismissed with prejudice.

At the outset, while Plaintiffs state they do not wish to de-certify any election and even fail to challenge the election of a particular candidate, Plaintiffs’ challenge is, at bottom, an election contest (although a vague and patently insufficient one). Their Complaint can and should be dismissed on this basis alone, because Plaintiffs are far beyond the narrow ten-day statute of limitations applicable to such claims. *See* RCW 29A.68.011; RCW 29A.68.013.

1 This flaw independently precludes this Court from exercising jurisdiction over any of
2
3 Plaintiffs' claims.

4
5 Even if this action were deemed not to be an "election contest" under RCW
6
7 29A.68.011 or 29A.68.013, whatever it is, Plaintiffs' delay in filing this claim also warrants
8
9 application of the equitable doctrine of laches, which moots their claims.

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11 Plaintiffs in any event lack standing to bring this action, as they have not suffered any
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13 personal injury, nor have they requested any relief that would redress the supposed fraud that
14
15 they allege occurred in November 2020. Instead, Plaintiffs stitch together a series of alleged
16
17 misconduct that would have taken a statewide conspiracy to accomplish. Their baseless
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19 assertions do not state any cognizable legal claim. Plaintiffs fail to assert the most basic
20
21 essential requirement for a cognizable election contest: that the outcome of Washington's
22
23 November 2020 Election was changed as a result of the County's alleged misconduct.
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25 Plaintiffs' sparse and implausible facts also fall far short of that required by CR 8(a), much
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27 less the *heightened* pleading requirements for claims sounding in fraud under CR 9(b).

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29 This election contest is one in a long line of lawsuits promoting conspiracy theories of
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31 election and voter fraud that have been thoroughly debunked. Not one of those election
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33 contests was successful, ultimately resulting in at least 60 courtroom losses for the Trump
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35 Campaign and other groups seeking his reelection or to otherwise challenge the outcome of
36
37 the 2020 General Election.¹ Despite those 60 lawsuits, Georgia counting their ballots three
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45 ¹ William Cummings et al., *By the numbers: President Donald Trump's failed efforts to*
46 *overturn the election*, USA NEWS TODAY (Jan. 6, 2021, 7:50 PM), [https://www.usatoday.com/in-](https://www.usatoday.com/in-depth/news/politics/elections/2021/01/06/trumps-failed-efforts-overturn-election-numbers/4130307001/)
47 [depth/news/politics/elections/2021/01/06/trumps-failed-efforts-overturn-election-](https://www.usatoday.com/in-depth/news/politics/elections/2021/01/06/trumps-failed-efforts-overturn-election-numbers/4130307001/)
[numbers/4130307001/](https://www.usatoday.com/in-depth/news/politics/elections/2021/01/06/trumps-failed-efforts-overturn-election-numbers/4130307001/).

1 times,² and a Republican-led audit in Arizona,³ the results of the November 2020 General
2 Election never changed. President Joseph Biden was inaugurated on January 20, 2020, having
3 received more than 81 million votes (more than any President in American history).⁴
4
5

6 This lawsuit is entirely unfounded and appears to be little more than a coordinated
7 political attack on the integrity of Washington elections.⁵ It is plainly barred as a matter of
8 law and should be promptly dismissed with prejudice.
9
10

11 **II. ISSUE PRESENTED**

12 Whether Plaintiffs' Complaint should be dismissed in its entirety because it is
13 untimely, Plaintiffs lack standing, and the claims are moot and barred by the doctrine of
14 laches, and because Plaintiffs have failed to state a cognizable claim.
15
16

17 **III. EVIDENCE RELIED UPON**

18 Defendants rely on the allegations in this Motion, the documents it incorporates by
19 reference, and facts that are subject to judicial notice.
20
21

22 ² Chandelis Duster, *Georgia reaffirms Biden's victory for 3rd time after recount, dealing*
23 *major blow to Trump's attempt to overturn the results*, CNN (Dec. 7, 2020, 5:23 PM),
24 <https://www.cnn.com/2020/12/07/politics/georgia-recount-recertification-biden/index.html>.
25

26 ³ Jack Healy et al., *Republican Review of Arizona Vote Fails to Show Stolen Election*, N.Y.
27 *TIMES* (Sept. 30, 2020), [https://www.nytimes.com/2021/09/24/us/arizona-election-review-trump-](https://www.nytimes.com/2021/09/24/us/arizona-election-review-trump-biden.html)
28 [biden.html](https://www.nytimes.com/2021/09/24/us/arizona-election-review-trump-biden.html).
29

30 ⁴ Jemima McEvoy, *Biden Wins More Votes Than Any Other Presidential Candidate In U.S.*
31 *History*, *FORBES* (Nov. 4, 2020, 1:18 PM),
32 [https://www.forbes.com/sites/jemimamcevoy/2020/11/04/biden-wins-more-votes-than-any-other-](https://www.forbes.com/sites/jemimamcevoy/2020/11/04/biden-wins-more-votes-than-any-other-presidential-candidate-in-us-history/?sh=131798867c3a)
33 [presidential-candidate-in-us-history/?sh=131798867c3a](https://www.forbes.com/sites/jemimamcevoy/2020/11/04/biden-wins-more-votes-than-any-other-presidential-candidate-in-us-history/?sh=131798867c3a).
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36 ⁵ This lawsuit is one of several virtually identical lawsuits filed across Washington State. *See*
37 *Infra* at IV. Each of the lawsuits was filed by the "Washington Election Integrity Coalition United"
38 and a county-specific collection of *pro se* voters, apparently recruited for this purpose. *See* Associated
39 Press, *Lawsuits claiming 2020 ballots were manipulated come to WA*, *SEATTLE TIMES* (Sept. 21,
40 2021, 10:36 AM), [https://www.seattletimes.com/seattle-news/politics/lawsuits-claiming-2020-](https://www.seattletimes.com/seattle-news/politics/lawsuits-claiming-2020-ballots-were-manipulated-come-to-washington/)
41 [ballots-were-manipulated-come-to-washington/](https://www.seattletimes.com/seattle-news/politics/lawsuits-claiming-2020-ballots-were-manipulated-come-to-washington/); Shari Phiel, *Lawsuits Filed in Three Washington*
42 *Counties Claim Votes Were 'Flipped'*, *THE CHRONICLE*,
43 [https://www.chronline.com/stories/lawsuits-filed-in-three-washington-counties-claim-votes-were-](https://www.chronline.com/stories/lawsuits-filed-in-three-washington-counties-claim-votes-were-flipped,273108)
44 [flipped,273108](https://www.chronline.com/stories/lawsuits-filed-in-three-washington-counties-claim-votes-were-flipped,273108).
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IV. BACKGROUND

Plaintiffs' Challenge The 2020 Election

Over four million Washingtonians cast their ballots in Washington's November 2020 General Election.⁶ That election was audited pursuant to state law and certified by county election officials.⁷ The Secretary of State certified the election results on December 3, 2020, declaring victory for numerous Washington State Democratic Central Committee ("WSDCC") candidates across the State.⁸ Certificates of Election have been issued to all of the prevailing candidates,⁹ all of whom have been sworn in and have held office since January 8, 2021.¹⁰

Nearly a *year* after the election, Plaintiff WEiCU filed this election contest, asserting that widespread election fraud occurred during Washington's November 2020 General Election. WEiCU describes itself as a nonprofit corporation operating out of Pierce County, Washington. Compl. ¶ 2. WEiCU does not describe its mission, who its members are, or how it has any interest in filing this lawsuit. Several *pro se* Plaintiffs have joined, none of whom allege or even explain who they are or how they have allegedly been harmed.

Together, without explaining the factual basis for their claims, Plaintiffs assert that the County Director engaged in widespread "election fraud" by: flipping, deleting, and adding votes; participating in "party preference"; identifying who voted some ballots and creating a

⁶ *Elections and Voting*, SECRETARY OF STATE: KIM WYMAN, <https://results.vote.wa.gov/results/20201103/president-vice-president.html> (last visited Oct. 3, 2021).

⁷ See RCW 29A.60.185.

⁸ *Elections and Voting*, SECRETARY OF STATE: KIM WYMAN, <https://results.vote.wa.gov/results/20201103/president-vice-president.html> (last visited Oct. 3, 2021).

⁹ See RCW 29A.52.370.

¹⁰ Jasmyne Keimig, *The 2021 Legislative Session Kicks Off With Virtual Swearing-In Ceremonies*, THE STRANGER (Jan. 8, 2020), <https://www.thestranger.com/slog/2021/01/08/54577174/the-2021-legislative-session-kicks-off-with-virtual-swearing-in-ceremony>.

