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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WASHINGTON ASSOCIATION OF )  
CHURCHES, *et al.*, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
SAM REED, )  
 )  
Defendant. )  
\_\_\_\_\_)

CASE NO. C06-0726RSM  
ORDER DENYING MOTION  
TO COMPEL JOINDER OF  
UNITED STATES AS A  
NECESSARY PARTY

This matter comes before the Court on defendant’s Motion to Compel the Joinder of the United States of America as a Necessary Party to this Action. (Dkt. #31). This motion arose from plaintiffs’ Motion for Preliminary Injunction asking this Court to enjoin Washington State’s “matching” statute, RCW 29A.08.107, prior to the primary elections scheduled to occur on September 19, 2006, and general election scheduled to occur on November 7, 2006. Plaintiffs argue that this statute will disenfranchise eligible Washington voters.

Both plaintiffs and the United States oppose defendant’s motion to compel joinder, and assert that the United States is not a necessary party. For the reason set forth below, this Court agrees. Accordingly, having considered the motion and the remainder of the record, the Court hereby finds and ORDERS:

(1) Defendant’s Motion to Compel Joinder of the United States as a Necessary Party (Dkt. #31) is DENIED. Rule 19(a) of the Federal Rules of Civil Procedure provides in pertinent part that:

1 A person who is subject to service of process and whose joinder will not  
2 deprive the court of jurisdiction over the subject matter of the action shall be  
3 joined as a party in the action if . . . the person *claims an interest* relating to  
4 the subject of the action and is so situated that the disposition of the action  
in the person's absence may . . . leave any of the persons already parties  
subject to a substantial risk of incurring double, multiple, or otherwise  
inconsistent obligations by reason of the claimed interest.

5 Fed. R. Civ. P. 19(a) (emphasis added). Here, defendant cannot meet this standard. Although,  
6 defendant attempts to persuade this Court that the United States has an interest in the instant  
7 litigation, defendant has failed to demonstrate such an interest, especially in light of the fact that  
8 the United States has expressly disavowed such an interest.

9 Furthermore, even if the United States had an interest in this litigation, defendant has  
10 failed to demonstrate that it is at substantial risk of double, additional or inconsistent obligations  
11 if the United States is not joined as a party. Defendant offers no evidence that the United States  
12 is contemplating or will take any action against the State of Washington for complying with this  
13 Court's construction of the federal statutes at issue in this case. Therefore, the Court declines  
14 to compel the joinder of the United States as a defendant in this action.<sup>1</sup>

15 (2) The Clerk shall direct a copy of this Order to all counsel of record.

16 DATED this 14th day of July 2006.

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19 RICARDO S. MARTINEZ  
20 UNITED STATES DISTRICT JUDGE  
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26 <sup>1</sup> Because this Court finds that defendant does not meet the elements of Rule 19(a) for  
compelled joinder in this action, the Court need not address the United States' sovereign  
immunity argument.