



## Davis Wright Tremaine LLP

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April 22, 2005

*Via Facsimile 253-798-6713*

Dan Hamilton  
Pierce County Deputy Prosecuting Attorney  
930 Tacoma Avenue South # 946  
Tacoma, WA 98402

Re: *Borders v. King County et al.*

Dear Mr. Hamilton:

Following up on our phone conversation this afternoon, I am enclosing a new Subpoena Duces Tecum. This subpoena is intended to supplement, not replace, the Subpoena Duces Tecum dated April 15, 2005, in response to which Pierce County has searched for and intends to produce documents this Monday, April 25, 2005 at the 30(b)(6) deposition. Thank you for your flexibility in accepting service by facsimile of today's subpoena on behalf of both the Pierce County Auditor and the Pierce County Clerk.

If you have questions, please do not hesitate to contact me. Thank you, and have a great weekend.

Very truly yours,

Davis Wright Tremaine LLP

David M. Bowman

cc: Peter Schalestock, Esq.  
Harry J. F. Korrell, Esq.  
Robert J. Maguire, Esq.  
All Parties

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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: **Pierce County Auditor**, with respect to document request numbers 1, 2 and  
3 3 of Attachment A  
4 **Pierce County Clerk**, with respect to document request numbers 4 and 5 of  
Attachment A

5 C/O: Dan Hamilton  
6 Pierce County Deputy Prosecuting Attorney  
7 930 Tacoma Ave. South, #946  
Tacoma, WA 98402  
8 FAX: (253) 798-6713

9 GREETINGS:

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

11 PLACE: Pierce County Prosecuting Attorney's Office  
12 955 Tacoma Avenue South, Suite 301  
Tacoma, WA 98402

13 DATE: Tuesday, May 3, 2005

14 TIME: 9:00 a.m. PST

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

20 DATED this 22nd day of April, 2005.

21 Davis Wright Tremaine LLP  
22 Attorneys for Petitioners

23 By David M. Bourman  
24 Harry J. F. Korrell, WSBA #23173  
25 Robert J. Maguire, WSBA #29909  
26 1501 Fourth Avenue, Suite 2600  
Seattle, Washington 98101-1688  
27 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**

To the extent not already produced in response to the Subpoena Duces Tecum dated April 15, 2005, 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.

## EXHIBIT 1

Voter ID	Last	First	MI	Suffix
181294	ANDERSON	CHRISTOPH	J	
750181	APPELMAN	SHAUN	L	
259373	BRODT	JESSE	D	
29934	CALLAWAY	BRYAN	E	
342182	DENNING	LYDIA	A	
285318	GILLILAND	BRIAN		
752119	GIPSON-FRA	ERINN	R	
282602	HOWE	CHRISTOPHER		
729816	JONES	HARVEY	W	
436707	KRESHAK	JERRY	A	
716015	KRUEGER	JASON	M	
148668	LEE	TONYA	D	
751502	LINENKO	CHRISTIAN	N	
733449	MATTHEWS	MICHAEL	L	
136344	MEIRHOFER	ALAN	L	
14528	MEJIA	FELICITO	V	
136307	NELSON	CHARLES	E	
52084	PLISCHKE	ROBERT	D	JR
223510	RUTZ	DARYL	B	
740682	SCHMITH	DAVID	T	
176284	SCHOENBAO	JOE		
105515	SHAY	JESSE		JR
742202	SHERIDAN	SHAWNTAY	R	
328157	STROMMER	VERNON	C	
733685	TOMMERVIK	NICHOLAS	O	
50095	VOSTI	JEREMY	J	
90860	WILLIAMS	HARRY		
153086	WILSON	WARREN	G	

EXHIBIT 2

Where Voted	Voter ID	Last	First	Middle	Where Convicted	Case No.(s)
Pierce	259373	BRODT	JESSE	D	Pierce	41014435
Pierce	29934	CALLAWA	BRYAN	E	Pierce	21058452
Pierce	752119	GIPSON-F	ERINN	R	Pierce	31038433
Pierce	436707	KRESHAK	JERRY	A	Pierce	951016539; B39250
King	20304693	LANG	SHROMA	H	Pierce	971007731
						21002520; 911047601; 901044302; 911047601; 921018472; 931028433; 931039371; 961033377; A63130; L098785; 180520; 871020793; 871042720;
Pierce	148668	LEE	TONYA	D	Pierce	931062806
Pierce	136344	MEIRHOF	ALAN	L	Pierce	891067320; 871003160; 881000665
Pierce	223510	RUZ	DARYL	B	Pierce	31018513; 998021328
Pierce	176284	SCHOENB	JOE		Pierce	41005282
Pierce	105515	SHAY	JESSE		Pierce	21048554
Pierce	742202	SHERIDAN	SHAWNTA	R	Pierce	41000078
Pierce	50095	VOSTI	JEREMY	J	Pierce	871003483
Pierce	153086	WILSON	WARREN	G	Pierce	93102049

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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  
CERTIFICATE OF SERVICE

MARGARET C. SINNOTT 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 April 22, 2005, the document listed below were served:

**Subpoena Duces Tecum to Pierce County Auditor c/o Dan Hamilton**

On the following persons via electronic mail, with this Certificate of Service as follows:

**Kevin Hamilton, Esq.**  
Perkins Coie LLP  
Attorneys for Washington State Democratic  
Central Committee  
1201 Third Avenue, Suite 4800  
Seattle, WA 98101  
Email: [KHamilton@perkinscoie.com](mailto:KHamilton@perkinscoie.com)

**Thomas Ahearne**  
For: Secretary of State Sam Reed  
Foster Pepper & Shefelman  
1111 Third Avenue, Suite 3400  
Seattle WA 98101  
Email: [ahearne@foster.com](mailto:ahearne@foster.com)

**Dale M. Foreman**  
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Zimmerman P.S.  
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**Richard Shepard**  
**John S. Mills**  
For: Libertarians  
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818 S. Yakima Avenue, #200  
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Email: [jmillslaw@gmail.com](mailto:jmillslaw@gmail.com)

**Gary Riesen**  
Chelan County Prosecuting Attorney  
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**Tim O'Neill**  
Klickitat County Prosecuting Attorney  
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Goldendale WA 98620  
Email: [timo@co.klickitat.wa.us](mailto:timo@co.klickitat.wa.us)

**Barnett N. Kalikow, Esq.**  
For: Klickitat County Auditor  
Kalikow & Gusa PLLC  
1405 Harrison Avenue NW, Suite 207  
Olympia WA 98502

**L. Michael Golden**  
Lewis County Senior Deputy Prosecuting  
Attorney  
345 West Main Street  
Chehalis WA 98532

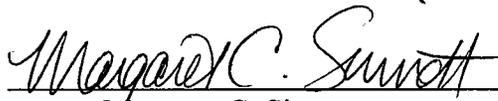
**Gorden Sivley**  
**Michael C. Held**  
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**Jeffrey T. Even, Asst. Attorney General**  
For: Secretary of State Sam Reed  
Attorney General's Office  
PO Box 40100  
Olympia WA 98504-0100  
Email: [jeffe@atg.wa.gov](mailto:jeffe@atg.wa.gov)

1 **Russell J. Speidel,**  
2 Speidel Law Firm,  
3 7 North Wenatchee Avenue, Suite 600,  
4 Wenatchee, WA 98807

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

7 DATED this 22<sup>nd</sup> day of April, 2005, at Seattle, Washington.

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10 Margaret C. Sinnott