

The Honorable John C. Coughenour

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASHINGTON STATE REPUBLICAN
PARTY, et al.,

Plaintiffs,

No. CV05-0927-JCC

WASHINGTON DEMOCRATIC CENTRAL
COMMITTEE, et al.,

Plaintiff Intervenors

LIBERTARIAN PARTY OF WASHINGTON
STATE, et al.,

Plaintiff Intervenors

WASHINGTON STATE GRANGE'S
JOINDER IN STATE'S REPLY IN
SUPPORT OF MOTION TO STRIKE
PLAINTIFFS' UNTIMELY IDENTIFIED
WITNESSES

v.

STATE OF WASHINGTON, et al.,

Defendant Intervenors

*Note on Motions Calendar:
Friday, October 15, 2010*

WASHINGTON STATE GRANGE,

Defendant Intervenor.

1 The Grange joins in the State's Reply [*Dkt. No. 295*] regarding the State's pending
2 motion to strike the expert and fact witnesses identified by the Republican Party plaintiffs after
3 the cutoff dates ordered by this Court in its pretrial scheduling Orders.

4 In short, this Court's pretrial scheduling Orders are exactly that.
5 Orders.

6 Not "suggestions".

7 Plaintiffs' opposition papers do not dispute that this Court's pretrial scheduling Orders
8 ordered the parties to abide by an August 17 cutoff date regarding fact witnesses for this case's
9 trial, and a September 10 cutoff date regarding expert witnesses for this case's trial.

10 Plaintiffs' opposition papers do not dispute that plaintiffs did not identify the fact
11 witnesses at issue until after August 17. Nor do they dispute that they did not identify the expert
12 witness at issue until after September 10 – even though plaintiffs had that expert witness's
13 signed declaration testimony before September 10.

14 This Court should enforce its pretrial scheduling Orders because this Court's Orders are,
15 well, orders.¹ Rather than waste this Court's time repeating or rephrasing the additional points
16 made in the State's Reply, the defendant-intervenor Washington State Grange files this joinder
17 to join in the State Reply [*Dkt. No. 295*].

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¹ *If that interpretation is mistaken, however, and this Court instead intends its pretrial scheduling Orders to make*
25 *suggestions that plaintiffs can opt to not abide by without seeking leave of Court or an amendment of the Court's*
26 *Order, then the Grange respectfully suggests that this Court consider publishing its so ruling so other litigants in*
this District can be apprised of the suggestive rather than mandatory nature of pretrial scheduling Orders in this
District.

1 RESPECTFULLY SUBMITTED this 15th day of October, 2010.

2 FOSTER PEPPER PLLC

3 s/ Thomas F. Ahearne

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GRANGE'S JOINDER IN STATE'S REPLY RE: MOTION TO STRIKE
PLAINTIFFS' UNTIMELY IDENTIFIED WITNESSES - 3
Case No. CV05-0927-JCC

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CERTIFICATE OF SERVICE

Thomas F. Ahearne states: I hereby certify that on October 15, 2010, I electronically filed the following documents with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties listed below:

1. WASHINGTON STATE GRANGE'S JOINDER IN STATE'S REPLY IN SUPPORT OF MOTION TO STRIKE PLAINTIFFS' UNTIMELY IDENTIFIED WITNESSES.

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Attorneys for Defendants State of Washington, Secretary of State Sam Reed and Attorney General Rob McKenna

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

Executed at Seattle, Washington this 15th day of October, 2010.

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