

The Honorable Ricardo S. Martinez

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

PAUL LEHTO, Individually, JOHN
WELLS, Individually;

Petitioners,

vs.

SEQUOIA VOTING SYSTEMS, Inc. and
SNOHOMISH COUNTY;

Respondents.

NO. CO5-0877-RSM

**DECLARATION OF
GORDON W. SIVLEY**

I, Gordon W. Sivley, declare as follows:

1. I am one of the attorneys of record for respondent Snohomish County in this action, Paul Lehto, et al. v. Sequoia Voting Systems, Inc., et al., No. CO5-0877-RSM. I am over eighteen years of age and competent to testify. I have personal knowledge of the facts stated below.

2. As early as April 2005, in the context of the initial review of this lawsuit, my co-counsel, Doug Morrill, and I discussed the matter of the seeking removal of the suit to federal court. We also discussed this matter with Malcolm Harris, counsel

DECLARATION OF GORDON W. SIVLEY

S:\CivilLitigation\Lehto CO5-028 (USDC CO5-0877RSM)\Pleadings\sivley decl
7-1-05.doc

Snohomish County
Prosecuting Attorney – Civil Division
3000 Rockefeller, MS 504
Everett, Washington 98201-4080
(425)388-6330 Fax: (425)388-6338

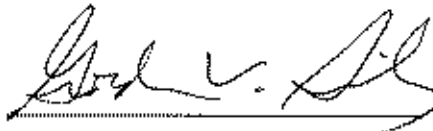
1 for co-defendant Sequoia Voting Systems, Inc. in a phone conference on April 22,
2 2005. We indicated to Mr. Harris that our client concurred in seeking removal.

3 3. Mr. Harris told Mr. Morrill and me that he would prepare the notice of
4 removal.

5
6 4. Mr. Morrill and I later discussed a conversation he had had with Mr.
7 Harris in which Mr. Harris indicated that, essentially as a convenience to us, he
8 could simply prepare the joinder in the notice of removal for the county if we would
9 authorize him to sign for us. I told Mr. Morrill that such an approach was acceptable
10 to me and that he should so advise Mr. Harris.

11
12 5. Thus, when Mr. Harris signed the Joinder in Notice of Removal for me, he
13 did so with my full knowledge and express authority.

14 6. I declare under penalty of perjury under the laws of the state of
15 Washington that the foregoing is true and correct and of my own knowledge, and
16 that I executed this declaration at Everett in the County of Snohomish, this 1st day of
17 July, 2005.
18

19
20
21 

22 Gordon W. Sivley
23
24
25
26

DECLARATION OF GORDON W. SIVLEY

S:\Case\Litigation\etco C05-028 (USDC C05-0877RSM)\Pleadings\etco dec
7-7-05.doc

Snohomish County
Prosecuting Attorney - Civil Division
3000 Rockefeller, M/S 504
Everett, Washington 98201-4060
(425)388-6330 Fax: (425)388-6333