

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SUSAN SOTO PALMER et al.,

*Plaintiffs,*

v.

STEVEN HOBBS, in his official capacity  
as Secretary of State of Washington, et al.,

*Defendants,*

and

JOSE TREVINO et al.,

*Intervenor-Defendants.*

Case No.: 3:22-cv-5035-RSL

INTERVENOR-DEFENDANTS’ MOTION  
TO EXPEDITE CONSIDERATION OF  
THEIR MOTION FOR RELIEF FROM  
JUDGMENT PURSUANT TO RULE 60(B)

NOTE ON MOTION CALENDAR:  
May 5, 2026

Intervenor-Defendants Jose Trevino and Alex Ybarra (“Intervenors”) respectfully move this Court to expedite consideration of their concurrently filed Motion for Relief from Judgment Pursuant to Fed. R. Civ. P. 60(b), Dkt. # 309 (the “Rule 60(b) Motion”). Good cause exists for expedited consideration because the Rule 60(b) Motion seeks relief from a legislative map that violates the Constitution, but imminent election deadlines threaten to lock in that unlawful map absent prompt judicial action. Counsel for Intervenors have consulted with counsel for the other parties. Counsel for Plaintiffs oppose this motion and counsel for Defendants Secretary of State Steve Hobbs and the State of Washington reserve taking a position until the motion is filed and reviewed.

1 **INTRODUCTION**

2 As described at greater length in the Rule 60(b) Motion, just last week the Supreme Court  
 3 handed down a decision correcting and clarifying the standard for vote-dilution claims under  
 4 Section 2 of the VRA: *Louisiana v. Callais*, Nos. 24-109 & 24-110, 608 U.S. \_\_\_\_ (2026). That  
 5 Motion (a) demonstrates that *Callais* invalidates the legal basis for this Court’s August 10, 2023  
 6 liability determination and its March 15, 2024 remedial order and (b) requests that the Court vacate  
 7 those orders and restore the legislative map adopted by Washington’s independent and bipartisan  
 8 Redistricting Commission (the “Prior Map”).

9 Intervenor now seek expedited consideration of their Rule 60(b) Motion because  
 10 Washington’s candidate filing period for the 2026 elections is currently open—running from May  
 11 4 through May 8, 2026—and the August 4, 2026 primary election is rapidly approaching. If this  
 12 Court does not promptly resolve the Rule 60(b) Motion, candidates and voters will be forced to  
 13 proceed this election cycle under a court-ordered map that *Callais* instructs violates the  
 14 Constitution, postponing relief Intervenor seek in that motion by a full two years. This constitutes  
 15 good cause for expeditiously resolving the Rule 60(b) Motion.

16 **LEGAL STANDARD**

17 Under 28 U.S.C. § 1657(a), parties are entitled to expedited proceedings if they can show  
 18 good cause. Good cause is established where “a right under the Constitution of the United States  
 19 or a Federal Statute . . . would be maintained in a factual context that indicates that a request for  
 20 expedited consideration has merit.” 28 U.S.C. § 1657(a). “District courts have discretion to  
 21 determine the need for expedited proceedings on a case-by-case basis.” *Free Sacred Trinity*  
 22 *Church v. Internal Revenue Serv.*, No. 3:21-CV-1756-W (JLB), 2022 WL 959645, at \*4 (S.D. Cal.  
 23 Mar. 30, 2022) (citing *Freedom Commc’ns Inc. v. F.D.I.C.*, 157 F.R.D. 485, 486–87 (C.D. Cal.  
 24 1994)). Litigants must “persuasively assert that there is a special public or private interest in  
 25 expeditious treatment of their case.” *Freedom Commc’ns*, 157 F.R.D. at 487. “Special  
 26 consideration is given for actions asserting federal rights.” *Free Sacred Trinity Church*, 2022 WL  
 27 959645, at \*4. Section 1657 complements Federal Rule of Civil Procedure 1, which mandates the

1 “just, speedy, and inexpensive determination” of actions, and channels judicial resources toward  
2 resolving the most pressing cases most quickly.

### 3 ARGUMENT

4 As noted, “good cause” for expediting proceedings is shown where “a right under the  
5 Constitution of the United States or a Federal Statute . . . would be maintained in a factual context  
6 that indicates that a request for expedited consideration has merit.” 28 U.S.C. § 1657(a). Both  
7 conditions for good cause are satisfied here.

#### 8 **I. The Rule 60(b) Motion Puts at Issue Whether a Map That Violates the Constitution 9 Remains in Place This Election Cycle**

10 Federal constitutional rights are squarely at issue here. The Rule 60(b) Motion  
11 demonstrates both that Plaintiffs failed to prove that Washington’s Prior Map violated Section 2  
12 as required under the *Gingles-Callais* framework and that Remedial Map 3B was drawn with the  
13 express purpose of racial classification. *See* Order re Remedy 6, 6 n.7, Dkt. # 290 (asserting that  
14 “unit[ing] the Latino community of interest in the region” was a “fundamental goal of the remedial  
15 process”). But *Callais* holds that complying with Section 2 provides a compelling interest for race-  
16 based redistricting only when it is necessary to “create a new majority-minority district to comply  
17 with the Act.” *Callais*, 608 U.S. at \_\_\_ (slip op. at 33). Because there was no violation of Section  
18 2 to remedy, the imposition and continued enforcement of a race-conscious remedial map violates  
19 the constitutional rights of Intervenors.

