

District Judge Martinez

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WASHINGTON ASSOCIATION OF  
CHURCHES, et al.,  
Plaintiffs,

v.

SAM REED, in his official capacity as  
Secretary of State for the State  
of Washington,  
Defendant.

Civil Action No. CV 06-0726 RSM

**UNITED STATES' REQUEST FOR  
LEAVE TO FILE RESPONSE TO  
DEFENDANT'S MOTION TO  
COMPEL JOINDER OF UNITED  
STATES AS PARTY DEFENDANT**

NOTE ON MOTION CALENDAR:  
JUNE 30, 2006

The United States of America hereby requests leave of this Court to file the attached Response to the June 12, 2006 Motion of Defendant Secretary of State Sam Reed to compel joinder of the United States as additional party defendant.

This litigation was commenced on May 24, 2006 by a group of organizational Plaintiffs, challenging certain actions of Defendant Reed with regard to voter registration for elections for federal office in Washington as violative of, among other things, the Help America Vote Act of 2002, 42 U.S.C. §§ 15301 et seq. ("HAVA"). On June 12, 2006, the Defendant filed his Answer to the Complaint. On that same date, the Defendant moved this Court, pursuant to Rule 19(a) of the

1 Federal Rules of Civil Procedure, to compel Plaintiffs to add the United States as a necessary party-  
2 defendant in this litigation. On June 26, 2006, Plaintiffs filed their Response to Defendant's Motion.  
3 Despite the fact that Defendant seeks to add the United States as a party to this case, Defendant did  
4 not in any manner, formal or informal, serve the United States with its Motion when filed, and the  
5 United States only learned of the pendency of the Motion on June 23, 2006, in a conversation with  
6 an official of the State of Washington. The United States subsequently received email copies of the  
7 Motion papers from Defendant. Insofar as Defendant seeks to make the United States a party in this  
8 case, the United States seeks leave of this Court to file the attached brief Response to address the  
9 issues raised by Defendant's Motion. The United States submits that such a filing is appropriate and  
10 within the equitable discretion of the Court. See, e.g., Bradley v. School Board of the City of  
Richmond, 51 F.R.D. 139, 140 (E.D. Va. 1970).

11 For the above-stated reasons, the United States respectfully requests that the Court grant  
12 leave for the United States to file the attached Response to Defendant's Motion for Joinder.

13  
14 Dated: June 30, 2006

15 Respectfully submitted,

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18 Civil Rights Division

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**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that she is an employee in the United States Attorney Office for the Western District of Washington and is a person of such age and discretion as to be competent to serve papers.

That on June 30, 2006, she electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the attorney(s) of record for the plaintiff(s) and defendant(s):

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19 DATED this 30th day of June, 2006.

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