1 “record of the voters’ party preferences”; and leaving ballots unsecure.¹¹ Compl. ¶¶ 10–15,
2 23–26, 33–34. Plaintiffs also assert, without any factual basis, that 400,000 votes were added,
3 6,000 votes were flipped, and “thousands of voters were removed” in “one or more statewide
4 races before, during, and/or after the election”—an unidentified portion of which was
5 perpetrated in the County by the Director or by other election officials. *Id.* ¶ 26.
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10 Plaintiffs further allege that they attempted to serve the County with a public records
11 request under Washington’s Public Record Act (“PRA”) so that they could inspect ballots
12 from the 2020 election, but that the County denied their request. *Id.* ¶ 51. Plaintiffs challenge
13 the County’s actions under Washington’s election contest statutes, contend that the County
14 violated the PRA, and allege an assortment of federal and state constitutional claims. *Id.* ¶ 5.
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20 Despite its long-winded and unsupported accusations, Plaintiff WEiCU does not
21 identify a single member in its organization who was unable to vote, whose ballot was not
22 kept secret or secure, whose vote was not counted, whose vote was “flipped,” or who suffered
23 any other kind of identifiable harm. Not one. The individual Plaintiffs, for their part, fail to
24 allege that they were aggrieved in a discernable way by any of the County’s actions. Indeed,
25 the individual Plaintiffs do not even complain that they voted for a candidate who lost his or
26 her election. Plaintiffs do not claim that any of the County’s actions affected enough ballots
27 to change the results of the election. Indeed, Plaintiffs concede that they are not contesting the
28 election of *any* candidate elected to office and explicitly state that they are not asking to de-
29 certify the election. *Id.* ¶ 8.
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40 Plaintiffs allege no plausible facts to justify their claims. Plaintiffs instead allege that
41 they are “informed and believe” that the Director “maintained a record of County electors
42 party preference” and “identif[ied] ballots cast by County electors in the Election by party
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¹¹ WSDCC takes the facts alleged as true for purposes of this Motion only, as it must.

1 preference” in violation of the Director’s “Oath of impartiality.” *Id.* ¶ 34. They provide no
2 support for this assertion beyond their “information and belief.” Plaintiffs also allege, without
3 more, that Plaintiffs are “informed and believe” that the Director “engaged in wrongful acts,
4 errors, and/or neglect of duty by allowing and/or facilitating electronic manipulation of the
5 voting results from the Election.” *Id.* ¶ 28. They provide no further explanation or factual basis
6 for this assertion.
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12 Despite the fact that Plaintiffs do not challenge the election results, Plaintiffs insist
13 that the Court must “ascertain, determine, and declare Plaintiffs’ rights and duties of the
14 Director as they pertain to the Election and future elections.” *Id.* ¶ 63. Specifically, Plaintiffs
15 seek three remedies. First, Plaintiffs ask the Court to issue an order declaring that the County
16 broke state law and the Washington and U.S. Constitutions, and request that the Court
17 permanently enjoin the County from doing so moving forward. *Id.* ¶ 16–17. Second, Plaintiffs
18 seek license to conduct a “full forensic audit” of the County’s election department “in
19 coordination with Jovan Hutton Pulitzer.” *Id.* ¶ 5, 56. Third, Plaintiffs request that the Court
20 order the County to unseal an unspecified number of ballots from the County so that they may
21 “prove (or disprove)” their allegations. *Id.* ¶ 56. Plaintiffs also ask that the Court award it
22 costs. *Id.* ¶ 71. None of this is remotely supported by Washington (or federal law); indeed, it
23 is—uniformly—*barred* by Washington (and federal) law.
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36 **Procedural History**

37 WSDCC sought to intervene in this action on October 6, 2021, two weeks after the
38 complaint was filed. Wash. State Democratic Cen. Comm. Mot. to Intervene, DKT 8, Oct. 6,
39 2021. On October 13, 2022, before that Motion was decided, Defendants filed a notice of
40 removal in the U.S. District Court for the Western District of Washington. *Washington*
41 *Election Integrity Coalition United et al. v. Wise*, No. 2:21-cv-01394-LK, ECF No. 1.
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1 WSDCC promptly sought to intervene in the federal court. *Id.* at ECF No. 14. On October 20,
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3 2021, the King County Defendants filed an answer and counterclaim against Plaintiffs before
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5 the federal court. *Id.* at ECF No. 10.

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7 Plaintiff WEiCU filed similar lawsuits across Washington State, including against
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9 Clark, Snohomish, Whatcom, Lincoln, Franklin, Thurston, and Pierce counties.¹² Each of the
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11 lawsuits contained virtually identical claims on behalf of WEiCU and different county-
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13 specific collections of pro se individuals. WSDCC sought to intervene in those actions before
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15 the respective superior courts.¹³ Defendants in the Clark, Snohomish, Whatcom, Thurston,
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17 and Pierce cases also removed, and this action was consolidated with those cases.¹⁴ WSDCC
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19 also promptly sought to intervene in each of the federal cases. *Id.* at ECF No. 14.

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21 The Lincoln and Franklin County cases remained in state court. WSDCC was granted
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23 intervention as of right in Lincoln County. *Washington Election Integrity Coalition United et*
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25 *al. v. Schumacher*, No. 21-2-00042-22, Slip Op. at 1 (Wash. Super Ct. Feb. 14, 2022). Both

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27 ¹² *Washington Election Integrity Coalition United et al. v. Anderson*, No. 21-2-07551-9
28 (Sept. 21, 2021); *Washington Election Integrity Coalition United et al. v. Hall*, No. 21-2-01641-34
29 (Sept. 21, 2021); *Washington Election Integrity Coalition United et al. v. Kimsey*, No. 21-2-01775-
30 06 (Sept. 16, 2021); *Washington Election Integrity Coalition United et al. v. Fell*, No. 21-2-04302-31
31 (Sept. 16, 2021); *Washington Election Integrity Coalition United et al. v. Bradrick*, No. 21-2-00949-
32 37 (Sept. 10, 2021); *Washington Election Integrity Coalition United et al. v. Beaton*, No. 21-2-
33 50572-11 (Oct. 5, 2021); *Washington Election Integrity Coalition United et al. v. Schumacher*, No.
34 21-2-00042-22 (Oct. 4, 2021).

35
36 ¹³ WSDCC sought to intervene in Clark, Whatcom, Lincoln, Franklin, and Thurston County
37 superior courts. See *Washington Election Integrity Coalition United et al. v. Hall*, No. 21-2-01641-
38 34 (Oct. 6, 2021); *Washington Election Integrity Coalition United et al. v. Kimsey*, No. 21-2-01775-
39 06 (Oct. 6, 2021); *Washington Election Integrity Coalition United et al. v. Bradrick*, No. 21-2-
40 00949-37 (Oct. 6, 2021); *Washington Election Integrity Coalition United et al. v. Beaton*, No. 21-2-
41 50572-11 (Oct. 8, 2021); *Washington Election Integrity Coalition United et al. v. Schumacher*, No.
42 21-2-00042-22 (Oct. 11, 2021). WSDCC did not seek to intervene in Snohomish and Pierce County,
43 since both were removed immediately after they were filed.

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45 ¹⁴ *Washington Election Integrity Coalition United et al. v. Anderson*, No. 3:21-cv-05726-LK,
46 ECF No. 1; *Washington Election Integrity Coalition United et al. v. Hall*, No. 3:21-cv-05787-LK,
47 ECF No. 1; *Washington Election Integrity Coalition United et al. v. Kimsey*, No. 3:21-cv-05746-LK,
ECF No. 1; *Washington Election Integrity Coalition United et al. v. Fell*, No. 2:21-cv-1354-LK, ECF
No. 1; *Washington Election Integrity Coalition United et al. v. Bradrick*, No. 2:21-cv-01386-LK,
ECF No. 1.

1 WSDCC and Lincoln County filed motions to dismiss and, on March 28, 2022, the Lincoln
2 County Superior Court granted those motions. *Washington Election Integrity Coalition United*
3 *et al. v. Schumacher*, No. 21-2-00042-22, Slip Op. at 1 (Wash. Super Ct. Mar. 28, 2022)). The
4 Franklin County Superior Court similarly disposed of WEiCU’s election contest filed there
5 (prior to ruling on WSDCC’s Motion to Intervene in that action). *Washington Election*
6 *Integrity Coalition United et al. v. Beaton et al.*, No. 21-2-50572-11, Slip Op. at 1 (Wash.
7 Super. Ct. Dec. 13, 2022).
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15 As a result of their frivolous election claims, the Lincoln County Superior Court
16 ordered plaintiffs to pay the County’s defense costs of \$22,585.31. *Washington Election*
17 *Integrity Coalition United et al. v. Schumacher*, No. 21-2-00042-22, Slip Op. at 1 (Wash.
18 Super Ct. Mar. 28, 2022); *Washington Election Integrity Coalition United et al. v.*
19 *Schumacher*, No. 21-2-00042-22, J. at 1 (Wash. Super Ct. April 22, 2022). This is not the only
20 time WEiCU has been sanctioned in connection with their baseless challenge to the November
21 2020 General Election. The Washington Supreme Court also ordered WEiCU to pay
22 \$28,384.70 as a result of an election lawsuit filed directly with the Supreme Court. *See*
23 *Hamilton Decl., Exs. H, I, J.* Washington’s Solicitor General subsequently filed a bar
24 complaint against WEiCU’s counsel, Virginia Shogren, stating that there is “no meaningful
25 dispute” that she had “specific knowledge that the legal arguments about certain essential
26 elements were frivolous.” *See Decl. of Kevin J. Hamilton ISO Motion to Intervene, Ex. K at*
27 *2.*
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41 On September 30, 2022, the federal court determined that plaintiffs lacked Article III
42 standing and that the court had no supplemental jurisdiction over the state law claims. *Id.* at
43 ECF No. 44. The court dismissed the Pierce, Clark, Snohomish, Whatcom, Thurston, and
44 Pierce cases with prejudice, since remand would be futile (because the underlying state law
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1 claims were obviously meritless and their dismissal by the state courts was inevitable).
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3 However, since the King County Defendants had filed meaningful *counterclaims*, the federal
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5 court remanded all of the state law claims to this Court (including Defendants’ counterclaims).
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7 *Id.* On October 17, 2022, the federal court notified this Court that this action was remanded.
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9 Notice of Remand, DKT 15.

