

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, Colorado 80202</p>	<p><input type="checkbox"/> COURT USE ONLY <input type="checkbox"/></p>
<p>PLAINTIFFS: Anthony Lobato, et al.</p> <p>and</p> <p>PLAINTIFFS-INTERVENORS: Armandina Ortega, et al.</p> <p>vs.</p> <p>DEFENDANTS: The State of Colorado, et al.</p>	
<p>Attorneys for Defendants: JOHN W. SUTHERS, Attorney General</p> <p>ANTONY B. DYL, 15968* Senior Assistant Attorney General E-mail: tony.dyl@state.co.us</p> <p>CAREY TAYLOR MARKEL, 32987* Senior Assistant Attorney General E-mail: carey.markel@state.co.us</p> <p>NICHOLAS P. HEINKE, 38738* Assistant Attorney General E-mail: nicholas.heinke@state.co.us</p> <p>JONATHAN P. FERRO, 35754* Assistant Attorney General E-mail: jon.ferro@state.co.us</p> <p>ERICA WESTON 35581* Assistant Attorney General E-mail: erica.weston@state.co.us</p> <p>Office of the Colorado Attorney General 1525 Sherman Street, 7th Floor Denver, CO 80203 Telephone: (303) 866-2383 Fax: (303) 866-5671 * Counsel of Record</p>	<p>Case Number: 05 CV 4794</p> <p>Div: 9</p>
<p align="center">DEFENDANTS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO SCHOOL DISTRICT PLAINTIFFS</p>	

Defendants, by their counsel, propound the following Requests for Production of Documents to be answered by School District Plaintiffs within 30 days of service.

DEFINITIONS AND INSTRUCTIONS

A. The term “document” means the original and identical or non-identical copy or any draft of any kind of any written, recorded, or graphic matter, however produced, stored, or preserved, including, but not limited to, storage in a computer system or database whether consisting of paper, disks, CDs, in digital format or any other form, ESI, or any other written or recorded or graphic material whatsoever.

B. The term “ESI” refers to “Electronically Stored Information” and includes any and all information and documents stored in any electronic medium or format.

C. The term “all” includes the term “any” and vice-versa.

D. The term “and” includes the term “or” and vice-versa.

E. The term “identify” or “identity” when used in reference to a natural person, means to state that person’s name, title, address and phone number, present or last known business address and phone number, present or last known position, title, job description, and educational institution or authority affiliation, and position, title, job description, and educational institution or authority at the time in question with respect to the particular interrogatory or request for production of documents involved.

F. The term “identify” or “identity” when used in reference to an entity other than a natural person or individual, means to state its full name, present or last known address and phone number, and the identity of the natural person or individual who has the best knowledge of the matter with respect to which the entity has been identified.

G. The term “identify” when used in reference to a document, means to state its title, type (e.g. letter, memorandum, etc.), date, author(s), or originator(s), addressee(s), or recipient(s), subject matter, any file numbers that may be used in locating the document, and the person in whose possession the document may be found.

J. The term “identify” when used in reference to a fact, means to state all known facts within your knowledge, care, custody of control or that should be available to you based upon reasonable inquiry.

K. The term “person” or “persons” includes a natural person, firm, association, organization, partnership, business, trust, corporation, or public entity.

L. The terms “address” or “addresses” mean the street address, including the city, state, and zip code.

M. The terms “you,” “your” or “District” refer to each School District Plaintiff responding to these requests for production, as well as any employee, agent, attorney, or other representative acting for the School District Plaintiff.

