



Rebecca S. Engrav
PHONE: 206.359.6168
FAX: 206.359.7168
EMAIL: rengrav@perkinscoie.com

1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
PHONE: 206.359.8000
FAX: 206.359.9000
www.perkinscoie.com

April 25, 2005

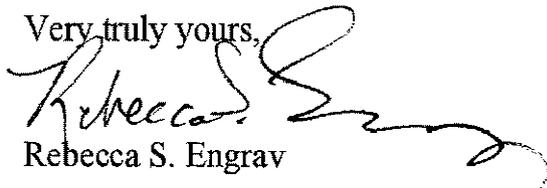
Clerk of the Court
Chelan County Superior Court
350 Orondo, 5th Level
Wenatchee, WA 98801

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

Dear Court Clerk:

I am e-filing a Stipulation and Proposed Protective Order Governing Certain Confidential Documents from King County. Please present the Stipulated and Proposed Protective Order to Judge Bridges for his approval and signature. We will send the \$20.00 Ex Parte fee to you by mail today. Thank you for your assistance in this matter.

Very truly yours,



Rebecca S. Engrav

RSE:sw

[15934-0006/SL051110.128]

ANCHORAGE · BEIJING · BELLEVUE · BOISE · CHICAGO · DENVER · HONG KONG · LOS ANGELES
MENLO PARK · OLYMPIA · PHOENIX · PORTLAND · SAN FRANCISCO · SEATTLE · WASHINGTON, D.C.

Perkins Coie LLP and Affiliates

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

STIPULATION

It is hereby stipulated and ordered by and among the undersigned parties to this action to become bound by the terms of this protective order ("the Order") as follows:

1. As used herein, "Producing Party" shall refer to any person acting on behalf of King County producing information, documents, discovery responses or testimony in connection with this litigation. The "Receiving Party" shall refer to any person named in Section D.5.

A. Definition of Confidential Information.

2. Confidential Information is the Date of Birth ("DOB") designation for each person that is listed in the Voter File maintained by the Producing Party. Confidential Information also includes the signature of the voter in the Voter File maintained by the Producing Party.

B. Designation of Confidential Information.

3. The Producing Party shall designate hard copy documents containing Confidential Information by stamping or otherwise marking every printed page of the document "Confidential" or some similar language. If the documents containing Confidential Information are produced electronically, or in any other form, the Producing Party shall so mark the documents in any reasonable manner appropriate to the form in which they are produced.

C. Use of Confidential Information.

4. The Receiving Party will use the Confidential Information for purposes of this litigation, including investigation and discovery. The Receiving Party agrees not to use the Confidential Information for any purpose not related to this lawsuit. The Receiving Party agrees to destroy all documents containing Confidential Information at the termination

1 of this litigation, including any appeals to this lawsuit, although to the extent the Court is a
2 Receiving Party it may follow its normal procedures for the treatment of materials filed
3 under seal.
4
5

6
7 **D. Disclosure of Confidential Information.**
8

9 5. Material that is designated "Confidential Information" may be disclosed
10 solely to the following persons:
11

- 12 (a) Washington State Democratic Central Committee, and its employees
13 and agents.
14
15 (b) Counsel for any Party, the paralegal, stenographic, clerical and
16 secretarial personnel employed by such counsel; and
17
18 (c) Any third-party consultant, investigator, or independent expert
19 retained in connection with this action. Any person in this category
20 will be instructed to keep the Confidential Information confidential,
21 will agree to do so, and will be bound by this Stipulation and Order,
22 although a person in this category may, at the termination of this
23 litigation, including any appeals to this lawsuit, return documents
24 containing Confidential Information to the Receiving Party from
25 which the documents were received for destruction rather than
26 directly destroy the documents pursuant to Section C.4 of this Order.
27
28 (d) the Court, if filed under seal; or
29
30 (e) Court personnel including stenographic reporters engaged in such
31 proceedings as are necessarily incident to preparation for trial, if filed
32 under seal.
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

1 6. Any document filed with the Court, or otherwise made public, that includes
2 Confidential Information shall be (1) disclosed with the Confidential Information redacted,
3 or (2) if the Confidential Information must be revealed to the Court, filed under seal and
4 labeled as follows: "This Document Is Subject to a Protective Order Issued by the Court and
5 May Not Be Examined or Copied Except in Compliance with that Order." Documents so
6 labeled shall be kept by the Clerk under seal and shall be made available only to the Court or
7 persons authorized by the terms of this Order to have access thereto.
8
9

