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EXPEDITE
 Hearing is Set: Friday, February 27, 2004
Hearing Time: 9:00 a.m.
The Honorable Christine Pomeroy

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON**

STATE OF WASHINGTON ex rel.
EVERGREEN FREEDOM
FOUNDATION, a Washington nonprofit
corporation,

Plaintiff,

v.

GOVERNOR LOCKE, in his official
capacity as Governor of the State of
Washington, and the WASHINGTON
STATE DEPARTMENT OF TRADE
AND ECONOMIC DEVELOPMENT, a
state agency et al.,

Defendants.

NO. 04-2-00246-7
DECLARATION OF NANCY KRIER

Nancy Krier, under penalty of perjury of the State of Washington, deposes and certifies
that the following is true and correct:

1. I was at all times mentioned over the age required, and competent to be a witness.
2. I am an attorney. I represent the Defendants in this matter. I am a Senior Counsel, and have been an attorney for more than 17 years, the majority of that with the Washington State Attorney General's Office.
3. I make this declaration based on my personal knowledge acquired while a staff member in the Attorney General's Office.

1 4. My office's records show that by letter dated January 29, 2004 from Attorney
2 General's Office Acting Public Records Office Kathy Bodnar, our office provided copies of three
3 legal opinions to Bob Williams of the Evergreen Freedom Foundation, which are also the opinions
4 referenced in Exhibit G of the Master Agreement between the State of Washington and The Boeing
5 Company. **State's Exhibit 19.** It is my understanding from Ms. Bodnar that Jason Mercier of EFF
6 had arranged for an EFF staff member to pick up those opinions from our office on or about
7 January 29, 2004, and then Mr. Mercier confirmed in a February 2, 2004 email to Ms. Bodnar that
8 EFF had received the records, stating, "Thank you for sending over the letters on Friday." **State's**
9 **Exhibit 20.**

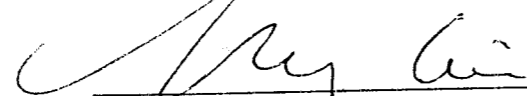
10 5. My records also show that I provided another copy of Ms. Bodnar's letter and the
11 Exhibit G opinions to EFF's attorney, Tim Ford, by a letter dated February 12, 2004, which was
12 sent to him via fax and U.S. Mail. In my letter, I had also explained that Martha Choe, 7E7 Project
13 Coordinator, had inquired in a February 6, 2004 letter to Mr. Williams that she understood that the
14 Attorney General's Office had already provided EFF the Exhibit G documents, therefore, as the
15 requested records were already in EFF's possession, she wanted to know if he was seeking another
16 set of those same records. My letter further explained that although Mr. Williams never responded
17 to Ms. Choe's February 6, 2004 inquiry, I was nevertheless providing another copy of Ms.
18 Bodnar's letter, with the legal opinions.

19 6. In that same letter of February 12, 2004, I further explained to Mr. Ford (as Ms.
20 Choe had previously explained to Mr. Williams) that the Governor's Executive Order or similar
21 directive referenced in Section 7.3 of the Master Agreement had not been issued, therefore, there
22 were no responsive documents to this request of EFF. I further explained that CTED and the
23 Governor's Office did not have copies of the local ordinances and resolutions referenced in Exhibit
24 F of the Master Agreement. I also explained that CTED was willing to provide copies of the
25 Governor's Executive Order or similar directive, as well as the local government ordinances or

26 ///

1 resolutions, when the agencies received them.

2 DATED this 23 day of February, 2004, in Olympia, Washington.

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4 
5 NANCY KRIER

6 Referenced Exhibits – See Attached Page

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