



# Davis Wright Tremaine LLP

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January 28, 2005

## VIA FACSIMILE & ELECTRONIC MAIL

Gordon Sivley  
Michael C. Held  
Snohomish County Deputy Prosecuting Attorneys  
2918 Colby Ave., Suite 203  
Everett, WA 98201-4011

Re: *Timothy Borders, et al. v. King County and Dean Logan, et al.*

Dear Messrs. Sivley and Held:

Enclosed please find a deposition notice for a Rule 30(b)(6) witness from Snohomish County. Please note that although we have scheduled the deposition for February 11, 2005, at 9:00 a.m., we are open to discussing alternative dates. If you would like to discuss rescheduling, please contact Rob Maguire at (206) 628-7756 or Harry Korrell at (206) 628-7680.

Very truly yours,

Davis Wright Tremaine LLP



Robert F. Porcarelli

Enclosure

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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 and Dean Logan, its Director of  
Records, Elections and Licensing Services, et al.,  
Respondents.  
v.  
Washington State Democratic Central  
Committee,  
Intervenor-Respondent,  
v.  
Libertarian Party of Washington State et al.,  
Intervenor-Respondents.

No. 05-2-00027-3  
NOTICE OF 30(b)(6)  
DEPOSITION

PLEASE TAKE NOTICE that pursuant to Civil Rule 30(b)(6), Petitioners will take the deposition of Respondent Snohomish County on Friday, February 11, 2005, at 9:00 a.m. (or another mutually agreed upon date and time) at the offices of Davis Wright Tremaine LLP, 2600 Century Square, 1501 Fourth Avenue, Seattle, Washington 98101-1688.

1 The deposition shall take place before a deposition officer duly authorized to administer  
2 oaths, and shall be recorded by stenographic means. The deposition shall continue from day to  
3 day, excluding Saturdays, Sundays, and holidays, until completed.

4 Pursuant to this Notice and to Civil Rule 30(b)(6), Respondent Snohomish County is  
5 required and requested to designate and produce at the deposition a person or persons to testify  
6 on behalf of Snohomish County on the following matters:

7 1. The efforts made by county elections officials to reconcile the number of votes  
8 or ballots counted and the number of voters credited in Washington's statewide general election  
9 on November 2, 2004 and all subsequent recounts, including but not limited to any errors made  
10 during the reconciliation process, and the size of the discrepancy (in terms of number of votes)  
11 between the number of votes or ballots counted and the number of voters credited with voting.

12 2. The process followed by county elections officials to verify all provisional  
13 ballots cast or counted in Washington's statewide general election on November 2, 2004, and  
14 all subsequent recounts, including but not limited to efforts made to ensure that provisional  
15 ballots were verified before being counted; the number of provisional ballots counted without  
16 verification that the person casting the ballot was a registered voter and had not already voted  
17 by absentee or other ballot; and whether it is possible to retrieve such ballots.

18 3. The measures taken by county elections officials to ensure that ballots cast on  
19 behalf of dead persons, by felons who had not had their voting rights restored, and voters  
20 voting more than once cannot be cast and if cast will not be counted in Washington's statewide  
21 general election on November 2, 2004, and all subsequent recounts and the number of such  
22 ballots that were cast and/or counted.

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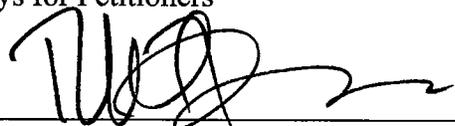
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1 DATED this 28<sup>th</sup> day of January, 2005.

2 Davis Wright Tremaine LLP  
3 Attorneys for Petitioners

4 By 

5 Harry Korrell, WSBA #23173  
6 Robert J. Maguire, WSBA #29909

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