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11 Plaintiffs return to this Court with nothing but speculation, asking for breathtaking and
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13 entirely unwarranted “relief.” This litigation should be promptly dismissed with prejudice: it
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15 is untimely, Plaintiffs lack standing, their claims are moot and barred by the doctrine of laches,
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17 and Plaintiffs have failed to state a cognizable claim.

18 V. ARGUMENT

20 A. Legal Standard

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22 A complaint must include either “direct allegations on every material point necessary
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24 to sustain a recovery on any legal theory” or “allegations from which an inference fairly may
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26 be drawn that evidence on these material points will be introduced at trial.” *Havsy v. Flynn*,
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28 88 Wn. App. 514, 518, 945 P.2d 221 (1997). Dismissal for failure to state a claim under CR
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30 12(b)(6) is appropriate when “a plaintiff’s claim remains legally insufficient even under his
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32 or her proffered hypothetical facts.” *Gorman v. Garlock, Inc.*, 155 Wn.2d 198, 215, 118 P.3d
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34 311 (2005). In other words, although the Court must accept all of Plaintiffs’ factual allegations
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36 as true and must draw all reasonable inferences in favor of Plaintiffs, dismissal is appropriate
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38 if the complaint alleges no facts that would justify the relief Plaintiffs request. *Gorman v. City*
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40 *of Woodinville*, 175 Wn.2d 68, 71, 283 P.3d 1082 (2012).

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42 Where plaintiffs plead fraud or mistake, Washington’s civil rules impose a heightened
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44 standard. Under CR 9(b), “[i]n *all averments of fraud* or mistake, the circumstances
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46 constituting fraud or mistake shall be stated with particularity” (emphasis added). It is not
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1 necessary under CR 9 “that the word ‘fraud’ be used in the complaint, as long as facts are
2 pleaded sufficient to present the question of fraud.” *Pedersen v. Bibioff*, 64 Wn. App. 710,
3 721, 828 P.2d 1113 (1992) (citing *Harstad v. Frol*, 41 Wn. App. 294, 301, 704 P.2d 638
4 (1985)). “A complaint adequately alleges fraud if it informs the defendant of who did what,
5 and describes the fraudulent conduct and mechanisms.” *Hous. Auth. of City of Seattle v. Aden*,
6 162 Wash. App. 1019, 2011 WL 2306046, at *2 (2011) (citing *Haberman v. Wash. Pub.*
7 *Power Supply Sys.*, 109 Wn. 2d 107, 165–166, 744 P.2d 1032 (1987)). A motion to dismiss
8 under CR 9(b) for failure to plead with particularity is the functional equivalent of a CR 12(b)
9 motion to dismiss for failure to state a claim. *Id.* (citing *Haberman*, 109 Wn.2d at 120, 165–
10 66).

11 Application of these standards to Plaintiffs’ Complaint mandates prompt dismissal.
12

13 **B. This Election Contest is Untimely Under RCW 29A.68.013**
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15 The time to file an election contest has long expired.
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17 Washington law permits a registered voter to contest an election *only* if an affidavit of
18 an elector is filed within ten days of certification. RCW 29A.68.013 (“An affidavit of an
19 elector under this subsection shall be filed with the appropriate court no later than *ten days*
20 following the official certification of the primary or election . . .”) (emphasis added); *see* RCW
21 29A.68.013. If the ten-day deadline is ignored, the contest must be dismissed for untimeliness.
22 *See Becker v. Cnty. of Pierce*, 126 Wn.2d 11, 21, 890 P.2d 1055 (1995) (dismissing an election
23 contest as untimely where plaintiff “filed her complaint more than a year after the date that
24 the general election . . .”); *cf. In re Feb. 14, 2017, Special Election on Moses Lake Sch. Dist.*
25 *#161 Proposition 1*, 2 Wn. App. 2d 689, 695–96, 413 P.3d 577 (2018) (determining
26 “timeliness” of an election contest based on whether an affidavit was filed within ten days of
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1 certification). Here, the Secretary of State certified the election results on December 3, 2020.¹⁵
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3 Plaintiffs’ deadline to file an affidavit from an elector was therefore ten days after December
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5 3—December 13, 2020. Plaintiffs are 297 days too late. Plaintiffs had an affirmative
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7 obligation to air their concerns before or immediately after the election to avoid precisely
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9 these belated, could-have should-have complaints.

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11 Plaintiffs assert (without support) that Washington’s ten-day deadline for election
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13 contests does not bar their claims, Compl. ¶ 8, but their assertion is contrary to the essence of
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15 their Complaint and the plain letter of the law. Plaintiffs’ Complaint, as even a cursory
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17 examination reveals, accused the County of “ballot box stuffing,” tracking voters by “party
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19 preference,” “flipping” or “adding” some unspecified number of hundreds of thousands of
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21 votes across the State—allegations that directly targets the election’s outcome *Id.* ¶ 29. This
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23 is the very definition of an election contest. Moreover, nearly all of Plaintiffs’ claims cite
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25 exclusively to Washington’s election contest statute, RCW 29A.68.013, as their legal basis.
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27 *See* RCW 29A.68.020 (“All election contests must proceed under RCW 29A.68.011 or
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29 29A.68.013.”). Regardless of their attempt to skirt around the election contest statute, the heart
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31 of their action is just that—a challenge to the election result. Indeed, Plaintiffs’ PRA claim to
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33 inspect sealed ballots can only be grounded in an election contest. There are very few
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35 circumstances where ballots may be inspected post-election, and only one is potentially
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37 applicable here: pursuant to RCW 29A.60.110(2), a superior court may order the unsealing of
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39 ballots “in a contest or election dispute.”

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42 ¹⁵ *Elections and Voting*, SECRETARY OF STATE: KIM WYMAN
43 <https://results.vote.wa.gov/results/20201103/president-vice-president.html> (last visited Oct. 3, 2021).
44 In ruling on this Motion, the Court may take judicial notice of “public documents if the authenticity of
45 those documents cannot be reasonably disputed.” *Jackson v. Quality Loan Serv. Corp.*, 186 Wn. App.
46 838, 844, 347 P.3d 487 (2015) (citing *Berge v. Gorton*, 88 Wn.2d 756, 763, 567 P.2d 187 (1977)). The
47 cited website is the Secretary of State’s public website and is “not subject to reasonable dispute,” thus,
the Court may take judicial notice of the December 3 certification date.

1 Washington law is clear: “[a]ll election contests must proceed under RCW 29A.68.011
2 or 29A.68.013.” RCW 29A.68.020. This is an election contest. It is untimely. It must be
3 dismissed on this basis alone. *See Washington Election Integrity Coalition United et al. v.*
4 *Wise*, No. 2:21-cv-01394-LK, ECF No. 44 at 13 (noting “Section 29A.68.013 of the Revised
5 Code of Washington sets a strict ten-day time limit for election contests, and that time limit
6 has long passed with respect to the 2020 election.”); *Washington Election Integrity Coalition*
7 *United et al. v. Schumacher*, No. 21-2-00042-22, Slip Op. at 1 (Wash. Super Ct. Mar. 28,
8 2022) (dismissing complaint by WEiCU and pro se plaintiff “fail[ed] to state an election claim
9 upon which relief may be granted”); *Washington Election Integrity Coalition United et al. v.*
10 *Beaton et al.*, No. 21-2-50572-11, Slip Op. at 1 (Wash. Super. Ct. Dec. 13, 2022) (same).

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21 **C. Plaintiffs Lack Standing**

22 Even if this matter was not time barred (and it is), neither WEiCU nor the individual
23 Plaintiffs have standing to pursue their claims.

