

Daniel J. Treuden, Wis. Bar # 1052766
The Bernhoft Law Firm, S.C.
207 E. Buffalo Street, Suite 600
Milwaukee, Wisconsin 53202
(414) 276-3333 telephone
(414) 276-2822 facsimile
djtreuden@bernhoflaw.com

Appearing *Pro Hac Vice*
for Plaintiff Donald N. Daien

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO
SOUTHERN DIVISION**

DONALD N. DAIEN,

Plaintiff,

v.

BEN YSURSA, in his official
capacity as Secretary of State of
Idaho,

Defendant.

Civil Case No. 1:09-cv-00022-REB

DECLARATION OF DANIEL J. TREUDEN

I, Daniel J. Treuden, hereby declare that:

1. I represent the Plaintiff in this matter and execute this declaration in support of his motion for summary judgment.
2. Except where explicitly noted to the contrary, I have personal knowledge of the facts set forth in this Declaration and if called upon to testify, could do so competently.

3. Attached to this declaration as Exhibit A is a true and correct copy of a document pulled from the Defendant's website setting forth the number of Presidential ballots cast in the 2008 election. According to this document, 655,032 votes were cast for President.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury the foregoing is true and correct to the best of my information, knowledge and belief.

Dated: September 8, 2009

/s/ Daniel J. Treuden
Daniel J. Treuden