10
11
12
13
14
15 **E. Exceptions.**

16
17 7. Nothing herein shall prohibit a Receiving Party from disclosing a document
18 containing Confidential Information to the person the document identifies as an author or
19 recipient of such document, or to any person (including third-party witnesses) for which
20 prior approval for disclosure has been granted by the Producing Party. A Party's use for any
21 purpose of its own documents, which that Party produces in this action, shall not be
22 considered a violation of this Order. However, nothing herein is intended to modify the
23 parties' respective statutory, contractual, or common law obligations regarding such
24 information.
25
26
27
28
29
30
31

32 8. Notwithstanding any other provision of this Order to the contrary, the
33 obligations of this Order shall not apply, or shall cease to apply, to any voter DOB
34 information that is derived from documents other than the Voter File produced by the
35 Producing Party (e.g., publicly available criminal or death records).
36
37
38
39

40 9. The foregoing is without prejudice to the right of any Party:

- 41 (a) to apply to the Court for a further protective order relating to any
42 Confidential Information for use at trial or relating to any discovery in
43 this litigation;
44
45
46
47

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

(b) to object to the production of documents it considers not subject to discovery; or

(c) to apply to the Court for an order compelling production of documents or modification of this Order or for any order permitting disclosure of Confidential Information material beyond the terms of this Order.

F. Miscellaneous.

10. In the event anyone shall violate or threaten to violate any terms of this Order, the aggrieved Party may seek any remedy permitted by law, including but not limited to contempt, damages and injunctive relief, and it shall not be a defense to a request for injunctive relief that the aggrieved Party possesses an adequate remedy at law.

11. All persons subject to the terms of this Order agree that this Court shall retain jurisdiction over them for the purpose of enforcing this Order.

G. Agreement to Be Bound.

12. This Order may be signed in counterpart by each Party's respective counsel and when signed shall become binding and effective as to each such Party. The Parties agree to be bound by the restrictions in this Order immediately upon signing by both Parties, but this Order will expire if a judge does not enter the Order by April 30, 2005. Upon such expiration, the Receiving Party will return the Confidential Information to the Producing Party and destroy any copies made of the Confidential Information.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

DATED: April 20, 2005.

PERKINS COIE LLP

By Kevin J. Hamilton by RSE
Kevin J. Hamilton, WSBA # 15648
William C. Rava, WSBA # 29948
1201 Third Avenue, Suite 4800
Seattle, WA 98101

Attorneys for Intervenor-Respondent
Washington State Democratic Central
Committee

**KING COUNTY PROSECUTING
ATTORNEY**

By Donald Porter
Donald Porter, WSBA # 20164
Senior Deputy Prosecuting Attorney

Attorneys for King County

SPEIDEL LAW FIRM

Russell J. Speidel, WSBA # 12838
7 North Wenatchee Avenue, Suite 600
Wenatchee, WA 98807

JENNY A. DURKAN

Jenny A. Durkan, WSBA # 15751
c/o Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

ORDER

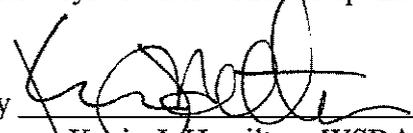
Pursuant to the stipulation of the parties, as detailed above, it is so ordered.

DATED this ____ day of _____, 2005.

Hon. John E. Bridges, Superior Court Judge

Presented by:

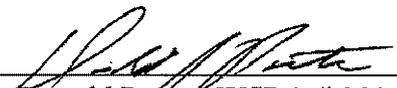
PERKINS COIE LLP
Attorneys for Intervenor Respondent

By 

Kevin J. Hamilton, WSBA # 15648
William C. Rava, WSBA # 29948

Approved as to form, notice of presentation
waived:

**KING COUNTY PROSECUTING
ATTORNEY**

By 

Donald Porter, WSBA # 20164
Senior Deputy Prosecuting Attorney

Attorneys for King County

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

THE HONORABLE JOHN E. BRIDGES

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR CHELAN COUNTY

Timothy Borders et al.,

Petitioners,

v.

King County et al.,

Respondents,

and

Washington State Democratic Central
Committee,

Intervenor-Respondent.

NO. 05-2-00027-3

CERTIFICATE OF SERVICE

The undersigned is a citizen of the United States and resident of the State of
Washington, is over the age of eighteen and is not a party to the within action.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

The following documents were caused to be served:

- 1. Stipulation and (Proposed) Protective Order Governing Certain Confidential Documents from King County;
- 5. Certificate of Service.

These documents were served in the manner described below.

