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December 20, 2004

VIA ELECTRONIC MAIL

Hon. C.J. Merritt, Supreme Court Clerk
Washington State Supreme Court
P.O. box 40929
Olympia, WA 98504-0929

Re: Supreme Court No. 76399-2—Washington State Republican Party, et. al. v. King County
Division of Records, Elections and Licensing Services and King County Canvassing Board,
et al.

Dear Mr. Merritt:

King County is in receipt of the Court's order from earlier this morning in the above matter. Please find attached our brief for submittal as directed by that order. Moreover, out of an abundance of caution, and consistent with my e-mail to you from December 18, 2004, the County is also submitting its own notice of discretionary review from the trial court's TRO, and a supporting statement of grounds for discretionary review. We would ask that the Court either (1) assign this matter its own cause number and consolidate it with the pending appeal brought by the Washington State Democratic Committee; or (2) simply treat it as part of the cause number already assigned above. In either case, the brief we are filing is intended to cover both contingencies.

Thank you for your attention to this matter.

Very truly yours,

For NORM MALENG,
King County Prosecuting Attorney

/s/ Janine Joly

JANINE JOLY,
Sr. Deputy Prosecuting Attorney
Attorney for King County