N. The term “preschool” refers to all educational services provided to students prior to first grade.

N. The term “Complaint” means the Second Amended Complaint filed by the Plaintiffs on July 28, 2010.

O. Unless otherwise specified, the relevant time period is 2005 through the present.

DOCUMENTS REQUESTED

1. All District school board meeting materials, including but not limited to minutes, agendas, resolutions, or other materials provided to school board members prior to, at, or following any school board meeting from 2000 to the present.
2. All documents relating to any preschool services the District provides, whether directly or indirectly, from 2000 to the present.
3. All documents concerning school transportation in the District, such as number of vehicles in the fleet, costs of fleet maintenance, and average age of the vehicles, from 2000 to the present.
4. All documents, including but not limited to plans, proposals, or studies, prepared by or for the District relating to improving the quality of education in the District.
5. All District newsletters, brochures, bulletins, or other documents provided to parents and taxpayers (not including communications regarding individual students) from 2000 to the present.
6. All documents concerning studies or evaluations of the factors or programs influencing student achievement in the District from 2000 to the present.
7. All documents concerning comparison of resources and expenditures in the District with the resources and expenditures of other school districts in the State of Colorado.
8. All documents concerning the evaluation of the performance of the District’s teachers, including, without limitation, the results of such evaluations, from 2000 to the present.
9. All documents concerning programs, services, or resources for children “at risk of academic failure,” as that phrase is used in paragraph 16 of the Complaint, implemented or adopted by the District in one or more of its schools from 2000 to the present.

10. All documents concerning programs, services, or resources for “students with disabilities,” as that phrase is used in paragraph 16 of the Complaint, other than individual education plans, implemented or adopted by the District in one or more of its schools from 2000 to the present.
11. All documents concerning programs, services, or resources for English Language Learner students implemented or adopted by the District in one or more of its schools from 2000 to the present.
12. All documents concerning programs, services, or resources for “students of low income families,” as that phrase is used in paragraph 16 of the Complaint, implemented or adopted by the District in one or more of its schools from 2000 to the present.
13. All documents concerning programs, services, or resources for “students of minority racial and ethnic heritage,” as that phrase is used in paragraph 16 of the Complaint, implemented or adopted by the District in one or more of its schools from 2000 to the present.
14. All documents concerning “vocational and other education programs,” as that phrase is used in paragraph 188 of the Complaint, for non-college bound students implemented or adopted by the District in one or more of its schools from 2000 to the present.
15. All documents concerning gifted and talented programs, services, or resources implemented or adopted by the District in one or more of its schools from 2000 to the present.
16. All documents concerning programs or efforts to enhance parent involvement with their children’s education from 2000 to the present.
17. All documents concerning presentations given by District leaders, including but not limited to school board members, the District’s Superintendent, the District’s Chief Financial Officer, or the District’s business manager, regarding District budget and finances.
18. All documents concerning the District’s annual budgets and expenditures, including school-level budgets and expenditures (other than the budgets submitted to the Colorado Department of Education) from 2000 to the present.
19. All documents concerning the maintenance of the District’s school facilities from 2000 to the present.
20. All documents concerning “school district accountability committees.”
21. All studies regarding the school funding system in this State.

22. All documents relating to your alleged inability to hire highly qualified administrators, teachers and paraprofessionals, as set forth in paragraph 182 of the Complaint, from 2000 to the present.
23. All documents relating to your allegation that capital construction funding for your district is inadequate, as alleged at paragraph 190 of the Complaint.
24. All documents relating to your allegation that you lack adequate resources, as alleged at paragraph 184 of the Complaint.
25. All documents relating to extended learning programs from 2000 to the present.
26. All District documents relating to truancy, including but not limited to the costs associated with truancy and any efforts to diminish truancy, from 2000 to the present.
27. All documents relating to District plans, programs, and proposals to improve the delivery of education services, from 2000 to the present.
28. All documents relied upon in answering Defendants' First Set of Interrogatories.

DATED: October 12, 2010

JOHN W. SUTHERS
Attorney General

/s/ Carey Taylor Markel

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*Original signature of Carey Taylor Markel is
on file at the Office of the Colorado Attorney
General*

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within **DEFENDANTS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO SCHOOL DISTRICT PLAINTIFFS** upon all parties herein electronically through LexisNexis File & Serve this 12th day of October, 2010, addressed as follows:

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