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April 8, 2005

Re: *Borders v. King County, et al.*
Chelan County Superior Court Cause No. 05-2-00027-3

To All Counsel of Record:

In accord with the schedule set by the Court this week, the following is the disclosure of substantive motions that we intend to file on behalf of Intervenor-Respondent Washington State Democratic Central Committee on or before April 13, 2005:

- (1) motion in limine regarding elements Petitioners must prove on their claim of illegal votes by convicted felons who have not had their civil rights restored;
- (2) motion in limine to exclude Petitioners' proposed "proportional analysis" (*i.e.*, Petitioners' intention to try to prove how an illegal voter hypothetically cast his or her ballot based upon how other, legal, voters cast their ballots);
- (3) motion in limine to exclude use of voter "crediting" as sole source of proof as to whether and the means by which a voter actually voted;
- (4) motion for partial summary judgment on claim that non-citizens, whose registrations have not been previously challenged by Petitioners, voted illegally in the gubernatorial election (a claim asserted by Petitioners for the first time in discovery responses served yesterday); and
- (5) motion to clarify that the standard of proof for an election contestant is "clear and convincing" proof.

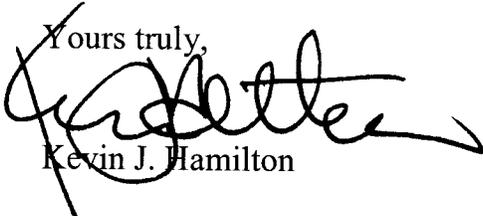
And, finally, if a discovery dispute between Petitioners, the Building Industry Association of Washington, and WSDCC is not resolved today among the parties,

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WSDCC intends to file a motion to compel certain communications between
Petitioners and third party BIAW.

Yours truly,

A handwritten signature in black ink, appearing to read "Kevin J. Hamilton", written over the typed name.

Kevin J. Hamilton

KJH:cma