

<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 PLAINTIFF-INTERVENORS</p>	

Defendants, by their counsel, propound the following First Requests for Production of Documents to be answered by Plaintiff-Intervenors 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 terms “you” or “your” refers to each Plaintiff-Intervenor on behalf of whom a response to this document is submitted.

F. The term “Plaintiff” refers to each Plaintiff-Intervenor.

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

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

I. The term “Complaint” refers to the Complaint in Intervention filed March 3, 2010.

DOCUMENTS REQUESTED

1. All documents, press releases, newsletters, bulletins, brochures, or other information you received from any Colorado school or Colorado school district.
2. All documents relating to any parent committee, group, booster club, advisory committee, or other school or school district related organization to which you belong or are a member.
3. All documents you have obtained from any third party for purposes of this lawsuit that have not been produced.
4. All documents relating to your assertion that school districts are “unable to provide the full range of quality compensatory education services to their low

income students in order to achieve the standards set for all students,” as alleged in paragraph 45 of the Complaint.

5. All documents relating to your assertion that school districts are “unable to provide the full range of quality language programs and services to their ELL students in order to achieve the standards set for all students,” as alleged in paragraph 62 of the Complaint.
6. All documents concerning preschool programs in your district.
7. All documents pertaining to any facilities needs of any school that any of your children attend or have attended.
8. All documents pertaining to any action you have taken to encourage voter support for bond elections for school facilities.
9. All documents pertaining to any action you have taken to encourage voter support for elections to raise local funds for preschool programs.
10. All documents pertaining to the allegation at paragraph 87 of the Complaint that “the State’s funding formulas fail to reflect the true costs of educating students with special needs in their districts, particularly ELL and low income students.”
11. All documents reflecting the alleged “true costs” of educating ELL and low income students, as that phrase is used in paragraph 87 of the Complaint.
12. All documents pertaining to the allegation that “many students are not properly prepared to enter postsecondary education” as alleged at paragraph 97 of the Complaint.
13. All documents pertaining to the allegation contained in paragraph 100 of the Complaint that you or any of your children “are unable to obtain a thorough and uniform education.”
14. All documents pertaining to the allegation contained in paragraph 101 of the Complaint that “insufficient funding” depresses the performance levels of ELL and low income students.
15. All documents pertaining to the allegation contained in paragraph 103 of the Complaint that the “system of school finance for Colorado public schools denies local communities and their taxpayers from exercising meaningful local control.”
16. All documents relating to the allegation in paragraph 104 of the Complaint that alleged “insufficient funding” caused “Plaintiff-Intervenor children . . . [to be] unable to obtain the thorough and uniform education needed to achieve their full

potential and fully participate in the social, economic and education opportunities of this State and nation.”

17. All documents relating to research regarding the number of years in which students may become academically proficient in English.
18. All documents evidencing the “[r]esearch” that “has proven that effective preschool programs are particularly important for low income and ELL students,” as alleged in paragraph 63 of the Complaint.
19. 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 PLAINTIFF-INTERVENORS** upon all parties herein electronically through LexisNexis File & Serve this 12th day of October, 2010, addressed as follows:

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s/ Jeannine Moore

Jeannine Moore, Paralegal
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