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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.  
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: **Spokane County**

3 Cc: **Steve Kinn, Esq.**  
4 Spokane County Prosecutor's Office  
5 Public Safety Building, 1<sup>st</sup> Floor  
6 1100 West Mallon  
7 Spokane, WA 99260-2051  
8 E-mail: skinn@spokanecounty.org

9 GREETINGS:

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

11 PLACE: Spokane County Prosecutor's Office  
12 Public Safety Building, 1<sup>st</sup> Floor  
13 1100 West Mallon  
14 Spokane, WA 99260-2051

15 DATE: Tuesday, April 26, 2005

16 TIME: 9:00 a.m. PST

17 To produce and permit inspection and copying of the documents or objects in  
18 accordance with Attachment A at the place, date, and time specified above, at the request  
19 of the Petitioners in the above-entitled cause. If documents or objects are received at the  
20 above specified location by the specified date and time, or in advance at a mutually agreed  
21 upon time and place, your attendance is waived.

22 DATED this 19th day of April, 2005.

23 Davis Wright Tremaine LLP  
24 Attorneys for Petitioners

25 By David M. Bouman, for  
26 Harry J. F. Korrell, WSBA #23173  
27 Robert J. Maguire, WSBA #29909  
1501 Fourth Avenue, Suite 2600  
Seattle, Washington 98101-1688  
Telephone: (206) 622-3150

## **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 poll book pages from the 2004 General Election containing the names of those individuals listed on the attached Exhibit 1.
2. All absentee ballot envelopes from the 2004 General Election returned by those individuals listed on the attached Exhibit 1.
3. All provisional ballot envelopes from the 2004 General Election submitted by those individuals listed on the attached Exhibit 1.
4. All records reflecting or referring to the restoration of civil rights of those individuals listed on the attached Exhibit 2.
5. All records reflecting or referring to civil rights *not* having been restored to those individuals listed on the attached Exhibit 2.

6. All original voter registration forms and voter name change notices kept by the County pursuant to RCW 29A.08.710 and 29A.08.440, respectively, of those individuals whose provisional ballots you identified, in response to the Washington State Democratic Central Committee's Subpoena Duces Tecum dated April 8, 2005, as having been counted in the County without first (a) being verified, (b) a determination being made of whether the voter had already voted, or (c) having their signatures checked or verified.

# EXHIBIT 1

Voter ID	Last	First	MI	Suffix
401851	ANSON	JON		
1021152	CARTER	LANCE		
1019106	CLINK	DONALD	G	
152755	CUNNINGHA	JEFF		
1013140	ELLIOTT	WAYNE	L	NULL
315920	GADBERRY	MICHAEL	A	
24699	GUNN	MICHAEL		
1019865	IMUS	JOHN	C	
1027091	JOHNSON	RICHARD	S	SR
1017101	JOHNSON	TESSIE	L	
1029004	JONES	DOUGLAS	E	NULL
136823	KALUZA	BRIAN		
191083	KING	ROBERT	L	JR
135040	LAIRD	DANIEL	S	
1017389	LEIPER	SCOTT	E	
1023880	PETIT	ALDEN	K	
1022144	RUPERT	SHANE	S C	
1023997	SMITH	CHRISTOPH	W L	
1021465	WAVRA	LENHART	D	JR
1030767	ZUIDERWEG	GARMT		

EXHIBIT 2

Where Voted	Voter ID	Last	First	Middle	Where Convicted (case no.)	Conviction cause no.(s)
Spokane	1021152	CARTER	LANCE		Spokane	41024871
Spokane	1019106	CLINK	DONALD	G	Spokane	1023686
Spokane	152755	CUNNINGHAM	JEFF		Spokane	31024903
						21021507; 861500536; 863308
Spokane	315920	GADBERRY	MICHAEL	A	Spokane	11003594; M017733
Spokane	24699	GUNN	MICHAEL		Spokane	21011625; 37863;
						11500758
Spokane	1019865	IMUS	JOHN	C	Spokane	41026670
Spokane	136823	KALUZA	BRIAN		Spokane	21001972;
Spokane	135040	LAIRD	DANIEL	S	Spokane	H11764
Spokane	1023880	PETTIT	ALDEN	K	Spokane	41015635; M00065380
Spokane	1022144	RUPERT	SHANE	S C	Spokane	21012818
Spokane	1021465	WAVRA	LENHART	D	Spokane	41005869
Spokane	1030767	ZUIDERWEG	GARMT		Spokane	11021223