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April 8, 2005

VIA OVERNIGHT MAIL

Randall J. Watts
Deputy Prosecuting Attorney,
Whatcom County
311 Grand Avenue
Bellingham, WA 98225

**Re: Borders, et al. v. King County, et al. v. WSDCC
Chelan County Cause No. 05-2-00027-3**

Dear Mr. Watts:

Enclosed is a subpoena and notice of deposition pursuant to CR 30(b)(6) for Whatcom County. We have tried to be as specific as possible in our descriptions of the subject areas we intend to cover. Please let me know if you have any questions about the listed subject areas as you are preparing Whatcom County's designated witness.

As I'm sure you know, under CR 30(b)(6) Whatcom County has an obligation to educate and prepare its designated witness, including doing any investigation that may be necessary, to ensure that the witness will be able to provide full, complete, and non-evasive answers to questions on the noted subject areas. See Casper v. Esteb Enters., Inc., 119 Wn. App. 759, 767, 82 P.3d 1223 (2004). In addition, Whatcom County's designated witness must be prepared to testify to all matters known or reasonably available to Whatcom County on the noted subject areas. See id. If it would make things easier, I have no objection if the witness wishes to bring to the deposition notes or other material to assist him or her in refreshing his or her recollection; this is not intended to be a memory contest.

[15934-0006/SL050980.114]

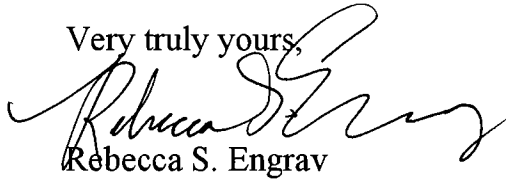
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Perkins Coie LLP and Affiliates

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Thank you very much for your flexibility regarding scheduling and service. We appreciate your efforts and professionalism throughout this process.

Very truly yours,



Rebecca S. Engrav

RSE:sw

cc: K. Hamilton
W. Rava