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December 27, 2019

Sent Via E-Mail Only

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RE: ***State of Washington v. Tim Eyman, et al.***
Thurston County Superior Court No. 17-2-01546-34
ER 408 - Settlement Offer

Dear Counsel:

Your clients have intervened as defendants in the above-referenced case, which as you know is a campaign finance matter under Washington's Fair Campaign Practices Act (FCPA). As you are certainly aware, "In any action brought under [the FCPA], the court may award to the commission all reasonable costs of investigation and trial, including reasonable attorneys' fees to be fixed by the court." RCW 42.17A.780. Because the State filed a Motion to Dismiss in lieu of an Answer, your clients may not yet be aware that the State intends to seek from your clients all costs and fees incurred related to your clients' intervention.

Defendant Eyman's tactics in this case have increased litigation costs at every step, so your clients should be made aware that the costs and fees in this matter will be considerable. Because your clients have aligned themselves with the Eyman Defendants, your clients will be jointly and severally liable for most of the State's fees and costs from the date of intervention going forward. By the time of trial that amount will certainly exceed \$500,000.

There can be no doubt that the State will prevail in this matter. In fact, it is extremely likely that the State will prevail on summary judgment in February. At that point, liability will be established. If the Court issues an injunction against Defendant Eyman, as it is likely to do, your clients will be facing a substantial fee award.

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I write with an offer to compromise with your clients. If your clients dismiss their claims and withdraw from this matter, the State will waive the costs and fees it has already incurred related to your client's intervention. This is a one-time offer, which, if not accepted in writing by 5 p.m. PST on Friday, January 3, will be deemed withdrawn.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Eric S. Newman', written over a horizontal line.

ERIC S. NEWMAN
Assistant Attorney General
(206) 442-4498

ESN/JDB