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April 4, 2005

The Honorable John E. Bridges
Chelan County Superior Court
Department No. 3
401 Washington Street
Wenatchee, WA 98807

Re: *Borders v. King County, et al.*, No. 05-2-00027-3 – Petitioners' Scheduling Proposal

Dear Judge Bridges:

As the Court knows, Petitioners seek a prompt adjudication of their election contest petition. With filing deadlines at the end of July (*see* RCW 29A.24.050) for candidates seeking to participate in an election this November, this contest must be determined by the Supreme Court in June, before the Supreme Court's summer recess begins. Any further delay in resolution of this case could leave the People of Washington for almost two years with a governor that was not lawfully elected. One way or another, the case needs to be resolved by the Supreme Court no later than June.

Mindful of the Supreme Court's recognition that election contests are expedited proceedings and the great public interest in resolving this matter in time for the possibility of a new election this year, Petitioners propose the following schedule for the Court's consideration.

1. Motions

From the WSDCC's April 1, 2005, letter, Petitioners understand that the WSDCC intends to file two pre-trial motions: (1) to exclude juveniles and those not convicted of felonies from Petitioners' preliminary list of felons who were credited with voting in the election and (2) to exclude the use of circumstantial evidence of for whom illegal votes were cast.



With respect to the first WSDCC motion, it is unnecessary. Petitioners have asked the WSDCC to identify individuals incorrectly identified as illegal voters and are willing to correct any errors on their list if presented with the information and proof of the errors. Petitioners do not intend to assert that individuals adjudged guilty only of offenses in juvenile court are excluded from voting as a result of that adjudication.

With respect to the second motion proposed by the WSDCC, Petitioners propose that the Court adopt an expedited briefing schedule whereby all interested parties (likely Petitioners, the WSDCC, and the Secretary of State) each file an initial brief on Monday, April 11 addressing the issue and each file a short response brief by noon on Thursday, April 14 with a hearing on Friday, April 15.

Petitioners also propose to file two motions. The first motion will address the WSDCC's recently revealed plan to resurrect and have counted ballots that were rejected by elections officials while seeking any other errors which it hopes will "offset" the errors identified by Petitioners. The second motion will seek to establish the evidence required to establish an illegal vote. In particular, Petitioners will seek the Court's guidance as to what documents or testimony is necessary to establish that a person was (a) convicted of a felony, (b) did not have his or her civil rights restored, and (c) voted in the election. Petitioners propose to follow the same briefing schedule identified above with parties filing initial briefs on Monday, April 11, response briefs on Thursday, April 14, and a hearing on Friday, April 15.

2. Case Schedule

Petitioners propose the following case scheduling dates:

Disclosure of Expert Witnesses (Already the subject of pending discovery requests)	Friday, April 8, 2005
Disclosure of Primary Witnesses	Monday, April 18, 2005
Disclosure of Rebuttal Witnesses	Monday, April 25, 2005
Discovery Cut-Off	Friday, May 6, 2005
Exchange of Trial Witness and Exhibit Lists; Deadline for Hearing Dispositive Motions; and Pre-Trial Conference	Monday, May 9, 2005
Trial	Monday, May 16, 2005

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Thank you for your consideration of Petitioners' proposed schedule. We look forward to resolving these issues at the status conference on April 5.

Very truly yours,

Davis Wright Tremaine LLP

Handwritten signatures of Robert J. Maguire and Harry J. F. Korrell. The signature of Robert J. Maguire is on the left, and the signature of Harry J. F. Korrell is on the right, both written in black ink.

Robert J. Maguire
Harry J. F. Korrell

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

TIMOTHY BORDERS, et al.,)	No. 05-2-00027-3
Petitioners,)	
v.)	CERTIFICATE OF SERVICE
KING COUNTY, et al.)	
Respondents.)	

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 4, 2005, I caused the document listed below

**Letter addressed to Honorable John E. Bridges regarding
Petitioners' Scheduling Proposal**

to be filed with the Clerk of Chelan County Superior Court via Electronic Filing Legal Services (E-Filing.com) which sent notification of such filing to the following persons, with this Certificate of Service:

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

18 DATED this 4th day of April, 2005, at Seattle, Washington.

19
20 
21 Margaret C. Sinnott