

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

STATE OF WASHINGTON, *et al.*,

Plaintiffs,

-vs-

DONALD J. TRUMP, in his official capacity as President of the United States of America; UNITED STATES OF AMERICA; LOUIS DEJOY, in his official capacity as Postmaster General; and UNITED STATES POSTAL SERVICE,

Defendants.

**Case No. 1:20-CV-3127-SAB**

**CIVIL MINUTES**

**DATE: OCTOBER 30, 2020**

**LOCATION: TELEPHONIC**

**TELEPHONIC STATUS  
CONFERENCE HEARING**

<b>Chief Judge Stanley A. Bastian</b>		
Michelle Fox <b>Courtroom Deputy</b>	01 <b>Law Clerk</b>	Marilynn McMartin <b>Court Reporter</b>
<b>Noah Purcell</b>	<b>Joseph Borson</b>	
<b>Plaintiffs' Counsel</b>	<b>Defendants' Counsel</b>	

Open Court

Chambers

Telecon/Video

For the record the following counsel also appeared:

**Kristen Beneski – State of Washington**

**Andrew Hughes – State of Washington**

**Cristina Sepe – State of Washington**

**Elizabeth Roberson-Young – State of Illinois**

**[ X ] ORDER FORTHCOMING**

<b>CONVENED: 11:00 A.M.</b>	<b>ADJOURNED: 11:40 A.M.</b>	<b>TIME: 40 MIN.</b>	<b>CALENDARED [ X ]</b>
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**Jeffrey Dunlap – State of Maryland**  
**Angela Behrens – State of Minnesota**  
**Nicholas Sydow – State of New Mexico**  
**Carol Lewis – State of Virginia**  
**Colin Roth – State of Wisconsin**

Court has reviewed the status report filed last night. Court asks if defendants have filed anything.

J. Borson did file a memorandum about an hour ago.

N. Purcell presents argument and outlines reasons for the status conference today. Recognize that the ballot delivery scores are much better. Some parts of the country are still unacceptable which is why we asked for this hearing today. Asking Court to take action to help rectify situation. Michigan area is still below average. 1) 24 hours USPS shall file a list of steps to take to improve timely ballots. 2) perform a sweep of postal regions in Detroit area and alike by tomorrow. 3) each night between now and election day that they do a sweep. 4) need to provide daily data and be allowed to inspect postal facilities to ensure compliance and interview personnel. Will provide a proposed order if necessary.

J. Borson presents argument. We are all in agreement of the same goal. Data – limitations of data is not used operationally and would not generally release. Outlines what Judge Sullivan has been requiring in several cases. Data is imperfect. Detroit percentages are outlined. Votes will be counted. Extraordinary measures memorandum is outlined. Will be doing extra pickups and delivery trips this weekend. Not all of the ballots will be going to processing plant in the post office because they are going directly to the board of election office.

Court questions counsel. Does Judge Sullivan's order cover the requests?

J. Borson continues argument. Does believe the Order covers parts of the request. 1) Sweep of facility – the Postal Service does do daily sweeps already. Already in place. They are asking for a requirement that is already in place. 4) Reports – specific data for specific plants should be the same people who are focused on managing the election process. Data will be provided. It has been provided the last several days. Not in the position to respond to allowing plaintiffs to go on the floor and question individuals. Not had a chance to confer with my client on this issue.

Court summarizes argument. Government is taking the position that they are doing this already or it is being monitored by other judges, particularly by Judge Sullivan.

N. Purcell responds. Wanting accountability that these are happening. If we find out next Wednesday that it was not done, it would be too late. Asking for the Court to enter an order to require the Postal Service to certify that it has been done.

Court outlines preliminary thoughts. Data is information but will not make findings based on that data. Parties are close. There are other lawsuits that this Court is not involved in. This Court is involved in trying to help in the process of getting the ballots to the voters and returned in a timely fashion.

Counsel should have a brief meeting to try and stipulate to what the states are asking for and what the government is willing to do. Provide by early afternoon. Inclined to order that the sweeps be done as

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requested and report back by Monday. File a Stipulation or indicate you are unable to stipulate. Focusing on sweep requests.

N. Purcell will work with counsel and will try to reach an agreement. Will appreciate a Court Order.

J. Borson understands the request by the Court.

Court indicates that the parties should contact the Court if they file something over the weekend and if a hearing is necessary.