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April 8, 2005

VIA OVERNIGHT MAIL

Rea Culwell
Senior Deputy Prosecuting Attorney,
Benton County
7122 W. Okanogan Avenue
Kennewick, WA 99336

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

Dear Ms. Culwell:

Enclosed is a subpoena and notice of deposition pursuant to CR 30(b)(6) for Benton County. Pursuant to your request, we will serve it personally on Monday, April 11, 2005, in addition to mailing and emailing it today. As we discussed, we noted the deposition for April 19. I understand that you would prefer April 28 or April 29; unfortunately we are not able to be as flexible as we would like because of the schedule this case is on but we will attempt to accommodate that request and I will get back to you if we are able to do that.

We have tried to be as specific as possible in our descriptions of the subject areas we intend to cover. Please let me know if you have any questions about the listed subject areas as you are preparing Benton County's designated witness. As I'm sure you know, under CR 30(b)(6) Benton County has an obligation to educate and prepare its designated witness, including doing any investigation that may be necessary, to ensure that the witness will be able to provide full, complete, and non-evasive answers to questions on the noted subject areas. See Casper v. Esteb Enters., Inc., 119 Wn. App. 759, 767, 82 P.3d 1223 (2004). In addition, Benton County's designated witness must be prepared to testify to all matters known or reasonably available to Benton County on the noted subject areas. See id. If it would make

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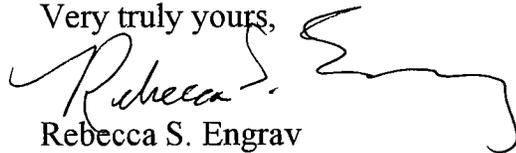
Perkins Coie LLP (Perkins Coie LLC in Illinois)

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things easier, I have no objection if the witness wishes to bring to the deposition notes or other material to assist him or her in refreshing his or her recollection; this is not intended to be a memory contest.

Thank you very much for your flexibility. We appreciate your efforts and professionalism throughout this process.

Very truly yours,


Rebecca S. Engrav

RSE:sw

cc: K. Hamilton
W. Rava