

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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

Timothy Borders, Thomas Canterbury, Tom
Huff, Margie Ferris, Paul Elvig, Edward
Monaghan, and Christopher Vance, Washington
residents and electors, and the Rossi for
Governor Campaign, a candidate committee,

Petitioners,

v.

King County and Dean Logan, its Director of
Records, Elections and Licensing Services, et al.,

Respondents.

and

Washington State Democratic Central
Committee,

Intervenor-Respondent,

and

Libertarian Party of Washington State et al.,

Intervenor-Respondents.

No. 05-2-00027-3

SUBPOENA DUCES TECUM

1 STATE OF WASHINGTON

2 To: **King County**
3 c/o Division of Records, Elections, and Licensing Services
4 500 4th Avenue, Room 553
5 Seattle, WA 98104

6 Cc: **Don Porter, Esq.**
7 Prosecuting Attorney
8 CIVIL DIVISION, E550
9 King County Courthouse,
10 516 Third Avenue, Room W-400
11 Seattle, WA 98104

12 GREETINGS:

13 YOU ARE HEREBY COMMANDED to be and appear as follows:

14 PLACE: Offices of Davis Wright Tremaine LLP
15 1501 4th Avenue, Suite 2600
16 Seattle, WA 98101

17 DATE: Monday, April 25, 2005

18 TIME: 9:00 a.m. PST

19 To produce for inspection and copying, or to produce copies of, the documents or
20 objects in accordance with attached Attachment A at the place, date, and time specified
21 above, at the request of the Petitioners in the above-entitled cause. If documents or objects
22 are received at the above specified location by the specified date and time, your attendance
23 is waived.

24 DATED this 18th day of April, 2005.

25 Davis Wright Tremaine LLP
26 Attorneys for Petitioners

27 By *David M. Bowman, for*
Harry J.F. Korrell, WSBA #23173
Robert J. Maguire, WSBA #29909

ATTACHMENT "A"

I. DEFINITIONS

"Document" means, without limiting without limiting its generality, the original (or a copy when the original is not available) and each non identical copy (including those which are non identical by reason of notations and markings) of papers, writings and records of any nature whatsoever, including, but not limited to, electronic mail messages, contracts, agreements, correspondence, letters, telegrams, wires, cables, reports, schedules, diaries, statements, photographs, reproductions, maps, surveys, plats, drawings, blueprints, sketches, charts, models, invoices, purchase orders, ledgers, journals, checks, check stubs, notes, estimates, summaries, desk calendars, work papers, studies, appointment books, time sheets, logs, inventories, printouts, computer tapes, tape recordings, video recordings, microfilm, microfiche, recordings, or other data compilations from which information can be' obtained through detection devices into reasonably usable form, minutes of meetings, memoranda, including intercorporate, intracorporate, interoffice and intraoffice memoranda, memoranda regarding conferences, conversations or telephone conversations and any and all written, printed, typed, punched, or recorded matter of whatsoever kind of description, including drafts of any of the foregoing, as well as any computer disks, computer files, computer hard drives, computer backup tapes, archival media, or other electronic data, document or message storage of any kind or nature (whether on a disk, hard drive, file server, personal computer or other medium).

"You" or "your agents, servants, employees, attorneys, or representatives" includes but is not limited to all persons, professionals and/or associates, legal assistants and/or support staff who performed work as part of your team or under your supervision or at your direction in connection with the topics identified in this subpoena.

II. INSTRUCTIONS

1. Please produce all the documents, described below, wherever located, which are in the possession, custody or control of you or any of your agents, servants, employees, attorneys, or representatives.

2. Any copy of a document that varies in any way from the original or from any other copy of the document, whether by reason of handwritten or other notation or any omission, shall constitute a separate document and must produced.

3. The original of each document requested is to be produced. Each document requested is also to be produced for inspection in its original file folder, file jacket, or cover.

4. Documents are to be produced in such a fashion that the specific individual or entity from whom they were obtained can be readily determined.

5. If you do not produce any document herein requested under a claim of privilege, work produce, or other ground of non production, please submit in lieu of such document a written statement which:

- (a) specifies the privilege, work product, or other asserted ground of non-production;
- (b) describes the nature and general topic of the documents to the extent possible in a manner consistent with the privilege, work product, or other asserted ground of non production;
- (c) identifies the person or persons who prepared the documents and, if applicable, the person or persons to whom the document was sent;
- (d) identifies each other person who has seen or had possession of the documents; and

- (e) specifies the date on which the document was prepared by the author and/or received by the addressees.

6. If any document was, but no longer is, in your custody or control, state whether it has been lost, destroyed, transferred, or otherwise disposed of, and in each instance, identify the document as completely as possible, including without limitation, the author(s), addressee(s), any person(s) who saw the document, the date of the document and date when the document was received, the subject matter of the document, and the circumstances surrounding the disposition of the document and the date that disposition occurred.

III. DOCUMENTS REQUESTED

Produce copies of:

1. All original voter registration forms and voter name change notices kept by King County pursuant to RCW 29A.08.710 and 29A.08.440, respectively, of those individuals listed on the attached Exhibit 1.