

No. 85983-8

**THE COURT OF APPEALS OF THE STATE OF
WASHINGTON, DIVISION ONE**

WASHINGTON ELECTION INTEGRITY COALITION
UNITED, a Washington State Nonprofit,

Plaintiff/Counterclaim Defendant/Appellant,

DOUG BASLER, TIMOFEY SAMOYLENKO,
Pro se Plaintiffs/Appellants.,

v.

JULIE WISE, Director of King County Elections,
KING COUNTY,

Defendants/Counterclaimants/Respondents,

WASHINGTON STATE DEMOCRATIC CENTRAL
COMMITTEE,

Intervenor-Defendant/Respondent.

**REPLY TO BRIEF OF RESPONDENT WASHINGTON STATE
DEMOCRATIC CENTRAL COMMITTEE**

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From the moment of being granted intervenor status in this action, the Washington State Democratic Central Committee (“DCC”) has contributed nothing. DCC filed no pleadings with regard to the Motion for Summary Judgment, Motion to Show Cause, or Motion for Declaratory Judgment at issue on this appeal.¹ CP 298-1002. DCC issued no discovery and declined to pose any questions during the deposition of Julie Wise. CP 899, ll. 2-9. DCC’s actions below were at all times more akin to those of a third party *amicus*.

¹ As to the three motions, DCC’s counsel relied solely on an unsupported oral joinder made mid-hearing. RP Vol. II, p. 65, ll. 13-23; p. 84, l. 14 – p. 85, l. 23. No court rule authorizes oral joinders as effective. Moreover, Civil Rule 20 does not permit defense joinders where there is no claim asserted against the defendants jointly, severally, or in the alternative, for any right to relief in respect of or arising out of the same occurrence. No claims in the complaint seek *any* relief against DCC; hence, no grounds for permissive joinder exist. CR 20; CP 1-27. It is worthy of note that there is no record of DCC filing an answer and/or response to the Verified Complaint despite the trial court’s order to do so. CP 1025, ll. 10-11.

The DCC’s brief on appeal is a rehash of King County pleadings.² DCC devolves to making unsupported arguments in an effort to slander WEICU and its counsel, for example, labelling the allegations in the Verified Complaint as “conspiracy theories.” DCC Resp. Brief, pp. 26-28. DCC simultaneously ignores the evidence presented on summary judgment.³ DCC cites to a laundry list of ‘Other Authorities’⁴ instead of focusing on the record below.

Perhaps most glaringly, DCC does not assist the Court in responding (in any manner) to ANY of the post-*White* Supreme Court and Division I Public Records Act precedent as cited and argued by WEICU in its opening brief.⁵

² CP 310-335.

³ *See, e.g.*, Declaration of Terpsehore Maras dated November 29, 2020 (CP 739-776); Declaration of Tamborine Borrelli dated March 24, 2022 (CP 778-782).

⁴ *See*, DCC Resp. Brief, p. v.

⁵ *Lyft v. City of Seattle*, 190 Wash.2d 769, 777-778, 784-786, 418 P.3d 102 (2018); *Doe v. Wash. State Patrol*, 185 Wash.2d 363, 372, 388, 374 P.2d 63 (2016); *Doe v. Seattle Police Dep’t.*,

DCC's inactions speak much louder than its words.⁶

DCC's brief appears to have been filed for purposes of participation in oral argument. Its brief does not further educate or assist the Court. As such, very little weight, if any, should be given to it.

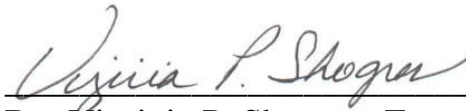
Case No. 83700-1-I slip opinion (Wash.App. 2023), at pp. 10-11; or, *Wash. Fed of State Employees v. State of Washington*, WA Supreme Court No. 101093-1, at p. 15 (August 24, 2023).

⁶ DCC seeks to have WEICU pay the fees of Lincoln County, a non-party to this action. DCC Resp. Brief, pp. 28-29. The request is a CR 11 violation and shows a supreme lack of attention or respect for this Court's time and energy.

Respectfully submitted this 14th day of December, 2023.

Per RAP 18.17(b), I hereby certify the number of words contained in this Reply to Brief of Respondent Washington State Democratic Central Committee is as follows: 514.

VIRGINIA P. SHOGREN, P.C.

A handwritten signature in cursive script that reads "Virginia P. Shogren". The signature is written in black ink and is positioned above a horizontal line.

By: Virginia P. Shogren, Esq.

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CERTIFICATE OF SERVICE

I certify, under penalty of perjury under the laws of the State of Washington, that the foregoing was electronically filed in Division I of the Court of Appeals of the State of Washington and electronically served on the following parties, according to the Court's protocols for electronic filing and service:

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Dated this 14th day of December, 2023, at Sequim,
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VIRGINIA P. SHOGREN, P.C.

December 14, 2023 - 2:12 PM

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