

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,

WASHINGTON DEMOCRATIC CENTRAL
COMMITTEE, et al.,

Plaintiff Intervenors,

LIBERTARIAN PARTY OF WASHINGTON
STATE, et al.,

Plaintiff Intervenors,

v.

STATE OF WASHINGTON, et al.,

Defendant Intervenors,

WASHINGTON STATE GRANGE,

Defendant Intervenors.

No. CV05-0927JCC

WASHINGTON STATE GRANGE'S
OPPOSITION TO THE
STATE REPUBLICAN PARTY'S
DECEMBER 2008 MOTION
TO AMEND ITS
MAY 2005 COMPLAINT

*Noted Without Oral Argument:
December 12, 2008*

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I. CONCISE RESPONSE

Just like the Washington State Democratic Central Committee, the Washington State Republican Party has filed a motion requesting leave to amend its 3½ year old Complaint in this case.

Just like the Democratic Central Committee’s motion, the State Republican Party’s motion should be denied.

The reasons supporting that denial are explained in the opposition briefs previously filed by the intervenor-defendant Grange (Doc. #151) and by the intervenor-defendant State (Doc. #143 and #152). [The legal arguments in those opposition briefs, moreover, are significantly intertwined with the legal arguments much more fully explained in the two motions to dismiss that are also noted for consideration the same day as the amendment motions – namely, Doc. #133 (the State’s motion to dismiss) and #134 (the Grange’s motion to dismiss). Given this interdependence in the dismissal and amendment briefing, “continuing” the consideration of one but not the other makes no practical sense.]

Instead of wasting this Court’s time by rehashing the above briefing’s legal arguments once again in this pleading, the Washington State Grange respectfully refers this Court to the above, previously-filed briefs, and respectfully requests that the State Party’s motion to now amend its 3½ year old Complaint be denied for those previously-explained reasons.¹

¹ Ironically, the premise for the State Republican Party’s brand new claim under Article II, §37 of the Washington State Constitution is that the government (here, the State Legislature) can nullify Washington citizens’ initiative rights under the Washington State Constitution by simply amending the language of the statute addressed by an initiative any time before the public vote is held on that initiative. See Grange’s Opposition to the Central Committee’s motion at 7:7-10:12 (Doc. #151 at page 9:7-page 12:10). That premise is ironic because the State Republican Party Platform takes the opposite position, declaring that the “Proper Role of Government is to protect our inalienable rights, including ... The initiative process provided for by the Washington State Constitution.” 2004 Washington State Republican Party Platform, Ex. A to the 7/1/05 Grange Document Dec. (Doc. #68 & #69).

1 **II. CONCLUSION**

2 In short, the State Republican Party had its day in court. Indeed, its day in our Nation's
3 highest Court. And the State Party lost. After 3½ years, it is simply time to put an end to this
4 particular federal case. Fed.R.Civ.P. 1 (the fundamental purpose of the Civil Rules is "to secure
5 the just, speedy, and inexpensive determination of every action and proceeding").

6 For the reasons explained in the prior briefs cited above, the State Republican Party's
7 December 2008 motion to amend (so it can now start all over) should be denied.

8 RESPECTFULLY SUBMITTED this 9th day of December, 2008.

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28 Washington State Grange

CERTIFICATE OF SERVICE

Thomas F. Ahearne states: I hereby certify that on December 9, 2008, 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. Grange’s Opposition To The State Republican Party’s *December 2008* Motion To Amend Its *May 2005* Complaint; with this Declaration Of Service and attached Proposed Order.

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

Executed at Seattle, Washington this 9th day of December, 2008.

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