

1 STATE OF WASHINGTON

2 To: **Whatcom County**

3 Cc: **Randall J. Watts, Esq.**
4 Deputy Prosecuting Attorney, Whatcom County
5 311 Grand Avenue, Suite 201
6 Bellingham, WA 98225
7 FAX: (360) 738-2532

8 GREETINGS:

9 YOU ARE HEREBY COMMANDED to be and appear as follows:

10 PLACE: Whatcom County Prosecuting Attorney
11 Civil Division
12 County Courthouse, Second Floor
13 311 Grand Avenue
14 Bellingham, WA 98225

15 DATE: Tuesday, April 26, 2005

16 TIME: 9:00 a.m. PST

17 To produce and permit inspection and copying of the documents or objects in
18 accordance with Attachment A at the place, date, and time specified above, at the request
19 of the Petitioners in the above-entitled cause. If documents or objects are received at the
20 above specified location by the specified date and time, or in advance at a mutually agreed
21 upon time and place, your attendance is waived.

22 DATED this 19th day of April, 2005.

23 Davis Wright Tremaine LLP
24 Attorneys for Petitioners

25 By David M. Bowman, for
26 Harry J. F. Korrell, WSBA #23173
27 Robert J. Maguire, WSBA #29909
1501 Fourth Avenue, Suite 2600
Seattle, Washington 98101-1688
Telephone: (206) 622-3150

ATTACHMENT "A"

I. DEFINITIONS

"Document" means, without limiting without limiting its generality, the original (or a copy when the original is not available) and each non identical copy (including those which are non identical by reason of notations and markings) of papers, writings and records of any nature whatsoever, including, but not limited to, electronic mail messages, contracts, agreements, correspondence, letters, telegrams, wires, cables, reports, schedules, diaries, statements, photographs, reproductions, maps, surveys, plats, drawings, blueprints, sketches, charts, models, invoices, purchase orders, ledgers, journals, checks, check stubs, notes, estimates, summaries, desk calendars, work papers, studies, appointment books, time sheets, logs, inventories, printouts, computer tapes, tape recordings, video recordings, microfilm, microfiche, recordings, or other data compilations from which information can be' obtained through detection devices into reasonably usable form, minutes of meetings, memoranda, including intercorporate, intracorporate, interoffice and intraoffice memoranda, memoranda regarding conferences, conversations or telephone conversations and any and all written, printed, typed, punched, or recorded matter of whatsoever kind of description, including drafts of any of the foregoing, as well as any computer disks, computer files, computer hard drives, computer backup tapes, archival media, or other electronic data, document or message storage of any kind or nature (whether on a disk, hard drive, file server, personal computer or other medium).

"You" or "your agents, servants, employees, attorneys, or representatives" includes but is not limited to all persons, professionals and/or associates, legal assistants and/or support staff who performed work as part of your team or under your supervision or at your direction in connection with the topics identified in this subpoena.

II. INSTRUCTIONS

1. Please produce all the documents, described below, wherever located, which are in the possession, custody or control of you or any of your agents, servants, employees, attorneys, or representatives.

2. Any copy of a document that varies in any way from the original or from any other copy of the document, whether by reason of handwritten or other notation or any omission, shall constitute a separate document and must be produced.

3. The original of each document requested is to be produced. Each document requested is also to be produced for inspection in its original file folder, file jacket, or cover.

4. Documents are to be produced in such a fashion that the specific individual or entity from whom they were obtained can be readily determined.

5. If you do not produce any document herein requested under a claim of privilege, work product, or other ground of non production, please submit in lieu of such document a written statement which:

- (a) specifies the privilege, work product, or other asserted ground of non-production;
- (b) describes the nature and general topic of the documents to the extent possible in a manner consistent with the privilege, work product, or other asserted ground of non production;
- (c) identifies the person or persons who prepared the documents and, if applicable, the person or persons to whom the document was sent;
- (d) identifies each other person who has seen or had possession of the documents; and

- (e) specifies the date on which the document was prepared by the author and/or received by the addressees.

6. If any document was, but no longer is, in your custody or control, state whether it has been lost, destroyed, transferred, or otherwise disposed of, and in each instance, identify the document as completely as possible, including without limitation, the author(s), addressee(s), any person(s) who saw the document, the date of the document and date when the document was received, the subject matter of the document, and the circumstances surrounding the disposition of the document and the date that disposition occurred.

III. DOCUMENTS REQUESTED

Produce copies of:

1. All poll book pages from the 2004 General Election containing the names of those individuals listed on the attached Exhibit 1.
2. All absentee ballot envelopes from the 2004 General Election returned by those individuals listed on the attached Exhibit 1.
3. All provisional ballot envelopes from the 2004 General Election submitted by those individuals listed on the attached Exhibit 1.
4. All records reflecting or referring to the restoration of civil rights of those individuals listed on the attached Exhibit 2.
5. All records reflecting or referring to civil rights *not* having been restored to those individuals listed on the attached Exhibit 2.

6. All original voter registration forms and voter name change notices kept by the County pursuant to RCW 29A.08.710 and 29A.08.440, respectively, of those individuals whose provisional ballots you identified, in response to the Washington State Democratic Central Committee's Subpoena Duces Tecum dated April 8, 2005, as having been counted in the County without first (a) being verified, (b) a determination being made of whether the voter had already voted, or (c) having their signatures checked or verified.

EXHIBIT 1

Voter ID	Last	First	MI	Suffix
263212	Brandis	Roger	D	
167437	Eagle	Kelly	L	
144503	Erickson	Ingrid		
253621	Griffith	Steven	Cline	
251856	Hendler	Bruce	H	
25824	Henry	Mary	E	
263586	Higashi	Gary	H	
260228	Illman	Boyd	V	
201072	Knudsen	William	D	
228075	Lucero	Ruben	M	NULL
168820	Oakes	Trevor	D	
171232	Ridley	Daral	G	
162054	Stevens	Laura	J	

EXHIBIT 2

Where Voted	Voter ID	Last	First	Middle	Where Convicted	Conviction case no.(s)						
Whatcom	263212	BRANDIS	ROGER	D	Whatcom	21015169	268134	168267	198470	21015169		
Whatcom	167437	EAGLE	KELLY	L	Whatcom	951000226						
Whatcom	144503	ERICKSON	INGRID		Whatcom	941003448	1000285					
King	20318643	FACKLER	RICHARD	C	Whatcom	951004183						
Whatcom	253621	GRIFFITH	STEVEN	CLINE	Whatcom	11009641	911005497	851003392	871000217			
Whatcom	251856	HENDLER	BRUCE	H	Whatcom	941005029						
Whatcom	25824	HENRY	MARY	E	Whatcom	941002531						
Whatcom	260228	ILLMAN	BOYD	V	Whatcom	1011540	981016961	911033686				
Whatcom	201072	KNUDSEN	WILLIAM	D	Whatcom	11013923						
Whatcom	168820	OAKES	TREVOR	D	Whatcom	11000325						
Kitsap	61533	SMITH	ERIK		Whatcom	951000935						
Whatcom	162054	STEVENS	LAURA	J	Whatcom	951006801						
Pierce	733685	TOMMERY	NICHOLAS	O	Whatcom	1003997						