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

Timothy Borders, Thomas Canterbury, Tom  
Huff, Margie Ferris, Paul Elvig, Edward  
Monaghan, and Christopher Vance, Washington  
residents and electors, and the Rossi for  
Governor Campaign, a candidate committee,

Petitioners,

v.

King County and Dean Logan, its Director of  
Records, Elections and Licensing Services, et al.,

Respondents.

and

Washington State Democratic Central  
Committee,

Intervenor-Respondent,

and

Libertarian Party of Washington State et al.,

Intervenor-Respondents.

No. 05-2-00027-3

**SUBPOENA DUCES TECUM**

1 STATE OF WASHINGTON

2 To: Records Custodian  
3 King County Division of Records, Elections, and Licensing Services  
4 500 4<sup>th</sup> Avenue, Room 553  
Seattle, WA 98104

5 Cc: Don Porter  
6 King County Division of Records, Elections, and Licensing Services  
7 500 4<sup>th</sup> Avenue, Room 553  
Seattle, WA 98104

8 GREETINGS:

9 YOU ARE HEREBY COMMANDED to be and appear as follows:

10 PLACE: Offices of Davis Wright Tremain  
11 1501 4<sup>th</sup> Avenue, Suite 2600  
12 Seattle, WA 98101

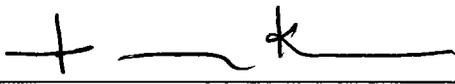
13 DATE: Wednesday, May 18, 2005

14 TIME: 9:00 a.m. PST

15 To produce and permit inspection and copying of the documents or objects in  
16 accordance with Attachment A at the place, date, and time specified above, at the request  
17 of the Petitioners in the above-entitled cause. If documents or objects are received at the  
18 above specified location by the specified date and time, or in advance at a mutually agreed  
19 upon time and place, your attendance is waived.

20 DATED this 11th day of May, 2005.

21 Davis Wright Tremain LLP  
22 Attorneys for Petitioners

23  
24 By 

25 Harry J. F. Korrell, WSBA #23173  
26 Robert J. Maguire, WSBA #29909  
27 1501 Fourth Avenue, Suite 2600  
Seattle, Washington 98101-1688  
Telephone: (206) 622-3150

## **ATTACHMENT "A"**

### **I. DEFINITIONS**

"Document" means, without limiting without limiting its generality, the original (or a copy when the original is not available) and each non identical copy (including those which are non identical by reason of notations and markings) of papers, writings and records of any nature whatsoever, including, but not limited to, electronic mail messages, contracts, agreements, correspondence, letters, telegrams, wires, cables, reports, schedules, diaries, statements, photographs, reproductions, maps, surveys, plats, drawings, blueprints, sketches, charts, models, invoices, purchase orders, ledgers, journals, checks, check stubs, notes, estimates, summaries, desk calendars, work papers, studies, appointment books, time sheets, logs, inventories, printouts, computer tapes, tape recordings, video recordings, microfilm, microfiche, recordings, or other data compilations from which information can be obtained through detection devices into reasonably usable form, minutes of meetings, memoranda, including intercorporate, intracorporate, interoffice and intraoffice memoranda, memoranda regarding conferences, conversations or telephone conversations and any and all written, printed, typed, punched, or recorded matter of whatsoever kind of description, including drafts of any of the foregoing, as well as any computer disks, computer files, computer hard drives, computer backup tapes, archival media, or other electronic data, document or message storage of any kind or nature (whether on a disk, hard drive, file server, personal computer or other medium).

"You" or "your agents, servants, employees, attorneys, or representatives" includes but is not limited to all persons, professionals and/or associates, legal assistants and/or support staff who performed work as part of your team or under your supervision or at your direction in connection with the topics identified in this subpoena.

## II. INSTRUCTIONS

1. Please produce all the documents, described below, wherever located, which are in the possession, custody or control of you or any of your agents, servants, employees, attorneys, or representatives.

2. Any copy of a document that varies in any way from the original or from any other copy of the document, whether by reason of handwritten or other notation or any omission, shall constitute a separate document and must produced.

3. The original of each document requested is to be produced. Each document requested is also to be produced for inspection in its original file folder, file jacket, or cover.

4. Documents are to be produced in such a fashion that the specific individual or entity from whom they were obtained can be readily determined.

5. If you do not produce any document herein requested under a claim of privilege, work produce, or other ground of non production, please submit in lieu of such document a written statement which:

- (a) specifies the privilege, work product, or other asserted ground of non-production;
- (b) describes the nature and general topic of the documents to the extent possible in a manner consistent with the privilege, work product, or other asserted ground of non production;
- (c) identifies the person or persons who prepared the documents and, if applicable, the person or persons to whom the document was sent;
- (d) identifies each other person who has seen or had possession of the documents; and

- (e) specifies the date on which the document was prepared by the author and/or received by the addressees.

6. If any document was, but no longer is, in your custody or control, state whether it has been lost, destroyed, transferred, or otherwise disposed of, and in each instance, identify the document as completely as possible, including without limitation, the author(s), addressee(s), any person(s) who saw the document, the date of the document and date when the document was received, the subject matter of the document, and the circumstances surrounding the disposition of the document and the date that disposition occurred.

### **III. DOCUMENTS REQUESTED**

To the extent not already produced in response to the Subpoenas Duces Tecum dated April 22, 2005 and May 10, 2005, produce copies of:

1. All provisional ballot envelopes and poll book signatures for any provisional ballot that was counted in the 2004 General Election but for which King County could not find a signature on file (NSOF) for the voter in King County's voter registration records.