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26 Washington courts have established a two-part inquiry to determine standing. First,
27 the party must suffer an “injury in fact” by showing “a personal injury fairly traceable to the
28 challenged conduct and likely to be redressed by the requested relief.” *State v. Johnson*, 179
29 Wn.2d 534, 552, 315 P.3d 1090 (2014) (quoting *High Tide Seafoods v. State*, 106 Wn.2d 695,
30 702, 725 P.2d 411 (1986)). Second, the courts consider whether the interest asserted is
31 arguably within the “zone of interests” to be protected by the statute or constitutional guaranty
32 in question. *Id.* Organizations, like WEiCU, “have standing to assert the interests of their
33 members, so long as members of the organization would otherwise have standing to sue, the
34 purpose of the organization is germane to the issue, and neither the claim nor the relief requires
35 the participation of individual members.” *Five Corners Fam. Farmers v. State*, 173 Wn.2d
36 296, 304, 268 P.3d 892 (2011). Plaintiffs lack standing because they have not suffered any
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1 personal injuries, the interests they assert are not within the “zone of interests” meant to be
2 protected by Washington’s election contest statutes, and the Court cannot address the injuries
3 they allege.
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6 The U.S. District Court for the Western District of Washington has already determined
7 that *these* very Plaintiffs lack Article III standing under federal law. *Washington Election*
8 *Integrity Coalition United et al. v. Wise*, No. 2:21-cv-01394-LK, ECF No. 44 at 4–10.¹⁶ And,
9 both the Lincoln and Franklin County superior courts determined that neither Plaintiff WEiCU
10 nor the pro se voter plaintiffs before them had standing under Washington’s standing inquiry.
11 *Washington Election Integrity Coalition United et al. v. Schumacher*, No. 21-2-00042-22, Slip
12 Op. at 1 (Wash. Super Ct. Mar. 28, 2022) (“Plaintiffs each lack standing to bring the election
13 claims challenged”); *Washington Election Integrity Coalition United et al. v. Beaton et al.*,
14 No. 21-2-50572-11, Slip Op. at 1 (Wash. Super. Ct. Dec. 13, 2022) (same). For the reasons
15 discussed below, the Court should do the same.
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27 **1. Plaintiffs Have Not Suffered an Injury in Fact**

28 **a. Plaintiffs Lack Standing Under the Election Contest Statutes**

29 As an initial matter, Plaintiffs plainly lack standing under the election contest statutes.
30 The statutes confer a private right of action for “registered voter[s],” but not to just any
31 registered voters—only registered voters who are “challeng[ing] the right to assume office of
32 a candidate declared elected to that office ... the right of a candidate to appear on the general
33 election ballot after a primary, or ... certification of the result of an election on any measure.”
34 RCW 29A.68.020.
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42 WEiCU obviously does not qualify as a “registered voter.” And the individual
43 Plaintiffs seek none of this relief, and therefore do not seek to invoke an interest within the
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¹⁶ See *Forbes v. Pierce Cnty.*, 5 Wn.2d 423, 434 n.2, 427 P.3d 675 (2018) (Washington
Supreme Court referring to the federal standing doctrine under Article III as “instructive.”).

1 “zone of interests” protected by the statute. *Johnson*, 179 Wn.2d at 552. Indeed, as Plaintiffs
2 are admittedly not seeking to de-certify the election and do not challenge the election of a
3 single candidate, it is difficult to understand what interest Plaintiffs are seeking with respect
4 to an election nearly a year old. Compl. ¶ 8. This is plainly insufficient to confer standing.
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9 **b. *WEiCU Lacks Representational Standing***

10 Plaintiff WEiCU has failed to describe its mission as an organization, explain its
11 membership, or otherwise explain why it has any interest in this action. It has therefore failed
12 to show that it has representational standing to bring any of the constitutional claims it purports
13 to assert. *Five Corners Fam. Farmers*, 173 Wn.2d at 304 (for representational standing, an
14 organizations’ members must otherwise have standing and the purpose of the organization
15 must be germane to the issue).
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23 **c. *Plaintiffs’ Constitutional Claims are Generalized Grievances***

24 Plaintiffs’ more generalized complaint that the Washington and U.S. constitutions
25 were violated does not state an injury in fact. At a minimum, Plaintiffs must state a *personal*
26 injury to have standing. *Johnson*, 179 Wn.2d at 552. Plaintiffs’ broad assertion that their “due
27 process, free speech, and equal protection” rights were “abridged” is insufficient to support
28 standing because Plaintiffs do not specify precisely how they were personally injured. This is
29 fatal. *See Wood v. Raffensperger*, 501 F. Supp. 3d 1310, 1321–23 (N.D. Ga 2020) (finding
30 individual Georgia voter lacked standing to challenge results of 2020 election under the Equal
31 Protection Clause and Due Process Clause based on a “generalized grievance regarding a state
32 government’s failure to properly follow” the law); *Wis. Voters All. v. Pence*, 514 F. Supp. 3d
33 117, 120 (D.D.C. 2021) (“To the extent that they argue more broadly that voters maintain an
34 interest in an election conducted in conformity with the Constitution, they merely assert a
35 ‘generalized grievance’ stemming from an attempt to have the Government act in accordance
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1 with their view of the law.”); *Bowyer v. Ducey*, 506 F. Supp. 3d 699, 711 (D. Ariz. 2020)
2 (“[W]here, as here, the injury alleged by plaintiffs is that defendants failed to follow the
3 Elections Clause, the Supreme Court has stated that the injury is precisely the kind of
4 undifferentiated, generalized grievance about the conduct of government that courts have
5 refused to countenance.”) (internal quotations and citation omitted).
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10 For its part, Plaintiff WEiCU does not identify a single member at all, let alone a
11 member that was unable to vote,¹⁷ whose ballot was not kept secret,¹⁸ whose vote was not
12 counted, whose vote was “flipped,” or who was otherwise personally injured. The individual
13 Plaintiffs also do not assert that any of these constitutional harms personally befell them.
14 When the injury alleged “is that the law ... has not been followed,” it is “the kind of
15 undifferentiated, generalized grievance about the conduct of government” that is not an injury
16 in fact. *Dillard v. Chilton Cnty. Comm’n*, 495 F.3d 1324, 1332–33 (11th Cir. 2007). Even
17 where constitutional harms are alleged, a plaintiff’s “interest in proper application of the
18 Constitution and laws” is a generalized grievance that simply does not support standing. *Lujan*
19 *v. Defs. of Wildlife*, 504 U.S. 555, 573–74 (1992).
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30 **d. Plaintiffs were not Injured by any Equal Protection Violations**

31 Plaintiffs’ assertion that their Equal Protection rights were *personally* violated is
32 patently insufficient. Plaintiffs allege that their Equal Protection rights were violated because
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38 ¹⁷ Plaintiffs assert violations of Article I, Section 19 of the Washington Constitution. But
39 Article I, Section 19 is not implicated if Plaintiffs’ right to vote “was not impeded in any way.” *Brower*
40 *v. State*, 137 Wn.2d 44, 68, 969 P.2d 42 (1998) (“Article I, section 19 is not implicated in this case. ...
41 Mr. Brower’s right to vote in that election was not impeded in any way.”). No plaintiff asserts their
42 right to vote was impeded.
43

44 ¹⁸ Plaintiffs assert violations of Washington Constitution Article 6, Section 6. To state a
45 cognizable claim under Article 6, Section 6, “[t]he central concern of ballot secrecy, therefore, is
46 whether the individual voter can be identified.” *White v. Wyman*, 4 Wn. App.2d 1071, 2018 WL
47 3738404, *4 (2018). No Plaintiff has alleged that they, as an individual voter was identified, nor has
WEiCU named any member who was identified.

1 “[b]allots from County electors, including Plaintiffs herein, were not treated equally,” Compl.
2 ¶ 61(e), but the question for standing purposes is not whether Plaintiffs were treated
3 “differently” but whether Plaintiffs were *actually injured* by differential treatment. *State v.*
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7 *Pedro*, 148 Wn. App. 932, 945, 201 P.3d 398 (2009) (explaining that, for standing purposes
8 in an equal protection case, the question was not whether plaintiff was treated “unequally” but
9 whether plaintiff was “adversely affected”).
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12 Taking Plaintiffs’ allegations as true, every County voter would have been treated
13 “unequally,” in that some voters’ ballots were allegedly “flipped” based on who they voted
14 for, while others’ ballots were not. But to have standing, at a minimum, a plaintiff would need
15 to allege that they were *personally injured*. *See State v. Farmer*, 116 Wn. 2d 414, 423, 805
16 P.2d 200 (1991) (adult plaintiff suffered no “prejudice,” and therefore had no standing to
17 assert that a statute violated the equal protection clause, because plaintiff only alleged that the
18 statute adversely impacted children); *see also Haberman*, 109 Wn.2d at 138–39 (plaintiffs
19 lacked standing and could not “assert the equal protection rights of other[s]”). WEiCU did not
20 allege that any of its members votes were flipped. Plaintiffs have not done so and cannot assert
21 the equal protection rights of others.
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33 **e. *Vote Dilution Claims are Generalized Grievances***

