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The Honorable John C. Coughenour

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

WASHINGTON STATE REPUBLICAN
PARTY, et al.,

Plaintiffs,

WASHINGTON STATE DEMOCRATIC
CENTRAL COMMITTEE, et al.,

Plaintiff Intervenors,

LIBERTARIAN PARTY OF
WASHINGTON STATE, et al.,

Plaintiff Intervenors,

v.

STATE OF WASHINGTON, et al.,

Defendant Intervenors,

WASHINGTON STATE GRANGE, et al.,

Defendant Intervenors.

NO. CV05-0927-JCC

DECLARATION OF ALLYSON
ZIPP IN SUPPORT OF STATE
INTERVENORS' MOTION
TO STRIKE UNTIMELY
DISCLOSED WITNESSES

**NOTE ON MOTION
CALENDAR:**

October 15, 2010

NO ORAL ARGUMENT
REQUESTED

1 I, Allyson S. Zipp, being first duly sworn upon oath, declare as follows:

2 1. I am over eighteen years of age and competent to testify. I am an attorney
3 licensed to practice law in the state of Washington and admitted to the bar of this court. I am
4 currently employed as a Deputy Solicitor General for the state of Washington. I am one of
5 the counsel for Defendant-Intervenors State of Washington, Secretary of State Sam Reed,
6 and Attorney General Rob McKenna in this action.

7
8 2. Attached as exhibits to this Declaration are true and correct copies of the
9 following:

10 A. Excerpt from Defendant Intervenors' Answer to Republican Party's
11 First Set of Interrogatories and Requests for Production of Documents to Defendant
12 Sam. S. Reed, dated July 6, 2010, identifying in answer to Interrogatory No. 1 that
13 Dr. Todd Donovan had been retained as an expert "primarily to review any studies or
14 research prepared by the Plaintiffs for trial but possible to testify to rebut evidence
15 introduced by the Plaintiffs."

16
17 B. Two emails dated August 12, 2010, from James Pharris, Deputy
18 Solicitor General, to counsel of record, transmitting by attachment reports authored
19 by State's expert witness Dr. Donovan: (1) August 2010 report on factual political
20 knowledge, and (2) August 2010 report on paper by Manweller [Plaintiffs' expert
21 witness].
22

23 C. Excerpt from Washington State Republican Party's Answers and
24 Responses to State Intervenor's First Set of Interrogatories and Requests for
25 Production to Washington State Republican Party, et al., dated July 8, 2010,
26

1 identifying six witnesses in answer to Interrogatory No. 2's request to
2 "[i]dentify, . . . every witness, including expert witnesses, upon whose testimony
3 (including declarations) you intend to rely in this action"

4
5 D. Email dated August 31, 2010, from Ms. Lee Wilson, Assistant to John
6 J. White, Jr., Esq., counsel for Washington State Republican Party, to counsel of
7 record, and attached document "Pltf.Supple.Disclose.Witnesses.pdf", captioned
8 Washington State Republican Party's Supplemental Designation of Witnesses, dated
9 August 31, 2010.

10 E. Email dated September 16, 2010, from Ms. Wilson, Assistant to John
11 J. White, Jr., Esq., to counsel of record, and attached document
12 "WSRP.Supple(2).Witness Designation.pdf", captioned Washington State Republican
13 Party's Second Supplemental Designation of Witnesses, dated September 16, 2010.

14
15 F. "Washington Republican Woman, Official Newsletter of the
16 Washington Federation of Republican Women, Spring—2010", listing Mary
17 Jane Aurdal-Olson as 2nd Vice President on page 2 under the heading "WFRW
18 2009-10 Officers, Committees", downloaded from the Internet at
19 http://www.wfrw.org/newsletters/WRW_Spring_2010.pdf, last checked September
20 24, 2010.

21
22 G. Email dated September 20, 2010, sent by Ms. Wilson, and signed by
23 Ms. Petruzzo, Assistants to John White, Jr., Esq., to counsel of record in this matter,
24 and attached document "WSRP.Supp(3d).Witness.Designation.doc.pdf", captioned
25
26

1 Washington State Republican Party's Third Supplemental Designation of Witnesses,
2 dated September 20, 2010.

3 H. Web page from the website of KCGOP.ORG King County Republican
4 Party, identifying Lori Sotelo as Chairman under Party Officers available
5 at <http://www.kcgop.org/sitemax/AboutUs/KCGOPTeam/tabid/61/Default.aspx>, last
6 visited September 27, 2010.

7
8 I. Letter dated May 20, 2010, from Ms. Rebecca L. Petruzzo, Legal
9 Assistant/Paralegal to John J. White, Jr., Esq., to Deputy Solicitor General Jeffrey T.
10 Even, transmitting CD containing (1) Republican Party's draft Stipulation Regarding
11 Admissibility of Exhibits and (2) proposed stipulated exhibits; and Exhibits 217, 218,
12 and 222 contained therein.

13
14 J. State Intervenors' Initial Disclosure of Fact and Lay Witnesses, dated
15 May 3, 2010, identifying two potential witnesses.

16 K. Washington State Republican Party's Plaintiffs' Initial Disclosure of
17 Fact and Lay Witnesses, dated May 4, 2010, identifying five potential witnesses.

18 3. I swear under penalty of perjury under the laws of the state of Washington that
19 the foregoing is true and correct and of my own knowledge, and that I executed this
20 declaration at Olympia, Washington, in the County of Thurston, this 29th day of
21 September, 2010.
22

23
24 s/ Allyson S. Zipp
25 Allyson S. Zipp
26 WSBA #38076

CERTIFICATE OF SERVICE

I certify, under penalty of perjury under the laws of the state of Washington, that on this date I electronically filed the foregoing Declaration of Allyson Zipp in Support of State Intervenors' Motion to Strike Untimely Disclosed Witnesses with the clerk of the court using the CM/ECF system which will send notification of such filing to the following:

John White and Kevin Hansen, attorneys for Washington State Republican Party

David McDonald and Emily Throop, attorneys for Washington State Democratic Central Committee

Orrin Grover and John Mills, attorneys for Libertarian Party of Washington State

Thomas Ahearne, Marco Magnano, and Kathryn Carder, attorneys for Washington State Grange

Gordon Sivley, attorney for Snohomish County

DATED this 29th day of September, 2010.

s/ Allyson S. Zipp
Allyson S. Zipp

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