#### 20 **II. Intervenors and the Public Have a Special Interest in This Court Deciding the Rule 21 60(b) Motion Expeditiously in Order to Reach Its Merits**

22 Second, the factual context demonstrates merit, because there is a “special public . . .  
23 interest in expeditious treatment of [this] case.” *Freedom Commc’ns*, 157 F.R.D. at 487.  
24 Intervenors, not to mention Washington voters and candidates, have a strong interest in ensuring  
25 that Washington’s legislative elections are conducted this fall under a map that complies with the  
26 constitutional limits on race-based redistricting. But the clock is ticking. Washington’s candidate  
27 filing period is currently open and is set to close on May 8, 2026. The primary election is scheduled  
for August 4, 2026. The Rule 60(b) Motion asks this Court to restore the Prior Map and extend the

1 candidate filing period to early June (when candidate filing historically occurred), leaving ample  
2 time before the August 4 primary for candidates to identify their districts and file necessary  
3 paperwork. The Prior Map has already been used without incident in the 2022 election cycle,  
4 making reversion straightforward for local and state election officials.

5 If this Court does not promptly resolve the Rule 60(b) Motion, candidates will file and run  
6 under the Court’s Remedial Map 3B, which unlawfully used race as a redistricting criterion. Once  
7 the election machinery is substantially set in motion under the current map, reverting to the Prior  
8 Map for the 2026 elections will become increasingly impracticable. In addition to Intervenors’  
9 own interest, Washington voters and candidates also have a strong interest in elections being both  
10 orderly and lawful. Expediently resolving the Rule 60(b) Motion would respect these goals.

### 11 **III. The Supreme Court Is Already Expediently Implementing *Callais***

12 Lastly, earlier this afternoon, the Supreme Court took the unusual step of waiving Supreme  
13 Court Rule 45.3, underscoring the urgency of ensuring that improper and unconstitutional  
14 districting schemes don’t continue to survive into subsequent election cycles for technical  
15 procedural reasons. By rule, after the Supreme Court issues an opinion or order, the Clerk of the  
16 Supreme Court is instructed to “send the clerk of the lower court a copy of the opinion or order of  
17 th[e Supreme] Court and a certified copy of the judgment . . . 32 days after entry of the judgment.”  
18 Sup. Ct. R. 45.3. However, in *Callais*, the Supreme Court granted appellees’ application to issue  
19 the Supreme Court’s judgment immediately, rather than waiting 32 days. *See Callais v. Louisiana*,  
20 No. 25A1197, 608 U.S. \_\_\_ (2025) (order granting application to issue judgment forthwith).

21 Concurring in the grant of application, Justice Alito, author of the majority opinion in  
22 *Callais*, wrote that “the need for prompt action by this Court is clear.” He further noted that *not*  
23 allowing judgment to be issued immediately would “require that the 2026 congressional elections  
24 in Louisiana be held under a map that has been held to be unconstitutional” and warned inaction  
25 could “create the appearance of partiality (by running out the clock) on behalf of those who may  
26 find it politically advantageous to have the election occur under the unconstitutional map.” *Id.* at  
27 \_\_\_ (slip op. at 1–2) (Alito, J., concurring in grant of application to issue judgment forthwith).

1 When it comes to a right as precious as voting and a legal standard as paramount as  
2 constitutionality, this Court should follow the Supreme Court’s reasoning and grant this motion to  
3 expedite consideration of Intervenor’s Rule 60(b) Motion. The need for prompt action is clear, and  
4 declining to expeditiously consider the Rule 60(b) Motion will almost certainly ensure that 2026  
5 legislative elections in Washington are held under a map that can no longer withstand  
6 constitutional scrutiny.

7 **CONCLUSION**

8 For these reasons, good cause exists for expediting these proceedings. Intervenor  
9 respectfully request that this Court expedite consideration of their Rule 60(b) Motion and set a  
10 briefing schedule requiring responsive briefing by no later than Thursday, May 7, 2026 and noting  
11 the Rule 60(b) Motion for consideration by the Court for Friday, May 8, 2026.

12  
13 DATED this 4th day of May, 2026.

14 Respectfully submitted,

15 s/ Andrew R. Stokesbary  
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22 \*I certify that this memorandum contains 1,369  
23 words, in compliance with the Local Civil Rules

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*Counsel for Intervenor-Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this day I electronically filed the foregoing document with the Clerk of the Court of the United States District Court for the Western District of Washington through the Court's CM/ECF System, which will serve a copy of this document upon all counsel of record.

DATED this 4th day of May, 2026.

Respectfully submitted,

s/ Andrew R. Stokesbary  
Andrew R. Stokesbary, WSBA No. 46097

*Counsel for Intervenor-Defendants*

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