

8-7-2009

Amended Notice of Petitioners' Intent to Offer Documents under Evidence Rule 904 07-2-02323-2-89

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

MATHEW & STEPHANIE MCCLEARY, on their own behalf and on behalf of KELSEY & CARTER MCCLEARY, their two children in Washington’s public schools; ROBERT & PATTY VENEMA, on their own behalf and on behalf of HALIE & ROBBIE VENEMA, their two children in Washington’s public schools; and NETWORK FOR EXCELLENCE IN WASHINGTON SCHOOLS (“NEWS”), a state-wide coalition of community groups, public school districts, and education organizations,

Petitioners,

v.

STATE OF WASHINGTON,

Respondent.

Honorable John Erlick

No. 07-2-02323-2 SEA

AMENDED NOTICE OF PETITIONERS’ INTENT TO OFFER DOCUMENTS UNDER EVIDENCE RULE 904

Yesterday (August 6, 2009) the Respondent sent Petitioners an Errata Page And Corrected Answer To Interrogatory No. 10 that changed the documents identified in the Respondent’s Interrogatory Answer from the documents in “**Box No. Prefix AA**” to the documents in “**Box No. Prefix BB**”. The Petitioners accordingly submit this **Amended** Notice Of Petitioners’ Intent To Offer Documents Under Evidence Rule 904 in order to include the “**Box No. Prefix BB**” documents that the Respondent identified yesterday. These documents would have been on Petitioners’ original ER 904 Notice if Respondent had provided Petitioners’ the correct Interrogatory Answer before yesterday.

At trial, Petitioners may offer the additional documents identified in the attached amended index into evidence under ER 904. Pursuant to that rule, the identified documents

AMENDED NOTICE OF PETITIONERS’ INTENT TO OFFER DOCUMENTS UNDER EVIDENCE RULE 904 - 1

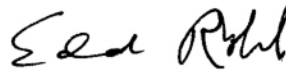
FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299 ♦ 206-447-4400

1 “shall be deemed authentic and admissible without testimony or further identification, unless
2 objection is served within 14 days of the date of notice, pursuant to ER 904(c).” ER 904(b).
3 **Given the limited number of documents on this amended index and the previously-noted**
4 **reason for those documents not being on Petitioners’ original index, Petitioners request**
5 **that the Respondent agree that this 14-day time period start on the same date as the**
6 **parties’ prior ER 904 submission.**

7 Even though every single one of the documents on this Amended Index is from the in
8 “**Box No. Prefix BB**” identified in Respondent’s interrogatory answer yesterday, Petitioners are
9 providing the Respondent with a copy of these additional ER 904 documents.

10 DATED this 7th day of August, 2009.

11 FOSTER PEPPER PLLC

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14 Thomas F. Ahearne, WSBA No. 14844
15 Edmund W. Robb, WSBA No. 35948
16 Attorneys for Petitioners

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**AMENDED NOTICE OF PETITIONERS’ INTENT TO
OFFER DOCUMENTS UNDER EVIDENCE RULE 904 - 2**

**FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299 ♦ 206-447-4400**

Petitioners' Documents Offered Under ER 904

Document Number	Brief Description	Author/Maker Identification <i>[to avoid repetition, name/address/phone info at end of this index]</i>
Tab ZZ	Petitioner's Interrogatory Numbers 10 & 11 (Follow Up to State Supplemental and 2009 Amended Answers to Interrogatories 3 & 4) and Answers and Responses Thereto Errata Page and Corrected Answer to Interrogatory No. 10 [KCSC docket 07-2-02323-2 SEA]	State Attorney General's Office/State's Interrogatory Answer
Tab MMM	Petitioner's Interrogatory Numbers 10 & 11 (Follow Up to State Supplemental and 2009 Amended Answers to Interrogatories 3 & 4) and Answers and Responses Thereto Errata Page and Corrected Answer to Interrogatory No. 10 [KCSC docket 07-2-02323-2 SEA] - Battle Ground School District Basic Education by School Year OFMXX0021290	State Attorney General's Office/State's Interrogatory Answer
Tab NNN	Petitioner's Interrogatory Numbers 10 & 11 (Follow Up to State Supplemental and 2009 Amended Answers to Interrogatories 3 & 4) and Answers and Responses Thereto Errata Page and Corrected Answer to Interrogatory No. 10 [KCSC docket 07-2-02323-2 SEA] - Bethel School District Basic Education by School Year OFMXX0021291	State Attorney General's Office/State's Interrogatory Answer
Tab OOO	Petitioner's Interrogatory Numbers 10 & 11 (Follow Up to State Supplemental and 2009 Amended Answers to Interrogatories 3 & 4) and Answers and Responses Thereto Errata Page and Answer Corrected Answer to Interrogatory No. 10 [KCSC docket 07-2-02323-2 SEA] - Chimacum School District Basic Education by School Year OFMXX0021292	State Attorney General's Office/State's Interrogatory Answer
Tab PPP	Petitioner's Interrogatory Numbers 10 & 11 (Follow Up to State Supplemental and 2009 Amended Answers to Interrogatories 3 & 4) and Answers and Responses Thereto Errata Page and Answer Corrected Answer to Interrogatory No. 10 [KCSC docket 07-2-02323-2 SEA] - Clover Park School District Basic Education by School Year OFMXX0021293	State Attorney General's Office/State's Interrogatory Answer
Tab QQQ	Petitioner's Interrogatory Numbers 10 & 11 (Follow Up to State Supplemental and 2009 Amended Answers to Interrogatories 3 & 4) and Answers and Responses Thereto Errata Page and Answer Corrected Answer to Interrogatory No. 10 [KCSC docket 07-2-02323-2 SEA] - Colville School District Basic Education by School Year OFMXX0021294	State Attorney General's Office/State's Interrogatory Answer
Tab RRR	Petitioner's Interrogatory Numbers 10 & 11 (Follow Up to State Supplemental and 2009 Amended Answers to Interrogatories 3 & 4) and Answers and Responses Thereto Errata Page and Answer Corrected Answer to Interrogatory No. 10 [KCSC docket 07-2-02323-2 SEA] - Edmonds School District Basic Education by School Year OFMXX0021295	State Attorney General's Office/State's Interrogatory Answer

