

1
2
3 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
4 IN AND FOR THE COUNTY OF CHELAN

5 Timothy Borders, et al.)
6) No. 05-2-00027-3
7 Petitioners,)
8 v.) ORDER DENYING PETITIONERS'
9 King County and Dean Logan, et al.) MOTION TO STRIKE WSDCC'S
10) REBUTTAL WITNESS LIST
11 Respondents,)
12 v.)
13 Washington State Democratic Central)
14 Committee,)
15 Intervenor ,)
16 v.)
17 Libertarian Party of Washington State,)
18 and Ruth Bennett Campaign,)
19 Intervenor.)
20)
21)
22)
23)
24)
25)
26)

27 THIS MATTER having come on before the court on Petitioners' Motion to Strike
28 WSDCC's Rebuttal Witness List and the court having reviewed petitioners' motion and
29 intervenor's response, and being otherwise fully advised in the premises after reviewing State v.
30 White, 74 Wn. 2d 386, 394 (1968) and McGreevy v. Oregon Mutual Ins., 74 Wn. App. 858, 871
31 (1994), Now, Therefore,

32 IT IS HEREBY ORDERED that Petitioners' Motion to Strike WSDCC's Rebuttal
33 Witness List be and hereby is denied.

1 IT IS FURTHER ORDERED that the question of whether or not one or more of the
2 designated rebuttal witnesses will be permitted to testify in rebuttal is within the discretion of the
3 trial court. That discretion will be exercised in view of the pronouncement of the court in State v.
4 White, *id* wherein it is stated that genuine rebuttal evidence is not simply a reiteration of evidence
5 in chief but consists of evidence offered in reply to new matters.
6

7 DONE this _____ day of May, 2005.

8
9
10 _____
11 John E. Bridges
12 Superior Court Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26