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May 19, 2005

**HAND DELIVERED**

The Honorable John E. Bridges  
Chelan County Superior Court  
Department No. 3  
401 Washington Street  
Wenatchee, WA 98807

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

Dear Judge Bridges:

Late yesterday afternoon, we received without further explanation a copy of a document entitled, "Petitioners' Illegal Vote Disclosure per RCW 29A.68.100." The document identifies literally several hundred previously undisclosed names of voters alleged to have voted illegally. We understand from our review of the document that Petitioners apparently are proposing to ask the Court for leave to amend their claims and to add these hundreds of undisclosed names on what is literally the eve of trial and at a point where no discovery can be conducted.

We respectfully and emphatically oppose this last minute, eve-of-trial request and seek guidance from the Court to ensure the entire trial is not disrupted. As the Court will no doubt recall, when Petitioners first filed this election contest, they sought a hearing within 20 days. They have repeatedly insisted on an early trial date and have repeatedly represented that they were ready for trial. The Court indicated that it would not set the trial and issue the 20 day notice and citation to the auditors until the parties were ready for trial.

On April 5th, the Petitioners again represented that they were ready for trial and again sought an early trial date, repeating their representations that they were ready for trial and needed, at best, one or two depositions of King County elections officials. Over the

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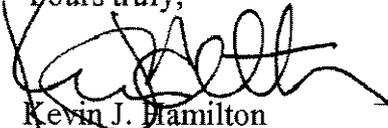
WSDCC's objections, and based on Petitioners' representations, the Court set the May 23 trial date as requested by the Petitioners with an explicit and clear deadline of April 15 for the disclosure by the Petitioners of all alleged "illegal votes." Petitioners made a disclosure on that date and since that time the WSDCC and the other respondents have expended an enormous amount of time, money and energy preparing for the trial date set by the Court. Since the time the trial date was set by the Court, in excess of 72 depositions have been noted, with many of them occurring simultaneously at two or three locations around the state. Dozens of lawyers have worked long, late hours. Hundreds of thousands of dollars of legal fees on both sides have been expended in reliance on the schedule established at Petitioners' request and on their representations that they were ready for trial.

Virtually all of the auditors of the state have worked tirelessly to produce thousands of pages of documents relating to the previously disclosed lists of allegedly "illegal votes" and "election official errors" identified by the Petitioners.

This last minute and almost entirely unexplained effort to add *over 700 new names* to Petitioners' allegations, in disregard of the Court's disclosure deadline, threatens to disrupt this entire trial. At this point, all of the counties -- and King County in particular -- have repeatedly reviewed hundreds of thousands of poll book entries, absentee ballot envelopes, and provisional ballot envelopes. Petitioners frankly admit in their last minute filing that they have none of this required evidence for these hundreds of new names, an admission filed literally on the eve of opening statements. Allowing such an amendment, with little explanation, at a time when none of the parties to the litigation can properly evaluate the claims, investigate the unfounded allegations, or even take a single deposition about them, would be unwise and would threaten the entire schedule established at Petitioners' insistence. With all due respect, this misguided effort should be firmly disallowed.

We respectfully request a conference call at the Court's convenience on Friday morning to address the Court and to resolve this issue prior to trial.

Yours truly,



Kevin J. Hamilton

KJH:cma  
cc: All Counsel

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