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4 **OCT 27 2008**

5 **JUDGE JOHN P. ERLICK**  
6 **DEPARTMENT 51**

7 **STATE OF WASHINGTON**  
8 **KING COUNTY SUPERIOR COURT**

9 STEVEN R. MARQUIS,

10 Plaintiff,

11 v.

12 SAM REED, in his official capacity  
13 as Secretary of State of the State of  
14 Washington,

15 Defendant.

NO. 08-2-34955-1 SEA

~~PROPOSED~~ ORDER

Clerk's Action Required

16 This matter came on for hearing on October 27, 2008. Plaintiff appeared *pro se*.  
17 Defendant was represented by Deputy Solicitor General Jeffrey T. Even. The Court heard  
18 argument and has reviewed the following (including exhibits thereto):

- 19 1. Petition (also denominated as "Memorandum In Support of Plaintiff's Motion For An  
20 Injunctive Relief Order");
- 21 2. Motion to Request Preliminary Injunction Hearing (also denominated as "Plaintiff's  
22 Motion For Temporary Injunction Order To Receive Credentials");
- 23 3. Declaration of Steven R. Marquis;
- 24 4. Brief of Amicus Curiae: 100+ Duly Registered Voters of the State of Washington;
- 25 5. Response to Motion to Request Preliminary Injunction Hearing, and Secretary of  
26 State's Motion to Dismiss;
6. Declaration of Nick Handy;

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7. Plaintiff's Request to Court's Argument to Dismiss; and

8. The papers, pleadings and records of this Court in the captioned matter.

The Court therefore ORDERS as follows:

1. The Motion for injunctive relief or mandamus is denied;

2. The Court orders that the trial of this action on the merits is advanced and consolidated with the hearing on Plaintiff's motion for injunctive relief;

3. The Court finds that there are no disputes of material fact, and the facts are set forth within the pleadings and declarations considered by this Court. The question of whether Senator Obama has, or does not have, the qualifications to serve as President of the United States is not presented in this action, because Plaintiff does not affirmatively assert that Senator Obama lacks those qualifications and offers no evidence on the subject. Plaintiff requests as relief that Defendant be required to seek evidence from Senator Obama regarding his qualifications, or alternatively decertify him from 2008 general election ballots. This Court makes no findings of fact regarding Senator Obama's qualifications.

4. The 2008 general election is already in progress; ballots have been issued and a substantial number of voters have voted.

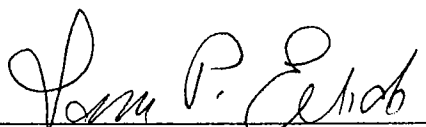
5. The Court concludes that Defendant is entitled to judgment as a matter of law. This action is accordingly DISMISSED with prejudice;

6. The Court incorporates by reference its oral decision in this matter

\_\_\_\_\_ ; and

7. This Order shall constitute a final order in this action.

DATED this 27<sup>th</sup> day of October, 2008.

  
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John Erlick, Chief Civil Judge

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Presented by:

Jeff T. Even  
Jeffrey T. Even  
Attorney for Sam Reed

Copy Received,  
Notice of presentation waived:

S.R. Marquis  
Steven R. Marquis