34 The only other injury claimed by Plaintiffs is the alleged “dilution” of Washingtonian
35 voters’ votes. Compl. ¶ 61(b). But courts have long held that an alleged injury of vote dilution
36 from the threat of potential fraud does not confer standing, as it is both unduly speculative and
37 impermissibly generalized. *See, e.g., Martel v. Condos*, 487 F. Supp. 3d 247, 253 (D. Vt.
38 2020) (“If every voter suffers the same incremental dilution of the franchise caused by some
39 third-party’s fraudulent vote, then these voters have experienced a generalized injury.”); *Am.*
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47 *C. R. Union v. Martinez-Rivera*, 166 F. Supp. 3d 779, 789 (W.D. Tex. 2015) (“[T]he risk of

1 vote dilution[is] speculative and, as such, [is] more akin to a generalized grievance about the
2 government than an injury in fact.”); *cf. Paher v. Cegavske*, 457 F. Supp. 3d 919, 926 (D. Nev.
3 2020) (citations omitted) (“Plaintiffs’ purported injury of having their votes diluted due to
4 ostensible election fraud may be conceivably raised by any Nevada voter [and] does not satisfy
5 the requirement that Plaintiffs must state a concrete and particularized injury.”). Such is the
6 case here. Any dilution admittedly would have affected all Washington voters, not merely
7 Plaintiffs. Compl. ¶ 61(b). Accordingly, Plaintiffs’ purported vote dilution injury is a
8 generalized grievance and cannot support standing as a matter of law.
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17 **f. *Plaintiffs Have Not Alleged that an Injury is Certainly Impending***

18 For Plaintiffs to sufficiently allege a threatened injury rather than an existing injury,
19 they must show that “the injury will be immediate, concrete, and specific; a conjectural or
20 hypothetical injury will not confer standing.” *See Knight v. City of Yelm*, 173 Wn.2d 325, 341,
21 267 P.3d 973 (2011) (quoting *Suquamish Indian Tribe v. Kitsap Cnty.*, 92 Wn. App. 816, 829,
22 965 P.2d 636 (1998)). Plaintiffs’ vague assertion that the Court must “ascertain, determine,
23 and declare Plaintiffs’ rights and duties of the Director as they pertain to the Election and
24 future elections” falls rather decidedly short of showing a concrete injury with respect to
25 “future elections.” Compl. ¶ 63. And since Plaintiffs do not even bother to mention which
26 election they refer to, any potential future injury is entirely nonspecific and hypothetical.
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37 **2. *Plaintiffs Injury is not Redressable***

38 Finally, and independently, Plaintiffs lack standing because the relief they seek would
39 not redress the injuries they allege. *Johnson*, 179 Wn.2d at 552.
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42 Plaintiffs seek three remedies: (1) an order declaring that the County broke the law
43 and barring the County from doing so moving forward; (2) a license to “audit” the County’s
44 election department; and (3) an order allowing them to inspect ballots from the 2020 election.
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1 Compl. ¶ 5, 16–17, 55. But these remedies would do nothing to change long-certified elections
2 from November 2020. Nor does a request to have the County simply obey the law—which
3 they are already bound to do—result in any meaningful redress. *See S.E.C. v. Goble*, 682 F.3d
4 934, 949 (11th Cir. 2012) (“[A]n obey-the-law injunction does little more than order the
5 defendant to obey the law. We have repeatedly questioned the enforceability of obey-the-law
6 injunctions.”); *E.E.O.C. v. AutoZone, Inc.*, 707 F.3d 824, 841 (7th Cir. 2013) (“An obey-the-
7 law injunction departs from the traditional equitable principle that injunctions should prohibit
8 no more than the violation established in the litigation or similar conduct.”). Plaintiffs have
9 not requested, and the Court cannot provide a remedy that would redress the injuries Plaintiffs
10 are asserting.
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20 In sum, Plaintiffs have suffered no injury, the interests they assert are not within the
21 zone of interest protected by statute, and this Court cannot redress the injuries they claim.
22 Plaintiffs’ action must be dismissed for lack of standing.
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26 **D. Plaintiffs’ Claims Fail Due to Mootness**
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28 For the same reasons that Plaintiffs have no standing, Plaintiffs case is moot. “A case
29 is moot if a court can no longer provide effective relief.” *Harbor Lands LP v. City of Blaine*,
30 146 Wn. App. 589, 592, 191 P.3d 1282 (2008) (quoting *Orwick v. City of Seattle*, 103 Wn.2d
31 249, 253, 692 P.2d 793 (1984)). If a case is moot, a court has no jurisdiction to hear it. *Id.*
32 (citation omitted). Plaintiffs’ requests are all aimed at contesting the results of the November
33 2020 election. Since the time has passed for an election contest and all elections from
34 November 2020 have been fully and finally certified, the Court has no basis to provide any
35 kind of relief to Plaintiffs. *Jackson v. Bd. of Election Comm’rs of City of Chi.*, 2012 IL 111928,
36 ¶ 36, 975 N.E.2d 583, 593 (Ill. 2012) (“[C]onclusion of an election cycle normally moots an
37 election contest.”); *Brooks v. Brown*, 282 Ga. 154, 154, 646 S.E.2d 265, 267 (2007) (“In
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1 general, election contest cases become moot once the general election in contention has
2 occurred.”); *Bowyer*, 506 F. Supp. 3d at 720 (election contest filed a month after the 2020
3 election was moot because the court could not “de-certify the results” and therefore “it would
4 be meaningless to grant Plaintiffs any of the remaining relief they seek”).
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9 Indeed, Plaintiffs have not petitioned for any relief in this action other than what the
10 Court *could have* provided if Plaintiffs filed a timely election contest. *See* RCW 29A.68.020.
11 For that reason, the case is moot and should be dismissed.
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15 **E. Laches Bars Plaintiffs’ Claims**

16 Plaintiffs’ claims are also separately and independently barred by the equitable
17 doctrine of laches. *Washington Election Integrity Coalition United et al. v. Schumacher*, No.
18 21-2-00042-22, Slip Op. at 1 (Wash. Super Ct. Mar. 28, 2022) (dismissing complaint by
19 WEiCU and pro se plaintiff based on laches). Laches protects parties from “unreasonable
20 prejudicial delay.” *Tupper v. Tupper*, 15 Wn. App. 2d 796, 810–11, 478 P.3d 1132 (2020). To
21 successfully assert laches, the party employing the doctrine must prove “(1) inexcusable delay
22 and (2) prejudice to the other party from such delay.” *Id.* (citations omitted). The most
23 important factor is “the resulting prejudice and damage to others.” *Id.* (citation omitted).
24 Laches is applied only if the party asserting it “has so altered [its] position that it would be
25 inequitable to enforce the claim.” *Id.* (citation omitted). That is certainly the case here.
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36 First, Plaintiff’s year-long delay is patently unreasonable. Plaintiffs’ action is based on
37 events that occurred during and immediately after the November 2020 election, and it could
38 have and should have been raised at the time. (Indeed, state law mandates that these claims
39 should have been raised within 10 days of certification.) Other courts considering similar
40 challenges to election results have properly found that election challenges filed even weeks
41 after elections are too late when plaintiffs could have filed those challenges months sooner.
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1 *E.g., Trump v. Wis. Elections Comm’n*, 983 F.3d 919, 925 (7th Cir. 2020), cert. denied, 141
2 S. Ct. 1516, 209 L. Ed. 2d 253 (2021) (affirming district court’s dismissal of election contest
3 due to laches, and stating “[t]he timing of election litigation matters. Any claim against a state
4 electoral procedure must be expressed expeditiously”) (internal citations and quotations
5 omitted); *Raffensperger*, 501 F. Supp. 3d at 1324 (concluding that plaintiff’s eight-month late
6 claims were barred by laches because the plaintiff “could have, and should have, filed his
7 constitutional challenge much sooner than he did, and certainly not two weeks after the
8 General Election”); *King v. Whitmer*, 505 F.Supp.3d at 731–32 (finding plaintiffs “showed no
9 diligence” in asserting their claims when they waited more than 21 days after the 2020 General
10 Election to assert claims that could have been brought “well before” the election); *Bowyer*,
11 506 F. Supp. 3d at 719 (dismissing election contest filed a month after the election due to
12 laches because it would prejudice the 3.4 million Arizonans who voted in the 2020 General
13 Election). Plaintiffs year-long delay is doubly inexcusable.
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26 Second, Plaintiffs’ unjustifiable delay prejudices WSDCC’s affiliated candidates, who
27 campaigned, won their elections, and have been fulfilling their duties as elected officials since
28 January. In addition, it would prejudice the millions of voters who dutifully cast their votes
29 according to the rules and practices that Plaintiffs could have challenged prior to or right after
30 the election. Here, Plaintiffs waited until after the election and then much more to cast doubt
31 on the election with entirely speculative claims. This Court should find that laches firmly bars
32 this action.
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41 **F. Plaintiffs Fail to State a Claim**

42 In addition to the jurisdictional bars to Plaintiffs’ action, Plaintiffs’ Complaint must
43 independently be dismissed because it fails to state a claim upon which relief can be granted.
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1 **1. Plaintiffs’ Election Contest Fails**

2 Plaintiffs fail to state a claim under Washington’s election contest statutes.
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4 Washington law expressly limits the grounds upon which an election contest may be brought
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6 to three circumstances: (1) to challenge the right to assume office of a candidate declared
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8 elected to that office; (2) to challenge the right of a candidate to appear on the general election
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10 ballot after a primary; or (3) to challenge certification of the result of an election on any
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12 measure. RCW 29A.68.020. In other words, Washington’s election contest statutes do not
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14 permit voters to bring election contests just for the sake of it—an election contest is a tool to
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16 challenge the illegitimate victory of a candidate or to de-certify an election. “[A]n election
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18 contest which fails to allege ‘the particular causes of contest ... with sufficient certainty’ may
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20 be dismissed.” *In re Coday*, 156 Wn.2d 485, 496, 130 P.3d 809 (2006) (quoting RCW
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22 29A.68.030).

