

1 2. The Rossi Campaign objects to Instruction No. 4 as seeking to impose
2 obligations beyond those required under the Civil Rules; as burdensome; harassing; and
3 calling for information protected by the attorney client privilege or work product doctrine.

4 3. The Rossi Campaign objects to Instruction No. 5 as seeking to impose
5 obligations beyond those of the Civil Rules. The Rossi Campaign will answer and object
6 to interrogatories in accordance with the Civil Rules.

7 4. The Rossi Campaign objects to Instruction No. 6 as unduly burdensome;
8 overbroad; harassing; and to the extent that it would require disclosure of documents or
9 information protected by the attorney-client privilege or work product doctrine.

10 5. The Rossi Campaign objects to the definitions of "You," "your" or any
11 similar word or phrase," "Petitioners," "identify," and "state the factual basis" including
12 each of the multiple subparts of those definitions, as unreasonable, unduly burdensome,
13 and harassing. The Rossi Campaign will entertain reasonable requests for further
14 identifying information if there is genuine uncertainty as to the person, entity, or
15 communication to which the discovery responses refer. Furthermore, the inclusion of all
16 of the Rossi Campaign's agents, attorneys, and professional advisors or consultants within
17 the definitions is objectionable insofar as it is overbroad and would require disclosure of
18 documents or information protected by the attorney-client privilege or as work product.
19 The Rossi Campaign has received assistance from many in-house and outside attorneys
20 and consultants, both retained and volunteer, throughout this election and in the course of
21 the post-election litigation and continues to receive assistance from such people. The
22 communications with them are either (1) protected by the attorney-client privileged, (2)
23 prepared in anticipation of or in the course of litigation, or (3) wholly unrelated to any of
24 the issues in this litigation. The Rossi Campaign has not asked these individuals to provide
25 responsive documents and is not producing correspondence with these individuals that is in
26 its possession. The Rossi Campaign further objects to providing a privilege log for such
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1 documents, as the log would amount to a running report of the timing and subject matter of
2 all of its communications with its attorneys and consultants. Further, given the enormous
3 burden of producing such documents or even identifying them and preparing a privilege
4 log and the lack of any relevance of the actual communications themselves to the subject
5 matter of this case (as opposed to the factual information and documents that are being
6 provided with these answers and responses), the request for these documents is unduly
7 burdensome. The Rossi Campaign offers to schedule a CR 26(i) conference to discuss
8 further this objection and ways to accommodate any specific, legitimate needs to discover
9 some of the nonprivileged communications

10 6. The Rossi Campaign objects to the definitions and instructions generally to
11 the extent that they seek to impose obligations beyond those imposed by the Civil Rules.
12 The Rossi Campaign will provide answers and responses consistent with the obligations
13 imposed by the Civil Rules.

14 7. The Rossi Campaign objects to the disclosure or production of its
15 confidential information or documents.

16 8. The Rossi Campaign objects to the production of, and will not produce,
17 copies of the papers and pleadings on file in this action or of the communications between
18 its attorneys and the WSDCC's attorneys. The WSDCC already has copies of such
19 documents.

20 9. The Rossi Campaign notes that WSDCC and some counties opposed
21 Petitioners efforts to obtain expedited discovery. Petitioners discovery efforts continue
22 and are on-going. Much of the information sought herein currently is being obtained from
23 other parties through discovery. Thus, these answers and responses will be supplemented
24 as required under CR 26(e).

1 **REQUESTS FOR PRODUCTION**

2 **REQUEST FOR PRODUCTION NO.7:** Produce all documents referring or
3 relating to the 2004 General Election or Gubernatorial Election that you have sent to or
4 received from the Building Industry Association of Washington, the Washington State
5 Republican Party, Re-vote.org, the Republican Governor's Association, the Republican
6 National Committee, the Rossi for Governor Campaign, or any person affiliated with those
7 organizations.

8 **RESPONSE:**

9 The Rossi Campaign objects to this request in that it is overbroad and not
10 reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks
11 documents unrelated to any of the issues in this election contest litigation. The Rossi
12 Campaign also objects in that the request does not identify with sufficient specificity the
13 documents, categories of documents, or information sought.

14 The Rossi Campaign objects to this request in that it is overbroad and not
15 reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks
16 documents related to the non-Gubernatorial races in the 2004 General Election.

