

II. ARGUMENT

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2 Mindful that statutes call for the prompt resolution of election contests,
3 Snohomish County and Bob Terwilliger, the Snohomish County Auditor
4 (hereinafter the "Snohomish County Respondents") must oppose in part the
5 discovery order requested by Petitioners. In their motion, Petitioners assert that
6 they, "simply seek access to the information Respondents have [already]
7 developed." While this may be true for a certain limited amount of the information
8 sought by the Petitioners, this is not true with regard to the bulk of what
9 Petitioners seek from the Snohomish County Respondents. Much of the
10 information has not been previously compiled in the form sought by Petitioners.
11 Some of the information sought will require the laborious hand re-examination of
12 thousands of absentee ballots and ballot envelopes and the review of hundreds
13 of thousands of individual voter records. As detailed in the Declaration of Carolyn
14 Diepenbrock filed with this response, these tasks cannot be completed prior to
15 January 21, 2005 as Petitioners request.
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18 Many of the Petitioners' discovery requests are broad and unfocused and
19 will likely require Respondents to expend great efforts unnecessarily. If
20 Petitioners are to be permitted expedited discovery, they should be required to
21 focus and prioritize their requests.
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23 Some of the information sought by Petitioners can be provided on the
24 expedited basis requested. The Snohomish County Respondents are prepared
25 to provide as much information as they can, as soon as they can, but the court
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1 should not impose an impossible burden upon respondents.

2 **III. RELIEF REQUESTED**

3 The Snohomish County Respondents request that the Court either deny
4 Petitioners' request for expedited discovery or that the Court require Petitioners to
5 limit and focus their discovery requests and to permit Respondents to exercise
6 their rights to object to unduly burdensome requests in accordance with CR 26
7 and CR 34.

8 DATED this _____ day of January, 2005.

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10 JANICE E. ELLIS
11 Snohomish County Prosecuting Attorney

12 By: _____
13 Gordon W. Sivley, WSBA 8837
14 Deputy Prosecuting Attorney
15 Attorney for Snohomish County
16 Respondents
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