23
24 Here, however, Plaintiffs are not asserting any of the three permissible challenges. In
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26 fact, Plaintiffs do not allege that any of the County’s actions affected enough ballots to change
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28 the outcome of the election. The absence of these allegations is fatal to Plaintiffs’ election
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30 contest. *Id.* at 490–91 (holding that contestants had not asserted a cognizable election contest
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32 claim because “while the contestants had proved that errors and omissions by county election
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34 officials had occurred, and that illegal votes were cast, they had not proved that the outcome
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36 of the governor’s election was changed as a result.”).

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38 **2. Plaintiffs’ Claims Under the PRA Fail**

39 Plaintiffs have also failed to state a cognizable claim that they are entitled to inspect
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41 an unspecified number of sealed ballots. Compl. ¶ 5, 56; *see also* Compl. at 18 (seeking a
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43 Court order unsealing ballots). The United States District Court for the Western District of
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45 Washington, the Franklin County Superior Court, and Lincoln County Superior Court agreed.
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1 *Washington Election Integrity Coalition United et al. v. Schumacher*, No. 21-2-00042-22, Slip
2 Op. at 1 (Wash. Super Ct. Mar. 28, 2022) (dismissing complaint by WEiCU and pro se
3 plaintiff because “Plaintiffs fail to state a claim upon which relief may be granted under the
4 Public Records Act.”); *Washington Election Integrity Coalition United et al. v. Beaton et al.*,
5 No. 21-2-50572-11, Slip Op. at 1 (Wash. Super. Ct. Dec. 13, 2022) (concluding plaintiffs
6 failed to state any valid claim).
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12 A county may lawfully withhold production of records pursuant to the PRA if a
13 specific exemption applies. *Sanders v. State*, 169 Wn.2d 827, 836, 240 P.3d 120 (2010). There
14 are three sources of PRA exemptions. *White v. Clark County*, 188 Wn. App. 622, 630, 354
15 P.3d 38 (2015). First, the PRA itself contains enumerated exemptions. *Id.* (citing RCW
16 42.56.070(6), .210–.480). Second, the PRA states that public records can be withheld from
17 production if they fall within any “other statute which exempts or prohibits disclosure of
18 specific information or records.” *Id.* (citing RCW 42.56.070(1)). Third, the Washington
19 Constitution may exempt certain records. *Id.* (citing *Freedom Found. v. Gregoire*, 178 Wn.2d
20 686, 695, 310 P.3d 1252 (2013)). It is the second exemption to the PRA that applies here:
21 exemptions based on an “other statute” that prohibits disclosure.
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32 The “other statute” is RCW 29A.60.110(1), which requires county officials to seal all
33 ballots in containers “immediately after tabulation.” *See* Compl. at 18 (requesting an order
34 “unsealing ballots under RCW 29A.60.110). RCW 29A.60.110 only provides four narrow
35 circumstances in which those ballots may be unsealed: (1) to conduct recounts; (2) to conduct
36 a random check forty-eight hours after election day; (3) for the County Auditor to conduct a
37 pre-certification audit; or (4) by order of a superior court in a contest or election dispute. RCW
38 29A.60.110(2).¹⁹ *See White*, 188 Wn. App. at 627 (holding RCW 29A.60.110 constituted
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47 ¹⁹ WAC 434-261-045 also provides in pertinent part: “Voted ballots and voted electronic
ballot images must remain in secure storage except during processing, duplication, resolution,

1 “other statutes” exempting ballots from disclosure); *White v. Clark County*, 199 Wn. App.
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3 929, 937, 401 P.3d 375 (2017) (same).

4 All ballots from the 2020 election have been tabulated, the time for a recount has
5
6 passed, and the results have been certified, and the time for an election contest has long passed.
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8 Plaintiffs’ claim under the PRA therefore fails. *See White*, 199 Wn. App. at 934 (PRA
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10 requestor “[wa]s not entitled to disclosure of the requested [ballots] because ... both RCW
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12 29A.60.110 and WAC 434-261-045 create an ‘other statute’ exemption that applies to election
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14 ballots”); *White v. Skagit County*, 188 Wn. App. 886, 898, 355 P.3d 1178 (2015) (denying
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16 PRA disclosure for electronic or digital image files of ballots used in the general election);
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18 *White*, 188 Wn. App. at 896–97 (“RCW 29A.60.110’s “statutory objective is to keep ballots
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20 secure”). WEiCU is not entitled to access the ballots it seeks.

21 22 23 **3. Plaintiffs’ Remaining Claims Fail**

24 Plaintiffs’ remaining claims also fail for failing to plead a sufficient factual basis.

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26 First, Plaintiffs have not met the heightened pleading standard required to allege that
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28 the County committed election fraud. Under CR 9(b), “[i]n *all averments of fraud* or mistake,
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30 the circumstances constituting fraud or mistake shall be stated with particularity” (emphasis
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32 added). It is not necessary under CR 9 “that the word ‘fraud’ be used in the complaint, as long
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34 as facts are pleaded sufficient to present the question of fraud.” *Pedersen v. Bibioff*, 64 Wash.
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36 App. 710, 721, 828 P.2d 1113 (1992) (citing *Harstad v. Frol*, 41 Wn. App. 294, 301, 704 P.2d
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38 638 (1985)). Here, Plaintiffs’ entire Complaint is grounded in baseless and vague allegations
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40 of election fraud, and therefore, it must meet the heightened pleading standard under
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42 Washington law. *See* Compl. ¶ 15 (stating that Plaintiffs are “informed and believe” that the
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44 County tabulated election results on an “Uncertified Voting System”); ¶ 34 (accusing the
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47 inspection by the canvassing board, or tabulation” and “may only be accessed in accordance with
RCW 29A.60.110 and 29A.60.125.”

1 Director of engaging in “party preference” without any factual support for such allegation).
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3 This heightened pleading standing “requires that the pleading apprise the defendant of the
4 facts that give rise to the allegation of fraud.” *See Adams v. King Cnty.*, 164 Wn. 2d 640, 662,
5 192 P.3d 891 (2008) (citations omitted). Plaintiffs fail to allege any specific facts that give
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7 rise to the supposed fraud.
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11 Plaintiffs only present conclusions and sweeping incantations of fraud—but without
12 providing any supporting detail, much less claims that would satisfy their burden under CR
13 9(b) of pleading with particularity. *See, e.g., Lutaaya v. Boeing Emps. Credit Union*, 5
14 Wn.App.2d 1022, 2018 WL 4583679, at *4 (2018) (plaintiff “made only vague allegations of
15 fraud” and therefore did not meet the heightened pleading standard); *McAfee v. Select*
16 *Portfolio Servicing, Inc.*, 193 Wn. App. 220, 232–33, 370 P.3d 25 (2016) (“McAfee makes
17 general statements about the defendants’ ‘collusion,’ ‘material misrepresentations,’ and
18 ‘fraudulent actions.’ But ‘these conclusory assertions and general complaints do not provide
19 the who, what, when, where, and how of a properly pleaded fraud claim.’”). Here, for example,
20 Plaintiffs assert (without any further explanation or support) that the County Director or other
21 election officials “added” 400,000 votes, “flipped” 6,000 votes, and “removed” thousands of
22 voters in “one or more statewide races before, during, and/or after the election.” Compl. ¶ 26.
23 But they offer nothing to explain the who, what, when, or why of these groundless accusations.
24 These are precisely the types of vague allegations of fraud that do not meet the heightened
25 pleading standard of CR 9(b).
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41 Second, Plaintiffs fail even to meet even the lesser pleadings standards under CR 8(a).
42 Under CR 8(a), a complaint need contain “a short and plain statement of the claim showing
43 that the pleader is entitled to relief” and “a demand for judgment for the relief to which he
44 deems himself entitled.” *FutureSelect Portfolio Mgmt., Inc. v. Tremont Grp. Holdings, Inc.*,
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1 175 Wn. App. 840, 865–66, 309 P.3d 555 (2013) (citations omitted). But “[a] pleading is
2 insufficient when it does not give the opposing party fair notice of what the claim is and the
3 ground upon which it rests.” *Id.* (citing *Kirby v. City of Tacoma*, 124 Wn. App. 454, 470, 98
4 P.3d 827 (2004)). Plaintiffs provide no clue as to what grounds their claims rest upon, nor do
5 they provide any support for their claims beyond their own “information and belief.” This
6 requires Defendants to shadowbox in order to mount their defense, guessing what the grounds
7 for Plaintiffs’ claims *might be*. Plaintiffs’ claims therefore fall far short of meeting even the
8 minimal pleading standard of CR 8(a).
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11 Plaintiffs’ claims are nothing more than another in a long line of cases that have
12 asserted baseless allegations of widespread election fraud. This conspiracy-theory has been
13 repeatedly and emphatically found to be without merit,²⁰ and Intervenors are not aware of a
14 single case where a court credited these allegations. This Court should not either.
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16 VI. CONCLUSION

