

1 Malcolm S. Harris (WSBA No. 4710)  
2 HARRIS, MERICLE & WAKAYAMA  
3 999 Third Avenue, Suite 3210  
4 Seattle, WA 98104  
5 Telephone: (206) 621-1818  
6 Facsimile: (206) 624-8560

7 Attorneys for Defendant  
8 SEQUOIA VOTING SYSTEMS, INC.

9 UNITED STATES DISTRICT COURT  
10 WESTERN DISTRICT OF WASHINGTON

11 PAUL LEHTO, individually, JOHN WELLS,  
12 individually;

13 Plaintiffs,

14 vs.

15 SEQUOIA VOTING SYSTEMS, INC. and  
16 SNOHOMISH COUNTY;

17 Defendants.

18 NO.

19 **C05-0877-RSM**

20 **NOTICE OF REMOVAL OF ACTION**  
21 **PURSUANT TO 28 U.S.C. § 1441(b)**  
22 **(Federal Question)**

23 PLEASE TAKE NOTICE that Defendant SEQUOIA VOTING SYSTEMS, INC.  
24 (“SEQUOIA”) hereby removes to this Court the state court action described below.

1. On April 7, 2005 an action was commenced in the Superior Court for the State of Washington in and for the County of King, entitled *Paul Lehto and John Wells v. Sequoia Voting Systems, Inc. and Snohomish County*, Case Number 05-2-11769-9 (hereinafter referred to as the “State Court Action”). A complete copy of the Complaint, Summons, and all other pleadings, process and orders filed in the State Court Action are attached hereto as Exhibit “A.”

NOTICE OF REMOVAL OF ACTION - 1

HARRIS, MERICLE & WAKAYAMA, PLLC  
999 THIRD AVENUE, SUITE 3210  
SEATTLE, WASHINGTON 98104  
(206) 621-1818

FILED  
LOGGED  
MAY 11 2005  
ENTERED  
RECEIVED  
CLERK U.S. DISTRICT COURT  
BY WESTERN DISTRICT OF WASHINGTON DEPUTY

1           2. The first date upon which SEQUOIA or any other defendant received a copy of the  
2 Complaint in the State Court Action was on or about April 13, 2005, when SEQUOIA was  
3 served with a copy of the Complaint and the Summons.

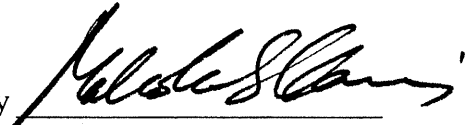
4           3. This action is a civil action of which this Court has original jurisdiction under 28  
5 U.S.C. § 1331, and is one which may be removed to this Court by Defendants pursuant to the  
6 provisions of 28 U.S.C. § 1441(b), in that the Complaint alleges claims arising under: (1) the  
7 Magnuson-Moss Warranty Act, 15 U.S.C. § 2301, *et seq.*, and (2) the Help America Vote Act of  
8 2002, 42 U.S.C. § 15301, *et seq.*

9           4. Sequoia has a good faith belief that Plaintiffs' claim under the Magnuson-Moss  
10 Warranty Act exceeds the jurisdictional minimum of \$50,000.00. Sequoia's reasons include, but  
11 are not limited to, the following. Pursuant to the Magnuson-Moss Warranty Act, Plaintiffs seek  
12 all legal, equitable and restitutionary remedies. These remedies include, but are not limited to,  
13 the cancellation of the contract between Sequoia and Snohomish County for an alleged amount  
14 exceeding \$5 million (the "\$5 Million Contract"), a declaration that the \$5 Million Contract is  
15 void *ab initio* and *in toto*, the disgorgement of monies Sequoia received under the \$5 Million  
16 Contract, the restitution of monies Sequoia received under the \$5 Million Contract to Snohomish  
17 County, and the disclosure of Sequoia's trade secrets, the value of which by themselves exceed  
18 \$50,000.00.

19           5. All other defendants who have been served with the Summons and Complaint have  
20 joined in this Notice of Removal, as evidenced by the Joinder of Defendant SNOHOMISH  
21 COUNTY filed concurrently herewith.

1 Dated: May 10, 2005

2 HARRIS, MERICLE & WAKAYAMA

3  
4 By   
5 Malcolm S. Harris  
6 Attorneys for Defendant  
7 SEQUOIA VOTING SYSTEMS, INC.

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23 NOTICE OF REMOVAL OF ACTION - 3

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