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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BERTHA ARANDA GLATT

Plaintiff,

v.

CITY OF PASCO, *et al.*,

Defendants.

Case No. 4:16-CV-05108-LRS

RESPONSE TO PLAINTIFF'S OBJECTION TO REPLY IN SUPPORT OF DEFENDANTS' MOTION

Plaintiff has lodged objections to Defendants' reply brief filed on November 15, 2016. ECF No. 34. Plaintiff complains that Defendants' reply exceeds the 10-page limit for dispositive motions under Local Rule 7.1(e)(1). Plaintiff also notes that Defendants' initial motion filed on October 15, 2016—more than 30 days ago—was 28 pages. ECF No. 34 at 2 n.1. Plaintiff never objected. Defendants are surprised that Plaintiffs are now complaining about page length. It is clear from the pleadings of both parties, the complexities of the subject matter, and the unique nature of the relief requested that the import of this case is greater than a traditional dispositive motion. In light of Plaintiff's objection, however, Defendants will file a motion to exceed the page limits for both their initial motion and reply brief.

Plaintiff also objects to the inclusion of registered voter data in Defendants' reply. Defendants' initial motion advised that they hoped to include registered voter data with their response. ECF No. 25 at 15 n.18. Defendants were unable to begin the geocoding process until the City Council voted to approve specific district boundaries, which did not occur until October 10, 2016. ECF No. 26-10 at 6. The initial motions were due five days later. Plaintiffs, in contrast, have had the better part of a year to prepare and fine-tune their submission (the first versions of their submissions were presented to the City in March 2016).

Because they could not begin work until October 10, Defendants were unable to obtain registered voter data and perform the geocoding analysis to include

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in their November 1 response. Defendants' response acknowledged this. ECF No. 30 at 5 n.3. The registered voter data and "related argument" are not new, ECF No. 34 at 5; Plaintiff is well-aware that they were at issue. There is no unfair surprise or prejudice. *United States v. King Mt. Tobacco Co.*, No. 1:14-CV-3162-RMP, 2015 U.S. Dist. LEXIS 99832, at *22 (E.D. Wash. July 27, 2015) ("No prejudice having been found, the Court denied the United States' motion to strike the reply brief.")

Indeed, Defendants' initial motion anticipated that "it is virtually certain that the three majority-minority districts in the City's proposal have registered voter populations that are more than 50% Latino." ECF No. 25 at 15 n.18. That is what the registered voter data showed in Defendants' reply. ECF No. 33-1 at 4. Defendants' data also corroborates Plaintiff's data, which shows that Latinos have a substantial share of the citywide registered voter population. *Compare* ECF No. 21-2 at 3 (29.81%) *with* ECF No. 33-1 at 4 (31.8%). Defendants have simply submitted data and analysis that support existing arguments.

In sum, Defendants respectfully request that this Court not assign any weight to Plaintiff's objections. Defendants will file a motion for approval to exceed the page limits of their initial motion and reply brief.

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RESPECTFULLY SUBMITTED this 18th day of November, 2016.

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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of November, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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