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July 7, 2008

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Mr. James K. Pharris
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Re: *Washington State Republican Party, et al v. State of Washington, et al.*
Ninth Circuit Court of Appeals Nos. 05-35774 and 05-35780

Dear Messrs. Pharris and Even:

By now you have received and had an opportunity to review the Ninth Circuit order from July 3, filed also with the District Court for the Western District of Washington. As we have previously advised you: This litigation is not over. No court has vacated the injunction entered by the district court in July, 2005. The injunction against implementing the Modified Blanket Primary is still in effect. Conducting a Modified Blanket Primary in August will be a willful violation of the injunction. In addition to violating the injunction, issuing certificates of nomination to candidates who receive the most votes will constitute an "error" in the administration of the election because the Open Primary is still the law of Washington.

Please confirm immediately that the State will adhere to the terms of the injunction, and conduct its August primary in accordance with the Open Primary law.

Very truly yours,

LIVENGOOD, FITZGERALD
& ALSKOG, PLLC


John J. White, Jr.

JJW/lw