

1 **TO:** All Parties

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

4
5 PLEASE TAKE NOTICE, pursuant to CR 30 and CR 45, that the oral deposition of
6
7 the person designated by Whitman County as the officer, director, managing agent or other
8
9 person who consents to testify on Whitman County's behalf concerning the subjects
10
11 specified below will be taken by Intervenor-Respondent Washington State Democratic
12
13 Central Committee telephonically at the following time, date and place.

14
15 **Time and Date
16 of Deposition**

15 **Place of
16 Deposition**

17
18 Friday, May 20, 2005
19 at 1:00 p.m.

17
18 Whitman County Auditor's Office
19 404 N. Main Street
20 Cofax, WA 99111-0030

21
22 and

23
24 Perkins Coie LLP
25 1201 Third Avenue
26 Suite 4800
27 Seattle, WA 98101

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29
30 The testimony will be recorded stenographically. The deposition shall be subject to
31
32 continuance or adjournment from time to time and place to place until completed. The
33
34 subject areas of the deposition will be:

35
36 1) For each of the following voters:

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Last Name	First Name	Middle Name	Address	Estimated Precinct
HOWARD	McKENZY	MAXINE	825 NE Linden St., Pullman	Pullman 115
LINDSEY	GARY	D.	420 SE Derby St., Pullman	Pullman 119

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44 whether the registered voter was validly registered to vote in the 2004 General
45
46 Election; and
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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 2) A signature comparison by a qualified election official in accordance with normal
2
3 Whitman County ballot validation signature comparison techniques will be requested at the
4
5 deposition. The witness should be qualified to compare signatures from the voting records
6
7 produced in accordance with the attached Amended Subpoena Duces Tecum to an absentee
8
9 ballot envelope to be provided to the qualified election official at the deposition.

10
11 Pursuant to CR 45, the witness has been directed to produce for examination and
12
13 copying at the time and place of the deposition, or such other time and place as may be
14
15 agreed upon prior to the deposition, the documents specified in Exhibit A to the Amended
16
17 Subpoena Duces Tecum addressed to the witness, a copy of which is served with this
18
19 notice and incorporated by reference.

20
21 DATED: May 17, 2005.

22
23
24 **PERKINS COIE LLP**

25
26
27 By


28
29 *for* Kevin J. Hamilton, WSBA # 15648
30 William C. Rava, WSBA # 29948
31 1201 Third Avenue, Suite 4800
32 Seattle, WA 98101-3099

33
34 Attorneys for Intervenor-Respondent
35 Washington State Democratic Central
36 Committee
37

28
29 **SPEIDEL LAW FIRM**

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

30
31 **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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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

AMENDED CR 30(b)(6) SUBPOENA
DUCES TECUM TO THE WHITMAN
COUNTY AUDITOR

1 **TO: THE WHITMAN COUNTY AUDITOR**

2
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.
7
8
9

Time and Date of Deposition	Place of Deposition
Friday, May 20, 2005 at 9:00 a.m.	Whitman County Auditor's Office 404 N. Main Street Colfax, WA 99111-0030
	and
	Perkins Coie LLP 1201 Third Avenue Suite 4800 Seattle, WA 9101

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

YOU ARE FURTHER COMMANDED pursuant to CR 45 to bring with you at said place and time, or such other place and time prior to the deposition as may be agreed upon, the documents described in Exhibit A to this subpoena for examination and copying.

ALTERNATIVELY, to avoid the necessity of a lengthy deposition, the following may be completed and produced to the offices of Perkins Coie LLP, 1201 Third Avenue, 48th Floor, Seattle, Washington 98101, or another location mutually agreed on:

1) The documents listed in Exhibit A may be produced on or before the above-referenced date with a notarized declaration from the Records Custodian in the form of the

1 attached Exhibit B, attesting under penalty of perjury that the enclosed documents are true
2 and correct copies of all of the above-requested records which were kept and maintained in
3 the usual course of business.
4

5
6 If documents are produced with a notarized declaration in the form of Exhibit B attached,
7 the deposition will be limited to the signature comparison topic.
8
9

10 DATED: May 17, 2005.
11

12
13 **PERKINS COIE LLP**

14
15 By 
16
17 ~~for~~ Kevin J. Hamilton, WSBA # 15648
18 William C. Rava, WSBA # 29948
19 1201 Third Avenue, Suite 4800
20 Seattle, WA 98101-3099
21
22

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24 Attorneys for Intervenor-Respondent
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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
HOWARD	McKENZY	MAXINE	825 NE Linden St., Pullman	Pullman 115
LINDSEY	GARY	D.	420 SE Derby St., Pullman	Pullman 119

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.

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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 Clark County in the usual course of regularly conducted
business activity by Clark 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]