17 The Rossi Campaign objects to the language "any person" in that it is vague,
18 overbroad, unduly burdensome, and seeking information not likely to lead to admissible
19 evidence.

20 The Rossi Campaign objects to this request in that it seeks documents and
21 communications that are protected by the private right of free association for political
22 purposes as created and protected by the United States Constitution and Washington State
23 Constitution.

24 The Rossi Campaign objects to this request in that it seeks documents protected by
25 the Attorney-Client Privilege and/or materials prepared for litigation or information or
26 documents protected by the Attorney Work Product Doctrine, including but not limited to:
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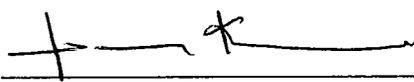
1 (a) the articulation of that doctrine in Civil Rule 26(b)(4), and/or in applicable case law,
2 regarding materials prepared in anticipation of litigation and trial preparation materials; (b)
3 work product materials protected under Civil Rule 26(b)(5), and/or under applicable case
4 law, including materials prepared by retained experts and consultants other than as
5 required to be produced pursuant to that rule.

6 The Rossi Campaign objects to the request for documents received from BIAW to
7 the extent it seeks publicly available material or information that is equally available to the
8 WSDCC from public sources or from more appropriate third parties. It is the Rossi
9 Campaign's belief that all responsive and nonprivileged documents either have been or
10 will be produced by BIAW.

11 The Rossi Campaign offers to schedule a CR 26(i) conference to discuss further
12 this request and its objection and ways to accommodate any specific, legitimate needs to
13 discover some of the nonprivileged communications.

14
15 Objections dated this 24th day of February, 2005.

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17 Davis Wright Tremaine LLP
Attorneys for Petitioners

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19 By 
20 Harry J.F. Korrell, WSBA #23173
21 Robert J. Maguire, WSBA #29909

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CHELAN

TIMOTHY BORDERS, et al.,

Petitioners,

v.

KING COUNTY, et al.

Respondents.

No. 05-2-00027-3

CERTIFICATE OF SERVICE

SELAH BROWN states as follows:

1. I am over the age of 18 years and am not a party to the within cause.

2. I am employed by the law firm of Davis Wright Tremaine LLP. My business and mailing addresses are 2600 Century Square, 1501 Fourth Avenue, Seattle, Washington 98101-1688.

3. On February 24, 2005, I caused the documents listed below to be served U.S. Mail, with First Class postage thereon prepaid, on the parties listed below:

(1) Objections, Answers and Responses to Washington State Democratic Central Committee's Second Requests for Production to Petitioner Rossi-For-Governor Campaign;

Kevin Hamilton, Esq.
Perkins Coie LLP
Attorneys for Washington State Democratic
Central Committee
1201 Third Avenue, Suite 4800
Seattle, WA 98101
via E-mail and U.s. Mail

1 **Tim O'Neill**

2 Klickitat County Prosecuting Attorney
3 205 South Columbus Ave., MS-CH18
4 Goldendale WA 98620

5 **Gary Riesen**

6 Chelan County Prosecuting Attorney
7 PO Box 2596
8 Wenatchee WA 98807-2596

9 **Barnett N. Kalikow, Esq.**

10 For: Klickitat County Auditor
11 Kalikow & Gusa PLLC
12 1405 Harrison Avenue NW, Suite 207
13 Olympia WA 98502

14 **Gorden Sivley**

15 **Michael C. Held**
16 Snohomish County Deputy Prosecuting
17 Attorneys
18 2918 Colby Avenue, Suite 203
19 Everett WA 98201-4011

L. Michael Golden

Lewis County Senior Dep. Prosec. Attorney
345 West Main Street
Chehalis WA 98532

Jeffrey T. Even, Asst. Attorney General

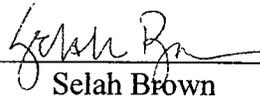
For: Secretary of State Sam Reed
Attorney General's Office
PO Box 40100
Olympia WA 98504-0100

Thomas Ahearne, Esq.

For: Secretary of State Sam Reed
Foster Pepper & Shefelman
1111 Third Avenue, Suite 3400
Seattle WA 98101

20 I certify under penalty of perjury under the laws of the State of Washington that the
21 foregoing is true and correct.

22 DATED this February 24, 2005, 2005 at Seattle, Washington.

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Selah Brown