

HONORABLE THOMAS O. RICE

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UNITED STATES DISTRICT COURT  
FOR THE 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

STATEMENT OF MATERIAL  
FACTS IN SUPPORT OF  
DEFENDANTS' SUMMARY  
JUDGMENT REPLY

Telephonic Argument  
August 18, 2014 – 9:00 A.M.  
Call-in Number: (888) 273-3658  
Access Code: 2982935  
Security Code: 3018

1 Pursuant to Local Rule 56.1, Defendants submit this Statement of Material  
2 Facts in Support of their Summary Judgment Reply.

3 This statement sets forth material facts that Defendants assert establish the  
4 absence of genuine material fact disputes. The facts below do not “identify any  
5 fact(s) asserted by the opposing party which the moving party disputes or  
6 clarifies” pursuant to Local Rule 56.1(c) because Plaintiffs did not submit any  
7 facts in support of their response to Defendants’ summary judgment motion.

8 This statement relies upon the Second Supplemental Report of Peter  
9 Morrison, Ph.D., dated August 5, 2014, **attached as Exhibit A to this statement**,  
10 which sets forth Dr. Morrison’s opinions regarding the problems created by the  
11 failure of Plaintiffs’ expert, William Cooper, to balance electoral equality with  
12 traditional redistricting criteria in his proposed redistricting plans.

### 13 **Second Supplemental Report of Peter Morrison, Ph.D.**

14 1. Dr. Morrison performed a sensitivity analysis of Mr. Cooper’s  
15 Illustrative Plans 1 and 2 and Hypothetical Plans A, B, and C. *Second*  
16 *Supplemental Declaration of Peter Morrison, Ph.D.* (“*Morrison Decl.*”) at ¶¶ 1,  
17 4. In this analysis, Dr. Morrison analyzed the potential tradeoffs between three  
18 parameters: (1) each district’s total population will deviate no more than +/- 5%  
19 of a district’s ideal total population (13,010); (2) each district’s citizen voting-age  
20 population (“CVAP”) will deviate no more than +/- 12% from a district’s ideal  
21 CVAP (7,863); and (3) each district will avoid any bizarre configuration (*i.e.*, it  
22 will pass the “eyeball test”). *Morrison Decl.*, ¶ 3.

23 2. Based on this sensitivity analysis, Dr. Morrison determined that  
24 reducing the CVAP imbalance among districts to +/- 12% of the ideal CVAP  
25

1 would make it mathematically impossible create a majority-minority district (*i.e.*,  
2 a district with a CVAP that is more than 50% Latino) while avoiding any bizarre  
3 districting configurations. *Morrison Decl.*, ¶ 9.

4 3. Dr. Morrison further concluded that it would not be possible to  
5 create a majority-minority district even if the CVAP imbalance among districts  
6 was reduced to +/- 15% of the ideal (*i.e.*, a maximum CVAP deviation of 30%)  
7 while avoiding any bizarre districting configurations. *Morrison Decl.*, ¶ 11.

8 4. The tension between creating a majority-minority district and  
9 reducing the CVAP imbalances results from the demographics of the City. The  
10 Census block groups where Latinos comprise a significant share of the CVAP are  
11 concentrated mostly on the east side of the City. *Morrison Decl.*, Figure 1. In  
12 these same Census block groups, however, the CVAP is a relatively low  
13 percentage of the total population. *Morrison Decl.*, Figure 2. Thus, increasing the  
14 CVAP within a district tends to reduce the Latino share of the CVAP within that  
15 same district. *Morrison Decl.*, ¶¶ 5-10.

16  
17 RESPECTFULLY SUBMITTED this 5th day of August, 2014.

18 s/ John A. Safarli

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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 5th day of August, 2014

s/ Yalda Biniazan  
Yalda Biniazan, Legal Assistant