

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,
et al.,

Defendant Intervenors.

NO. CV05-0927-JCC

STATE'S RESPONSE TO
LIBERTARIAN PARTY'S
MOTION FOR CONTINUANCE
OF HEARING ON STATE AND
GRANGE MOTIONS

1 The Libertarian Party, *et al.* ("Libertarians") ask this Court to continue its hearing on
2 several pending motions filed by the State and Grange for 90 days, to permit the Libertarians
3 an opportunity to find new counsel. The State Respondents do not object to the Libertarians
4 being provided a reasonable length of time to identify and retain new counsel, but such relief
5 should not be limited to the pending motions filed by the State and Grange.

6 Aside from the Libertarians' motion for continuance and for leave to withdraw, there
7 are currently five motions pending, all of which are noted for either December 11 or 12,
8 2008. These include motions to dismiss filed by the State and Grange, a motion to recover
9 attorney fees filed by the State, and motions for leave to amend their complaints filed by the
10 Democratic Party and the Republican Party. The subject matter of those motions inter-relate,
11 and if the motions filed by the State and Grange are to be continued, then logically the
12 motions for leave to amend complaints should be continued as well.

13 Moreover, until this Court is in a position to determine whether any issues remain for
14 consideration in this case, and if so whether such consideration should be based on the
15 proposed amended complaints, it would make sense to stay proceedings entirely. It makes
16 little sense for this case to proceed on any matters with one party unrepresented and with an
17 unresolved question of whether any issues remain pending before the Court. If the Court
18 grants the relief the Libertarians request, it should not only renege the pending motions for a
19 later date, but should also stay all other proceedings, including additional motion practice and
20 discovery, until it becomes clear whether any issues remain for consideration by this Court.

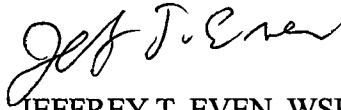
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1 DATED this 9th day of December, 2008.

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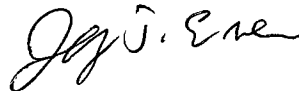
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Counsel for Intervenor Defendants State of
Washington, Rob McKenna, and Sam Reed

CERTIFICATE OF SERVICE

I certify that on this date I electronically filed State's Response To Libertarian Party's Motion For Continuance Of Hearing On State And Grange Motions with the Clerk of the Court using the CM/ECF system, which will send notification of such filing electronically to the following:

John White
Kevin Hansen
Richard Shepard
Thomas Ahearne
David McDonald

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



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