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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

NOTICE OF PETITIONERS'  
INTENT TO OFFER  
DOCUMENTS UNDER  
EVIDENCE RULE 904

Petitioners submit this notice pursuant to Evidence Rule 904 and the mutual agreement of counsel for the Respondent and Petitioners that the parties would file and serve their ER 904 disclosures by noon on Monday, August 3, 2009.

At trial, Petitioners may offer the documents identified in the attached index into evidence under ER 904. Pursuant to that rule, the identified documents "shall be deemed authentic and admissible without testimony or further identification, unless objection is served within 14 days of the date of notice, pursuant to ER 904(c)." ER 904(b).

Petitioners are providing the Respondent State of Washington with a DVD containing the Petitioners' ER 904 documents. However, the Respondent's counsel already has a set of the documents listed on the index, due to the fact that as all Petitioners' ER 904 documents were

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

FOSTER PEPPER PLLC  
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SEATTLE, WASHINGTON 98101-3299 ♦ 206-447-4400

1 either numbered deposition exhibits in this case, pleadings in this case, or the Respondent's  
2 discovery responses in this case. In addition, counsel can access the numbered deposition  
3 exhibits included on the Petitioners' ER 904 index through the extranet site that Seattle  
4 Deposition Reporters has set up for the Respondent's and Petitioners' counsel in this case,  
5 which is located at <http://www.seadep.com/client-login.php>.

6 DATED this 3<sup>rd</sup> day of August, 2009.

FOSTER PEPPER PLLC

*Edmund W. Robb*

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