17 For the reasons set forth above, Intervenor Washington State Democratic Central
18 Committee respectfully requests that the Court dismiss Plaintiffs’ Complaint with prejudice.
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²⁰ *E.g.*, *Trump v. Kemp*, 511 F. Supp. 3d 1325, 1331–34 (N.D. Ga. 2021) (dismissing challenge to 2020 election due to “illegal votes” for lack of standing and failure to state a claim); *Trump v. Wis. Elections Comm’n*, 983 F.3d 919, 925 (7th Cir. 2020), cert. denied, 141 S. Ct. 1516 (2021) (affirming dismissal of election contest based on voter fraud); *Bowyer*, 506 F. Supp. 3d at 724 (“Allegations that find favor in the public sphere of gossip and innuendo cannot be a substitute for earnest pleadings . . . They most certainly cannot be the basis for upending Arizona’s 2020 General Election.”); *Law v. Whitmer*, 477 P.3d 1124, 2020 WL 7240299, at *21 (Nev. 2020) (“The Contestants failed to meet their burden to provide credible and relevant evidence . . . to contest the [2020 Election].”); *Donald J. Trump for President, Inc. v. Boockvar*, 493 F. Supp. 3d 331, 394 (W.D. Pa. 2020) (dismissing challenge to 2020 election results based on “speculative evidence of voter fraud”); *Raffensperger*, 501 F. Supp. 3d at 1331 (dismissing lawsuit seeking to prevent Georgia’s certification of the votes and noting that plaintiff presented “insubstantial evidence”); *Kraus v. Cegavske*, No. 82018, 2020 WL 6483971, at *1 (Nev. Nov. 3, 2020) (upholding dismissal of lawsuit seeking to halt counting ballots based on claims of voter fraud because it “lacked evidentiary support”).

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Dated: March 30, 2023

**I certify that this memorandum contains
8,267 words, in compliance with the Local
Civil Rules.**

s/ Kevin J. Hamilton

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EXHIBIT D

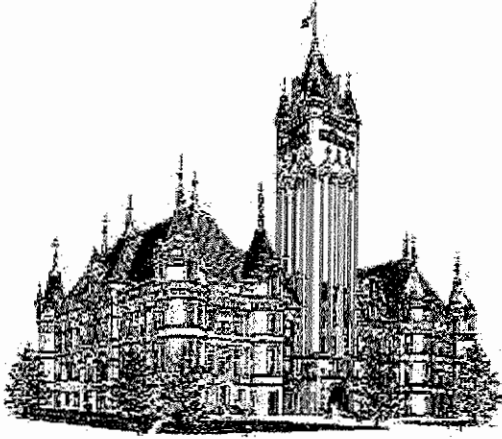
Superior Court of the State of Washington
For the County of Spokane

Department No.

5

Michael P. Price

Judge



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**WASHINGTON ELECTION INTEGRITY COALITION UNITED et al vs. SCHUMACHER,
CHANDRA et al**
Lincoln County No. 21-2-00042-22

Dear Counsel,

As you will recall, I was unable to provide a decision at the time of our hearing on February 17, 2022 given limited time on my schedule.

Having now had the opportunity to consider this matter fully, please find enclosed an Order entered in this matter today with the Lincoln County Clerk's Office.

As always, I appreciate Counsel's continued assistance and professionalism.

Very truly yours,

Michael P. Price
Superior Court Judge

mpp/cea
CC: Lincoln County Court File
Enclosure: Order

FEB 14 2022

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SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR LINCOLN COUNTY

WASHINGTON ELECTION INTEGRITY
COALITION UNITED, a Washington State
Nonprofit Corporation; JERRY SCHULZ,

Plaintiffs,

v.

CHANDRA SCHUMACHER, Lincoln
County Auditor; LINCOLN COUNTY, and
DOES 1-30, inclusive,

Defendants,

and

WASHINGTON STATE DEMOCRATIC
CENTRAL COMMITTEE,

Proposed Intervenor
Defendant.

00042-22
No. 21-2-01775-06

~~PROPOSED~~ ORDER GRANTING
WASHINGTON STATE
DEMOCRATIC CENTRAL
COMMITTEE'S MOTION TO
INTERVENE

Before the Court is Proposed Intervenor Defendant Washington State Democratic
Central Committee's ("WSDCC") Motion to Intervene. Having reviewed the papers filed in

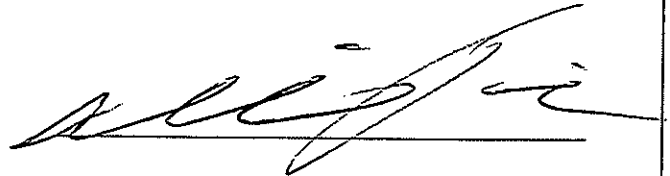
~~PROPOSED~~ ORDER GRANTING WASHINGTON
STATE DEMOCRATIC CENTRAL COMMITTEE'S
MOTION TO INTERVENE - 1

1 support of and in opposition to ~~(if any)~~ this Motion, and being fully advised, the Court finds
2
3 that WSDCC has satisfied the elements of intervention as of right and the elements of
4
5 permissive intervention. Accordingly, WSDCC is entitled to intervene in this case, and the
6
7 Court GRANTS WSDCC's motion and instructs WSDCC to file a response to the Complaint.
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11 **IT IS SO ORDERED.**

12 Dated:

13 2-14-2022
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SUPERIOR COURT JUDGE

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2 Prepared by:
3

4 *s/ Kevin J. Hamilton*

5

Kevin J. Hamilton, WSBA No. 15648

6 KHamilton@perkinscoie.com

7 Amanda J. Beane, WSBA No. 33070

8 ABeane@perkinscoie.com

9 Reina A. Almon-Griffin, WSBA No. 54651

10 RAlmon-Griffin@perkinscoie.com

11 Nitika Arora, WSBA No. 54084

12 NArora@perkinscoie.com

13 **Perkins Coie LLP**

14 1201 Third Avenue, Suite 4900

15 Seattle, Washington 98101-3099

16 Telephone 206.359.8000

17 Facsimile 206.359.9000
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[PROPOSED] ORDER GRANTING WASHINGTON
STATE DEMOCRATIC CENTRAL COMMITTEE'S
MOTION TO INTERVENE – 3

15934.0024\154165291.1

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

EXHIBIT E

The Honorable Michael Price
Noted For: March 25, 2022 at 11:00 AM
With Oral Argument

COPY
Original Filed

MAR 28 2022

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF LINCOLN

WASHINGTON ELECTION
INTEGRITY COALITION UNITED, a
Washington State Nonprofit
Corporation; JERRY SCHULZ,

Plaintiffs,

v.

CHANDRA SCHUMACHER, Lincoln
County Auditor; LINCOLN COUNTY,
and DOES 1-30, inclusive,

Defendants,

and

WASHINGTON STATE DEMOCRATIC
CENTRAL COMMITTEE,

Intervenor Defendant.

No. 212-00042 22

ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS

~~[PROPOSED]~~

THIS MATTER came before the court on Defendants' Motion to Dismiss. The Court considered Defendants' Motion to Dismiss and the records and files herein, including:

1. Defendants' Motion to Dismiss;
2. Documents cited therein subject to judicial notice;
3. Plaintiffs' Opposition to Defendants' Motion to Dismiss;
4. Intervenor-Defendant Washington State Democratic Central Committee's Response to Defendants' Motion to Dismiss (if any);

1 5. Defendants' Reply to Plaintiffs' Opposition to Defendants' Motion to Dismiss; and

2 6. The entire Superior Court file *m p*

3 The court also heard argument of counsel and was fully advised. WHEREFORE,

4 THE COURT FINDS that Plaintiffs' election claims are untimely and barred by statute
5 and the equitable doctrine of laches, that the respective Plaintiffs each lack standing to bring
6 the election claims alleged, and that Plaintiffs fail to state an election claim upon which relief
7 may be granted. The court further finds that Plaintiffs fail to state a claim upon which relief
8 may be granted under the Public Records Act.