Donald Porter E-Service Via E-Filing.com
Senior Dep. Prosecuting Attorney Via Electronic Mail
King County Via Overnight Mail
516 Third Avenue, Room E-550 Via U.S. Mail, 1st Class, Postage
Seattle, WA 98104 Prepaid
Phone: (206) 296-9015 Via Facsimile
Donald.Porter@metrokc.gov

Thomas F. Ahearne E-Service Via E-Filing.com
Foster Pepper & Shefelman PLLC Via Electronic Mail
1111 Third Avenue, Suite 3400 Via Overnight Mail
Seattle, WA 98101-3299 Via U.S. Mail, 1st Class, Postage
Email: ahearne@foster.com Prepaid
Attorneys for Respondent Secretary of State Via Facsimile
Sam Reed

Jeffrey T. Even, Assistant Attorney General E-Service Via E-Filing.com
P.O. Box 4100 Via Electronic Mail
Olympia, WA 98504-0100 Via Overnight Mail
Email: jeffe@atg.wa.gov Via U.S. Mail, 1st Class, Postage
Attorneys for Respondent Secretary of State Prepaid
Sam Reed Via Facsimile

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

Robert Maguire
Harry J.F. Korrell
Davis Wright Tremaine LLP
2600 Century Square, 1501 Fourth Avenue
Seattle, WA 98101
Email: robmaguire@dwt.com;
harrykorrell@dwt.com
Attorneys for Petitioners

- E-Service Via E-Filing.com
- Via Electronic Mail
- Via Overnight Mail
- Via U.S. Mail, 1st Class, Postage Prepaid
- Via Facsimile

Richard Shepard
John S. Mills
818 S. Yakima Avenue, Suite 200
Tacoma, WA 98405
Email: richard@shepardlawoffice.com
Attorneys for the Libertarian Party

- E-Service Via E-Filing.com
- Via Electronic Mail
- Via Overnight Mail
- Via U.S. Mail, 1st Class, Postage Prepaid
- Via Facsimile

Gary A. Reisen
Chelan County Prosecutor's Office
P.O. Box 2596
Wenatchee, WA 98807-2596
Email: Gary.Riesen@co.chelan.wa.us
*Attorneys for Respondents Chelan County
and Chelan County Auditor*

- E-Service Via E-Filing.com
- Via Electronic Mail
- Via Overnight Mail
- Via U.S. Mail, 1st Class, Postage Prepaid
- Via Facsimile

Timothy S. O'Neill, Klickitat County
Prosecuting Attorney
Shawn N. Anderson, Klickitat County
Prosecuting Attorney
205 S. Columbus Avenue, MS-CH-18
Goldendale, WA 98620
Email: timo@co.klickitat.wa.us
Attorneys for Respondent Klickitat County

- E-Service Via E-Filing.com
- Via Electronic Mail
- Via Overnight Mail
- Via U.S. Mail, 1st Class, Postage Prepaid
- Via Facsimile

Barnett N. Kalikow
Kalikow & Gusa, PLLC
1405 Harrison Ave NW, Suite 207
Olympia, WA 98502
Email: barnett.kalikow@gte.net
*Attorneys for Respondent Klickitat County
Auditor*

- E-Service Via E-Filing.com
- Via Electronic Mail
- Via Overnight Mail
- Via U.S. Mail, 1st Class, Postage Prepaid
- Via Facsimile

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

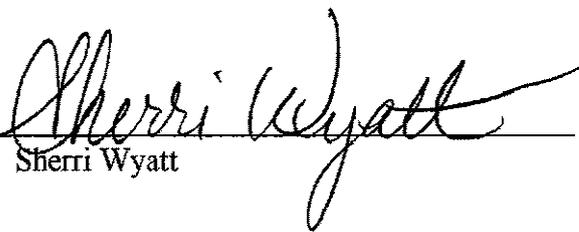
L. Michael Golden, Senior Dep. Pros. Atty.
Office of the Lewis County Prosecuting
Attorney
360 NW North Street
Chehalis, WA 98532-1900
Email: imgolden@co.lewis.wa.us
*Attorneys for Respondent Lewis County
Auditor*

- E-Service Via E-Filing.com
- Via Electronic Mail
- Via Overnight Mail
- Via U.S. Mail, 1st Class, Postage
Prepaid
- Via Facsimile

Gordon Sivley
Michael C. Held
Snohomish County Prosecutors Office
2918 Colby, MS 504
Everett, WA 98201
Email: (gsivley@co.snohomish.wa.us;
mheld@co.snohomish.wa.us)
*Attorneys for Respondents Snohomish
County and Snohomish County Auditors*

- E-Service Via E-Filing.com
- Via Electronic Mail
- Via Overnight Mail
- Via U.S. Mail, 1st Class, Postage
Prepaid
- Via Facsimile

I declare under penalty of perjury that the foregoing is true and correct, and that this
certificate was executed in Seattle, Washington on April 25th, 2005.

By 
Sherri Wyatt