

1 **TO: BUILDING INDUSTRY ASSOCIATION OF WASHINGTON ("BIAW")**

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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(b)(6) and CR 45,
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6 to designate one or more officers, directors, managing agents or other persons who consent
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8 to testify on your behalf in the above-entitled case, concerning the following subjects:
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10 (1) The date you were retained by Petitioners or Davis, Wright Tremaine
11 ("DWT") to assist developing factual information for any litigation relating to the November
12 election, including a possible election contest ("Retention Date"), and the terms of such
13 retention, including purpose of retention, the scope of services, and compensation
14 ("Retention Scope");
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20 (2) All communications within BIAW relating in any way to the 2004 governor's
21 election, between November 2 and the Retention Date;
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24 (3) All communications between BIAW or any of its employees or agents and:
25 the Petitioners or their employees or agents, the Washington State Republican Party, the
26 Republican National Committee or the Republican Governors Association (or the employees
27 or agents of any of those organizations) relating to the 2004 Governor's election, between
28 November 2 and the Retention Date;
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34 (4) A description of all work done before the Retention Date to research or
35 locate any illegal voters in the Governor's election, including but not limited to a detailed
36 description of:
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40 (a) each data base used (including its creator, location, cost and content)
41 in identifying such voters;
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44 (b) the number of people utilized to do such work, the amount they were
45 compensated and who paid such compensation;
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(c) each county, and if less than an entire county, the precinct or groups of precincts that were checked in any manner for illegal voters;

(d) the number and identity, including name, address, and voter registration number, of any individuals who were researched as possible illegal voters in each county or portion of a county, the basis for believing a voter might be an illegal voter; and the disposition of the research on each individual;

(e) the name, address, and voter registration number of any person who you identified as being a potential illegal felon voter that does not appear on the attached Exhibit A;

(f) the criteria used to include an individual on a list of "felon voters";

(g) whether research was discontinued on any individual or in any county or part of a county, and if so the reasons why the research was discontinued and the identity of such persons or counties;

(h) the nature and location of all documents reflecting any work done by BIAW relating to possible illegal voters, between November 2 and the Retention Date

(5) A description of all work done to research or locate any illegal voters in the Governor's election outside the Retention Scope, including but not limited to a detailed description of:

(a) each data base used (including its creator, location, cost and content) in identifying such voters;

(b) the number of people utilized to do such work, the amount they were compensated and who paid such compensation;

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(c) each county, and if less than an entire county, the precinct or groups of precincts that were checked in any manner for illegal voters;

(d) the number and identity, including name, address, and voter registration number, of any individuals who were researched as possible illegal voters in each county or portion of a county, the basis for believing a voter might be an illegal voter; and the disposition of the research on each individual;

(e) the name, address, and voter registration number of any person who you identified as being a potential illegal felon voter that does not appear on the attached Exhibit A;

(f) the criteria used to include an individual on a list of "felon voters";

(g) whether research was discontinued on any individual or in any county or part of a county, and if so the reasons why the research was discontinued and the identity of such persons or counties;

(h) the nature and location of all documents reflecting any work done by BIAW relating to possible illegal voters, between November 2 and the Retention Date

(6) Any document, witness or other information that shows or supports in any way a conclusion that any individual that you believed voted illegally in the 2004 general election cast a vote in the Governor's race, and for whom such vote was cast.

Such person shall appear at the time, date and place listed below to testify in the above-entitled case, and shall remain in attendance until discharged.

**Time and Date
of Deposition**

**Place of
Deposition**

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Wednesday, April 27, 2005 at 9:00 a.m.

Perkins Coie LLP, 111 Market Street NE,
Suite 200, Olympia, Washington 98501

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

DATED: April 8, 2005.

PERKINS COIE LLP

By Kevin J. Hamilton by RSE

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