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MICHAEL J. KILLIAN

BY DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR FRANKLIN COUNTY

GABRIEL PORTUGAL, BRANDON
PAUL MORALES, JOSE TRINIDAD
CORRAL, and LEAGUE OF UNITED
LATIN AMERICAN CITIZENS.

No. 21-2-50210-11

Plaintiffs,

v.

FRANKLIN COUNTY, a Washington
municipal entity, CLINT DIDIER,
RODNEY J. MULLEN, LOWELL B.
PECK, in their official capacities as
members of the Franklin County Board of
Commissioners,

JOINT ORDER APPROVING
SETTLEMENT AND ORDER OF
DISMISSAL

Defendants.

Having considered the parties' CR2A agreement, the Court's previous orders, and the file in this case, the Court enters the following findings and ORDER approving the settlement and its terms.

FINDINGS

1. Plaintiffs Gabriel Portugal, Brandon Paul Morales, Jose Trinidad Corral, and League of United American Citizens ("Plaintiffs") filed suit against Defendants Franklin County, and Clint Didier, Rodney J. Mullen, Lowell B. Peck, as individuals acting in their official capacities as members of the Franklin County Board of Directors (collectively, "County" or

1 “Defendants”) alleging violations of the Washington Voting Rights Act, Chapter RCW 29A.92
2 (“Lawsuit”).

3 2. The Parties have entered into a binding agreement to resolve all of Plaintiffs’
4 claims against the County arising from the Lawsuit, and to forever settle, resolve, and
5 compromise, any and all claims, demand, damages, actions, causes of action or suits of any kind
6 or nature whatsoever as enumerated under Chapter 29A.92 RCW, relating to Plaintiffs’ claims
7 and allegations in the Lawsuit;
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9 3. Plaintiffs assert that they incurred approximately \$1,420,000 in attorneys’ fees
10 and costs in this litigation.

11 4. The terms of the agreed settlement are attached as **Exhibit A**, and fully
12 incorporated into the Court’s findings and order as follows:

- 13 a. Beginning with the 2024 election cycle, all future elections for the office of Franklin
14 County Commissioner shall be conducted under a single- member district election
15 system for both primary and general elections.
- 16 b. For the 2022 general election for County Commissioner for District 3 (incumbent
17 Clint Didier), the general election shall proceed as an at-large election, and the
18 member elected to the seat for District 3 in 2022 shall serve a four-year term.
- 19 c. For the 2026 general election for County Commissioner for District 3, the seat will
20 be elected for the first time as a single-member district.
- 21 d. The first general election for single-member district elections for County
22 Commissioner shall occur on November 5, 2024, for Districts 1 (incumbent Lowell
23 B. Peck) and District 2 (incumbent Rodney J. Mullen).
- 24 e. The members elected to seats for Districts 1 and 2 shall be elected to serve four-year
25 terms.
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- 1 f. The districting map for single-member district elections shall be Option 2, as
2 approved and adopted by the Board of Commissioners on December 28, 2021.
- 3 g. Plaintiffs agreed to reduce their attorney's fees and costs from \$1,420,000 to
4 \$375,000. The County shall pay the foregoing amount in three annual installments of
5 \$125,000 beginning August 1, 2022, and ending August 1, 2024. No interest shall be
6 accrued. The Parties have agreed that payments shall be made under the following
7 schedule:
8
- 9 i. One Hundred Twenty-Five Thousand Dollars and no cents (\$125,000) on or
10 before August 1, 2022;
 - 11 ii. One Hundred Twenty-Five Thousand Dollars and no cents (\$125,000) on or
12 before August 1, 2023;
 - 13 iii. One Hundred Twenty-Five Thousand Dollars and no cents (\$125,000) on or
14 before August 1, 2024.
- 15 h. The Court finds that the foregoing terms of settlement and resolution reached between
16 the parties is reasonable.

17 **ORDER**

18 NOW THEREFORE, having reviewed the Parties' executed CR 2A and found that the
19 terms of settlement and resolution are reasonable, it is hereby ORDERED, ADJUDGED, and
20 DECREED as follows:
21

- 22 1. Franklin County shall conduct all future elections for County Commissioner as
23 single-member district elections beginning with the 2024 election cycle.
- 24 2. The first single-member district general election for County Commissioner shall
25 occur on November 5, 2024, for the seats up for election.
- 26 3. The members elected to the seats in Districts 1 and 2 in the 2024 election shall
27 serve four-year terms and run for re-election in 2028.
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1 4. The general election for County Commissioner in 2022 shall proceed under the
2 current system and shall proceed as an at-large election for County Commissioner for District 3.

3 5. The member elected to the District 3 commissioner seat in 2022 shall serve a four-
4 year term and shall run for re-election in 2026.

5 6. The Court approves "Option 2" as the district map for Franklin County to be used
6 as the electoral map beginning in 2022.

7 7. The County shall remit payment to Plaintiffs as set forth in Exhibit A and under
8 the following payment schedule:
9

10 i. One Hundred Twenty-Five Thousand Dollars and no cents (\$125,000) on
11 or before August 1, 2022;

12 ii. One Hundred Twenty-Five Thousand Dollars and no cents (\$125,000) on
13 or before August 1, 2023;

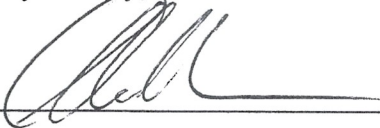
14 iii. One Hundred Twenty-Five Thousand Dollars and no cents (\$125,000) on
15 or before August 1, 2024.

16 8. The County shall make the foregoing payments into the Court register, or as
17 otherwise agreed in writing by the parties.

18 9. The Court shall retain jurisdiction over any disputes arising from the settlement
19 agreement or the terms of this order.
20

21 10. Plaintiffs' claims against Defendants are hereby DISMISSED with prejudice.

22 DONE IN OPEN COURT this 9th day of May, 2022.

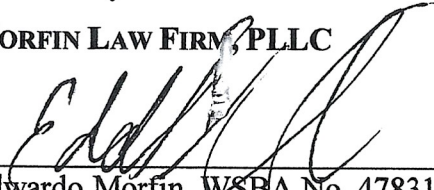
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25 Superior Court Judge


26 ///
27 ///
28 ///
29
ALEXANDER C. EKSTROM

1 Presented By:


2 **MORFIN LAW FIRM, PLLC**

3 
4 Edwardo Morfin, WSBA No. 47831
5 Attorney for Plaintiffs Gabriel Portugal,
6 Brandon Paul Morales, Jose Trinidad
7 Corral, and League of United American
8 Citizens

9 **FLOYD, PFLUEGER, & RINGER, P.S.**

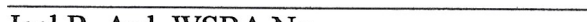
10 
11 Francis S. Floyd, WSBA No. 10642
12 Amanda D. Daylong, WSBA No. 48013
13 Attorneys for Defendants Franklin County,
14 and Clint Didier, Rodney J. Mullen, Lowell B.
15 Peck, as individuals acting in their official
16 capacities as members of the Franklin County
17 Board of Directors

18 **FRANKLIN COUNTY PROSECUTOR**

19 
20 Shawn Sant, WSBA No.
21 Franklin County Prosecutor

22 Approved as to Form and Notice of Presentation Waived:

23 **ARD LAW GROUP, PLLC**

24 
25 Joel B. Ard, WSBA No.
26 Attorney for Intervenor James
27 Giminez/Gimenez