9 THE COURT FINDS that Plaintiffs' claims are frivolous and advanced without
10 reasonable cause, are not well grounded in fact or warranted by existing law or a good faith
11 argument for the extension, modification, or reversal of existing law or the establishment of
12 new law, and were interposed for improper purposes. WHEREFORE,

13 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Defendants' Motion
14 to Dismiss is GRANTED and that Defendants shall be awarded their costs and reasonable
15 attorney fees incurred herein, pursuant to RCW 4.84.185, RCW 29A.68.060, and CR 11. * *m p*

16 Done in open court this 28th day of March 2022.

17 * Defendants shall file and serve an affidavit of all
18 attorney fees and costs incurred in this matter
19 within 10 days after Michael Price
20 entry of this order. Judge Michael Price, Superior Court Judge

21 Presented by:

22 KEATING, BUCKLIN & McCORMACK, INC., P.S.

24 By: Paul J. Triesch
25 Paul J. Triesch, WSBA #17445
26 Attorneys for Defendants
27

1 Approved as to form; Notice of presentation waived:

2 VIRGINIA P. SHOGREN, P.C

3

4 By: _____
Virginia P. Shogren, WSBA #33939
5 Attorney for Plaintiff WEICU

6

7 By: _____
8 Jerry Schulz, Plaintiff *Pro Se*

9 PERKINS COIE LLP

10

11

12 By: _____
Kevin J. Hamilton, WSBA #15648
13 Amanda J. Beane, WSBA #33070
Reina A. Almon-Griffin, WSBA #54651
14 Nitika Arora, WSBA #54084
Attorneys for Intervenor-Defendant

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EXHIBIT F

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APR 25 2022

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APR 22 2022
JUDICIAL CENTER

The Honorable Michael P. Price

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF LINCOLN

WASHINGTON ELECTION
INTEGRITY COALITION UNITED, a
Washington State Nonprofit Corporation;
JERRY SCHULZ,

No. 212-00042 22
JUDGMENT

Plaintiffs,

v.

CHANDRA SCHUMACHER, Lincoln
County Auditor; LINCOLN COUNTY,
and DOES 1-30, inclusive,

Defendants.

Judgment Summary	(RCW 4.64.030)
Judgment Creditors:	Chandra Schumacher and Lincoln County
Judgment Creditors' Attorney:	Paul J. Triesch
Judgment Debtors:	Washington Election Integrity Coalition United and Jerry Schulz, <i>pro se</i> , jointly and severally
Judgment Debtor WEICU's Attorney:	Virginia P. Shogren
Awarded Costs:	\$849.81
Awarded Attorney Fees:	\$21,736.50

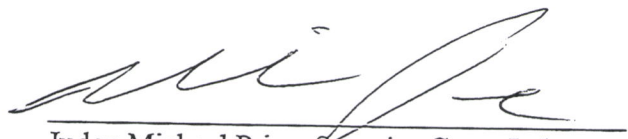
On March 25, 2022, the above cause came before the court on Defendants' Motion to Dismiss pursuant to CR 12, Rules for Superior Court. Plaintiff Washington

1 Election Integrity Coalition United appeared and argued through attorney Virginia
2 Shogren. Plaintiff *pro se* Jerry Schulz appeared, but did not argue. Defendants appeared
3 and argued through attorney Paul J. Triesch. The court entered an Order Granting
4 Defendants' Motion to Dismiss and awarded Defendants incurred attorney fees and costs,
5 pursuant to RCW 29A.68.060, RCW 4.84.185 and CR 11, Rules for Superior Court.


6 NOW, THEREFORE,

7 JUDGMENT for attorney fees and costs is hereby entered in favor of the
8 Defendants Chandra Schumacher and Lincoln County and against Plaintiffs
9 Washington Election Integrity Coalition United and Jerry Schulz, jointly and severally, in
10 the amount of \$22,586.31.

11 4-22-2022


12 _____
13 Judge Michael Price, Superior Court Judge

14 Presented by:
15 KEATING, BUCKLIN & McCORMACK, INC., P.S.

16
17 By: 
18 _____
19 Paul J. Triesch, WSBA #17445
20 Attorneys for Defendants

21 Approved as to form; Notice of presentation waived:
22 VIRGINIA P. SHOGREN, P.C

23 By: *objected to*
24 _____
25 Virginia P. Shogren, WSBA #33939
26 Attorney for Plaintiff WEICU

27 By: *objected to*

Jerry Schulz, Plaintiff *Pro Se*

1 PERKINS COIE LLP

2

3

By: _____

Kevin J. Hamilton, WSBA #15648

4

Amanda J. Beane, WSBA #33070

5

Reina A. Almon-Griffin, WSBA #54651

Nitika Arora, WSBA #54084

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Attorneys for Intervenor-Defendant

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DECLARATION OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that on April 6, 2022, a true and correct copy of the foregoing document was served upon the parties listed below via the method indicated:

Attorneys for Plaintiff Washington Election Integrity Coalition United

Virginia P. Shogren
Virginia P. Shogren, P.C.
961 W. Oak Court
Sequim, WA 98382
Email: weicuattorney@protonmail.com

E-mail United States Mail Legal Messenger Other Agreed E-Service

Attorneys for Plaintiff (Pro Se)

Jerry Schulz
335 S. Central Street
Reardan, WA 99029
P.O. Box 442
Reardan, WA 99029
Email: jaschulz@centurytel.net

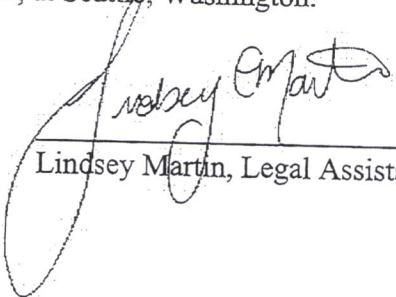
E-mail United States Mail Legal Messenger Other Agreed E-Service

Attorneys for Attorneys for Proposed Intervenor Washington State Democratic Central Committee

Kevin J. Hamilton, WSBA 15648
Amanda J. Beane, WSBA 33070
Reina A. Almon-Griffin, WSBA 54651
Nitika Arora, WSBA 54084
Perkins Coie LLP
1201 Third Avenue, Suite 4900
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F: 206.359.9000
Email: KHamilton@perkinscoie.com, ABeane@perkinscoie.com, RAlmon-Griffin@perkinscoie.com, NArora@perkinscoie.com

E-mail United States Mail Legal Messenger Other Agreed E-Service

DATED this 6th day of April, 2022, at Seattle, Washington.



Lindsey Martin, Legal Assistant

EXHIBIT G

DEC 13 2021

MICHAEL J. KILLIAN
FRANKLIN COUNTY CLERK
x41

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SUPERIOR COURT OF WASHINGTON FOR COUNTY OF FRANKLIN

WASHINGTON ELECTION INTEGRITY
COALITION UNITED, a Washington State
Nonprofit Corporation, ETHAN CARLSON,
and FRED CARPENTER,

Plaintiffs,

v.

MATTHEW BEATON, Franklin County
Auditor, FRANKLIN COUNTY, and DOES
1-30, inclusive

Defendants.

Case No. 21-2-50572-11

**ORDER GRANTING MOTION TO
DISMISS FIRST AMENDED
COMPLAINT UNDER CIVIL RULE
12(b)(6) AND MOTION TO STRIKE
PLEADINGS UNDER CIVIL RULE
11(a)**

~~PROPOSED~~

Ce M

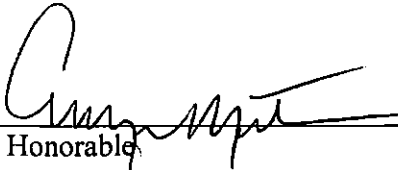
Having considered Defendants' Motion to Dismiss First Amended Complaint Under Civil Rile 12(b)(6) and Motion to Strike Pleadings Under Civil Rule 11(a), and the papers and pleadings on file, the Court finds that, for the reasons stated in Defendants' Motion, Plaintiffs lack standing and have failed to state a claim upon which relief can be granted. Alternatively, and independently of Plaintiffs' lack of standing and failure to state a valid claim, the Complaint is invalid on behalf of Plaintiff Washington Election Integrity Coalition United for lack of proper attorney signature.

Thus, it is hereby ORDERED that:

1. Defendant's Motion to Dismiss is GRANTED.
2. Defendant's Motion to Strike is GRANTED.

IT IS SO ORDERED.

1 DATED this 13th day of December, 2021.

2
3
4 
The Honorable

CAMERON MITCHELL

5 Presented by:

6 LANE POWELL PC

7
8 

9 By: _____

Callie A. Castillo, WSBA No. 38214

castilloc@lanepowell.com

10 Telephone: 206.223.7000

11 Facsimile: 206.223.7107

Attorneys for Plaintiffs