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Tab SSS	Petitioner's Interrogatory Numbers 10 & 11 (Follow Up to State Supplemental and 2009 Amended Answers to Interrogatories 3 & 4) and Answers and Responses Thereto Errata Page and Answer Corrected Answer to Interrogatory No. 10 [KCSC docket 07-2-02323-2 SEA] - Issaquah School District Basic Education by School Year OFMXX0021296	State Attorney General's Office/State's Interrogatory Answer
Tab TTT	Petitioner's Interrogatory Numbers 10 & 11 (Follow Up to State Supplemental and 2009 Amended Answers to Interrogatories 3 & 4) and Answers and Responses Thereto Errata Page and Answer Corrected Answer to Interrogatory No. 10 [KCSC docket 07-2-02323-2 SEA] - Moses Lake School District Basic Education by School Year OFMXX0021297	State Attorney General's Office/State's Interrogatory Answer
Tab UUU	Petitioner's Interrogatory Numbers 10 & 11 (Follow Up to State Supplemental and 2009 Amended Answers to Interrogatories 3 & 4) and Answers and Responses Thereto Errata Page and Answer Corrected Answer to Interrogatory No. 10 [KCSC docket 07-2-02323-2 SEA] - Mount Adams School District Basic Education by School Year OFMXX0021298	State Attorney General's Office/State's Interrogatory Answer
Tab VVV	Petitioner's Interrogatory Numbers 10 & 11 (Follow Up to State Supplemental and 2009 Amended Answers to Interrogatories 3 & 4) and Answers and Responses Thereto Errata Page and Answer Corrected Answer to Interrogatory No. 10 [KCSC docket 07-2-02323-2 SEA] - Renton School District Basic Education by School Year OFMXX0021299	State Attorney General's Office/State's Interrogatory Answer
Tab WWW	Petitioner's Interrogatory Numbers 10 & 11 (Follow Up to State Supplemental and 2009 Amended Answers to Interrogatories 3 & 4) and Answers and Responses Thereto Errata Page and Answer Corrected Answer to Interrogatory No. 10 [KCSC docket 07-2-02323-2 SEA] - Royal School District Basic Education by School Year OFMXX0021300	State Attorney General's Office/State's Interrogatory Answer
Tab XXX	Petitioner's Interrogatory Numbers 10 & 11 (Follow Up to State Supplemental and 2009 Amended Answers to Interrogatories 3 & 4) and Answers and Responses Thereto Errata Page and Answer Corrected Answer to Interrogatory No. 10 [KCSC docket 07-2-02323-2 SEA] - Sunnyside School District Basic Education by School Year OFMXX0021301	State Attorney General's Office/State's Interrogatory Answer
Tab YYY	Petitioner's Interrogatory Numbers 10 & 11 (Follow Up to State Supplemental and 2009 Amended Answers to Interrogatories 3 & 4) and Answers and Responses Thereto Errata Page and Answer Corrected Answer to Interrogatory No. 10 [KCSC docket 07-2-02323-2 SEA] - Yakima School District Basic Education by School Year OFMXX0021302	State Attorney General's Office/State's Interrogatory Answer

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Tab ZZZ	Petitioner's Interrogatory Numbers 10 & 11 (Follow Up to State Supplemental and 2009 Amended Answers to Interrogatories 3 & 4) and Answers and Responses Thereto Errata Page and Corrected Answer to Interrogatory No. 10 [KCSC docket 07-2-02323-2 SEA] - Basic Education by School OFMXX0021288-21289	State Attorney General's Office/State's Interrogatory Answer