

HONORABLE THOMAS O. RICE

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ROGELIO MONTES and MATEO
ARTEAGA,

Plaintiffs,

vs.

CITY OF YAKIMA; MICAH
CAWLEY, in his official capacity as
Mayor of Yakima; and MAUREEN
ADKISON, SARA BRISTOL, KATHY
COFFEY, RICK ENSEY, DAVE Ettl,
and BILL LOVER, in their official
capacity as members of the Yakima City
Council,

Defendants.

NO. 12-cv-3108-TOR

DECLARATION OF JOHN A.
SAFARLI IN SUPPORT OF
DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT

1 I, John A. Safarli, hereby state and declare as follows:

2 1. I represent Defendants in this matter and have personal knowledge of
3 the matters stated herein.

4 2. Attached to my declaration as **Exhibit A** is a true and correct copy of
5 an amendment to the Yakima City Charter signed December 6, 1976.

6 3. Attached to my declaration as **Exhibit B** is a true and correct copy of
7 the Declaration of William S. Cooper dated February 1, 2013.

8 4. Attached to my declaration as **Exhibit C** are true and correct copies
9 of excerpts from the City's election file on Proposition 1 from August 2011,
10 which Defendants produced during discovery as COY 004480-004481.

11 5. Attached to my declaration as **Exhibit D** is a true and correct copy of
12 a letter dated December 14, 2010, from Mary Baechler of Central Washington
13 Progress to the City Council. This letter was contained in the City's election file
14 on Proposition 1 from August 2011, which Defendants produced during discovery
15 as COY 004535.

16 6. Attached to my declaration as **Exhibit E** is a true and correct copy of
17 an excerpt from Yakima County's election results from the August 2011
18 elections. Defendants produced this page during discovery as COY00340172b.

19 7. Attached to my declaration as **Exhibit F** is a true and correct copy of
20 a screenshot from the City of Yakima's website that depicts the four nomination
21 districts as they appeared in 2011. This screenshot was included in the City's
22 election file on Proposition 1 from August 2011, which Defendants produced
23 during discovery as COY 004501. Because of formatting issues, the Bates stamp
24 number is not visible in the document.

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1 8. Attached to my declaration as **Exhibit G** are true and correct copies
2 of excerpts of the deposition transcript of Plaintiff Mateo Arteaga.

3 9. Of the course of two years of this litigation, Defendants have
4 produced over 340,000 pages' worth of documents in response to Plaintiffs'
5 discovery requests. Plaintiffs have retained four expert witnesses: William
6 Cooper of Virginia (first *Gingles* factor); Dr. Richard Engstrom of North Carolina
7 (second and third *Gingles* factors); Dr. Luis Fraga of Seattle, Washington (Senate
8 factors); and Dr. Frances Contreras of San Diego, California (Senate factors).
9 These four experts have produced 11 reports combined totaling 342 pages, not
10 including the curriculum vitae attached to their reports. Defendants have retained
11 three experts: Dr. Peter Morrison of Massachusetts (first *Gingles* factor); Dr. John
12 Alford of Houston, Texas (second and third *Gingles* factor); and Dr. Stephan
13 Thernstrom of Virginia (Senate factors). Defendants' experts have produced 8
14 reports totaling 212 pages, not including the curriculum vitae attached to their
15 reports.

16 10. Attached to my declaration as **Exhibit H** are true and correct copies
17 of excerpts of the Supplemental Declaration of William S. Cooper dated April 19,
18 2013. The entirety of Mr. Cooper's April 2013 report was previously submitted as
19 an exhibit to my declaration filed in support of Defendants' summary judgment
20 motion. *See* ECF No. 69-6.

21 11. Attached to my declaration as **Exhibit I** is a true and correct copy of
22 excerpts of the deposition transcript of Plaintiffs' expert William S. Cooper. The
23 entirety of Mr. Cooper's deposition transcript was previously submitted as an
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1 exhibit to my declaration filed in support of Defendants' summary judgment
2 motion. *See* ECF No. 69-8.

3 12. Attached to my declaration as **Exhibit J** are true and correct copies
4 of excerpts of the Expert Report of Peter Morrison, Ph.D. The entirety of Dr.
5 Morrison's report was previously submitted as an exhibit to my declaration filed
6 in support of Defendants' summary judgment motion. *See* ECF No. 69-5.

7 13. Attached to my declaration as **Exhibit K** is a true and correct copy
8 of the deposition transcript of Defendants' expert witness Dr. John Alford.

9 14. Attached to my declaration as **Exhibit L** is a true and correct copy of
10 the deposition transcript of Defendants' expert witness Dr. Richard Engstrom.

11 15. Attached to my declaration as **Exhibit M** is a true and correct copy
12 of the Report of Richard L. Engstrom, Ph.D., dated February 1, 2013.

13 16. Attached to my declaration as **Exhibit N** is a true and correct copy of
14 the Supplemental Report of Richard L. Engstrom, Ph.D., dated December 17,
15 2013.

16 17. Attached to my declaration as **Exhibit O** is a true and correct copy
17 of the Supplemental Report of John Alford, Ph.D., dated January 17, 2014.

18 18. Attached to my declaration as **Exhibit P** is a true and correct copy of
19 the Report of John Alford, Ph.D., dated March 22, 2013.

20 19. Attached to my declaration as **Exhibit Q** is a true and correct copy
21 of the Reply Report of Richard L. Engstrom, Ph.D., dated April 19, 2013.

22 20. Attached to my declaration as **Exhibit R** are true and correct copies
23 of the excerpts of the Declaration of Dr. Robert R. Brischetto, who was retained
24 by some of the plaintiffs in *Perez v. Perry*, No. 5:11-cv-00360-OLG-JES-XR
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1 (W.D. Tex.) regarding the second and third *Gingles* factors. This declaration was
2 provided to me by Dr. Alford.

3 21. Attached to my declaration as **Exhibit S** is a true and correct copy of
4 an excerpt of election results from November 1998 published by Yakima County.
5 This excerpt lists the election results for Yakima County Commissioner District
6 No. 3. Defendants produced this document during discovery as COY00341309b.

7 22. Attached to my declaration as **Exhibit T** is a true and correct copy of
8 an excerpt of election results from November 1998 published by Yakima County.
9 This excerpt lists the election results for Yakima County Commissioner District
10 No. 3. Defendants produced this document during discovery as COY00341141b.

11 23. Attached to my declaration as **Exhibit U** is a true and correct copy of
12 an excerpt of election results from November 2003 published by Yakima County.
13 This excerpt lists the election results for Yakima School Board of Directors
14 Position No. 4. Defendants produced this document during discovery as
15 COY00341386b.

16 24. Attached to my declaration as **Exhibit V** are true and correct copies
17 of excerpts of the initial report of Dr. Thernstrom dated April 5, 2013. The
18 entirety of Dr. Thernstrom's April 2013 report was previously submitted as an
19 exhibit to my declaration filed in support of Defendants' response to Plaintiffs'
20 motion to exclude Dr. Thernstrom's testimony. *See* ECF No. 74-3.

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

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4 Executed this 22nd day of July, 2014, at Seattle, Washington.

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6 s/ John A. Safarli
7 John A. Safarli, WSBA No. 44056
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CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of the State of Washington, that on the date noted below, a true and correct copy of the foregoing was delivered and/or transmitted in the manner(s) noted below:

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DATED this 22nd day of July, 2014

s/ Yalda Biniazan
Yalda Biniazan, Legal Assistant