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December 4, 2023

Honorable Scott S. Harris
Clerk of the Supreme Court
Supreme Court of the United States
1 First Street NE
Washington, D.C. 20543

RE: *Trevino v. Soto Palmer, et al.*, No. 23-484

Dear Mr. Harris:

The State offers this brief reply to Petitioners' Response in Opposition to the State's extension request.

First, although Petitioners oppose any extension of the State's time to file a Brief in Opposition, they never explain how an extension would prejudice them in any way. As the State has explained and as Petitioners stipulated in the district court, the map for Washington's 2024 legislative elections must be finalized by March 25, 2024. Even under Petitioners' hypothetical scenario in which the Court grants certiorari before judgment in this case and grants review in the related case of *Garcia v. Hobbs*, No. 23-467, on January 19, argument would not occur until April, so any relief could not possibly affect the 2024 election. As the State noted in its extension request, on Petitioners' counsel's own arguments in *Garcia v. Hobbs*, No. 23-464, it would not be an option for the State to proceed under the map previously in place, as they contend that map is unconstitutional. Petitioners' response never explains what remedy could possibly be implemented on the timetable they request.

Second, Petitioners' claim that the State's request for extension is improper because the timeline of the State's response is "directly attributable to [the State's] tactical decisions to waive [a] response[]" is nonsensical. The State filed a waiver in this case 11 days after the petition was filed, three weeks before any response or waiver filing was due. The State could have waited that full time if its goal was some sort of tactical delay. In reality, because of the State's limited Supreme Court resources, the State frequently waives responses to petitions for certiorari and waits to see if the Court asks for a response, as it did here. Nothing in the Court's rules or practice suggest that there is anything improper about that approach, and especially given that Petitioners are asking for the extraordinary relief of certiorari before judgment, which is almost never granted, the State cannot be faulted for waiting to see if the Court called for a response.

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The State should not be punished for filing a timely waiver, and filing a timely waiver should not be maligned as some sort of inappropriate tactical maneuver.

Sincerely,

s/ Noah Purcell

Noah Purcell
Solicitor General

cc: Jason Brett Torchinsky, Counsel for Petitioners
Mark Graber, Counsel for Respondents Palmer, Macias, Lopez, Padilla, and Morfin