

1 **TO:** All Parties

2
3 **AND TO:** Their Counsel of Record

4 PLEASE TAKE NOTICE, pursuant to CR 30 and CR 45, that the oral deposition of
5 the person designated by Pierce County as the officer, director, managing agent or other
6 person who consents to testify on Pierce County's behalf concerning the subjects specified
7 below will be taken by Intervenor-Respondent Washington State Democratic Central
8 Committee telephonically at the following time, date and place.
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15 **Time and Date
16 of Deposition**

15 **Place of
16 Deposition**

17
18 Friday, May 20, 2005
19 at 8:00 a.m.

Pierce County Auditor's Office
955 Tacoma Avenue S., Ste. 301
Tacoma, WA 98402-2160

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22 The testimony will be recorded stenographically. The deposition shall be subject to
23 continuance or adjournment from time to time and place to place until completed. The
24 subject areas of the deposition will be:
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26
27 1) For each of the following voters:
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30

| Last Name | First Name | Middle Name | Address | Estimated Precinct |
|-----------|------------|-------------|--|--------------------|
| BAKER | DEBRA | A. | 6801 S. D Street, Tacoma | 29-512 |
| IRVINE | ANNE | H. | 1507 53 rd Street, Tacoma | Tolo |
| KANE | ALEXIS | | 2340 S. Fawcett Avenue, Tacoma | 27-325 |
| MOSER | EDWARD | STEPHEN | 604 S. 82 nd Street, Tacoma | 29-518 |
| SMITH | MICHAEL | A. | 401 N. J Street, Tacoma | 27-314 |

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40 whether the registered voter was validly registered to vote in the 2004 General
41 Election; and
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45 2) A signature comparison by a qualified election official in accordance with normal Pierce
46 County ballot validation signature comparison techniques will be requested at the
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Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3099
Phone: (206) 359-8000
Fax: (206) 359-9000

1 deposition. The witness should be qualified to compare signatures from the voting records
2 produced in accordance with the attached Amended Subpoena Duces Tecum to an absentee
3 ballot envelope to be provided to the qualified election official at the deposition.
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6 Pursuant to CR 45, the witness has been directed to produce for examination and
7 copying at the time and place of the deposition, or such other time and place as may be
8 agreed upon prior to the deposition, the documents specified in Exhibit A to the Amended
9 Subpoena Duces Tecum addressed to the witness, a copy of which is served with this
10 notice and incorporated by reference.
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16 DATED: May 17, 2005.
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20 **PERKINS COIE LLP**

21 By 
22
23 FOR Kevin J. Hamilton, WSBA # 15648
24 William C. Rava, WSBA # 29948
25 1201 Third Avenue, Suite 4800
26 Seattle, WA 98101-3099
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30 Attorneys for Intervenor-Respondent
31 Washington State Democratic Central
32 Committee
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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

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1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3099
Phone: (206) 359-8000
Fax: (206) 359-9000

1 **TO: THE PIERCE COUNTY AUDITOR**

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3 YOU ARE HEREBY COMMANDED, at the request of Intervenor-Respondent
4 Washington State Democratic Central Committee and pursuant to CR 30 and CR 45, to
5 appear telephonically at the time, date and place listed below to testify in the above-entitled
6 case, and to remain in attendance until discharged.
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| Time and Date of Deposition | Place of Deposition |
|--|---|
| Friday, May 20, 2005 at 8:00 a.m. | Pierce County Auditor's Office 955 Tacoma Avenue S., Ste. 301 Tacoma, WA 98402-2160 |
| | and |
| | Perkins Coie LLP 1201 Third Avenue Suite 4800 Seattle, WA 9101 |

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26 The deposition shall be subject to continuance or adjournment from time to time and place
27 to place until completed.

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30 YOU ARE FURTHER COMMANDED pursuant to CR 45 to bring with you at
31 said place and time, or such other place and time prior to the deposition as may be agreed
32 upon, the documents described in Exhibit A to this subpoena for examination and copying.
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36 ALTERNATIVELY, to avoid the necessity of a lengthy deposition, the following
37 may be completed and produced to the offices of Perkins Coie LLP, 1201 Third Avenue,
38 48th Floor, Seattle, Washington 98101, or another location mutually agreed on:
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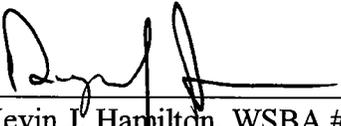
42 1) The documents listed in Exhibit A may be produced on or before the above-
43 referenced date with a notarized declaration from the Records Custodian in the form of the
44 attached Exhibit B, attesting under penalty of perjury that the enclosed documents are true
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1 and correct copies of all of the above-requested records which were kept and maintained in
2 the usual course of business.

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4 If documents are produced with a notarized declaration in the form of Exhibit B attached,
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6 the deposition will be limited to the signature comparison topic.
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8
9 DATED: May 17, 2005.

10
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12 **PERKINS COIE LLP**

13
14
15 By 

16 *for* Kevin J. Hamilton, WSBA # 15648
17 William C. Rava, WSBA # 29948
18 1201 Third Avenue, Suite 4800
19 Seattle, WA 98101-3099
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22 Attorneys for Intervenor-Respondent
23 Washington State Democratic Central
24 Committee
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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

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EXHIBIT A

The term "document" in this subpoena means any written, typed, graphic, recorded, or electronically stored matter whatsoever. The term "document" thus includes, without limitation, emails, letters, faxes, pictures, files, summaries, electronic database records, spreadsheets, notes, drafts, records, logs and working papers.

Please produce all documents or other materials in your possession, custody, or control, relating to the voter registration of the following voters:

| Last Name | First Name | Middle | Address | Estimated Precinct |
|-----------|------------|---------|--|--------------------|
| BAKER | DEBRA | A. | 6801 S. D Street, Tacoma | 29-512 |
| IRVINE | ANNE | H. | 1507 53 rd Street, Tacoma | Tolo |
| KANE | ALEXIS | | 2340 S. Fawcett Avenue, Tacoma | 27-325 |
| MOSER | EDWARD | STEPHEN | 604 S. 82 nd Street, Tacoma | 29-518 |
| SMITH | MICHAEL | A. | 401 N. J Street, Tacoma | 27-314 |

Without limitation, responsive material should include a copy of the voter's registration record including:

- 1) Date of Birth information; and
- 2) a signature image or signature card sufficient to enable the CR 30(b)(6) designee

for the deposition notice attached hereto to conduct the signature comparison described in the attached deposition notice.

Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3099
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EXHIBIT B

DECLARATION OF CUSTODIAN OF RECORDS

I, _____, being the duly authorized Custodian of Records, or other
qualified witness at:

say:

_____ That as of the date of this declaration, the attached documents are a true and
complete copy of all records requested in the attached Amended Subpoena Duces Tecum
which were kept and maintained by Pierce County in the usual course of regularly
conducted business activity by Pierce County, which had the regular practice of making and
maintaining these records.

_____ That as of the date of this declaration, I have not supplied the complete
records requested in the attached Amended Subpoena Duces Tecum, and the following
records have been omitted:

_____ That as of the date of this declaration, no records requested in the Amended
Subpoena Duces Tecum are in my possession.

I hereby certify and declare under the penalty of perjury under the laws of the State
of Washington, that the foregoing is true and correct.

_____ [Print Name]