

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, Colorado 80202	<input type="checkbox"/> <b>COURT USE ONLY</b> <input type="checkbox"/>
PLAINTIFFS: <b>Anthony Lobato, et al.</b>  and  PLAINTIFFS-INTERVENORS: <b>Armandina Ortega, et al.</b>  vs.  DEFENDANTS: <b>The State of Colorado, et al.</b>	
<b>Attorneys for Defendants:</b> JOHN W. SUTHERS, Attorney General  ANTONY B. DYL, 15968* Senior Assistant Attorney General E-mail: tony.dyl@state.co.us CAREY TAYLOR MARKEL, 32987* Senior Assistant Attorney General E-mail: carey.markel@state.co.us NICHOLAS P. HEINKE, 38738* Assistant Attorney General E-mail: nicholas.heinke@state.co.us JONATHAN P. FERRO, 35754* Assistant Attorney General E-mail: jon.ferro@state.co.us ERICA WESTON, 35581* Assistant Attorney General E-mail: erica.weston@state.co.us  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	Case Number: 05 CV 4794  Div: 9
<b>DEFENDANTS' <u>SECOND</u> SUPPLEMENTAL DISCLOSURES</b>	

Defendants, by and through their counsel, hereby submit their Second Supplemental Disclosures pursuant to C.R.C.P. 26(a)(1) and C.R.C.P. 26(e). Defendants reserve the right to continue to supplement or amend these Disclosures if and when additional information becomes known.

### DISCLOSURES

(A) The name and, if known, the address and telephone number of each individual likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, identifying who the person is and the subjects of the information.

**Response:**

The broad allegations in the Amended Complaint and Complaint in Intervention make it difficult to identify with particularity all persons likely to have discoverable information. Nonetheless, Defendants disclose the following additional persons. Disclosure of these persons, who are not employees of any named Defendant and who are not represented by the Office of the Attorney General as a matter of law, in no way waives any claim of privilege from or protection against providing testimony in this matter.

1. Joint Budget Committee staff, Legislative Services Building, 3rd Floor, 200 East 14th Ave, Denver, Colorado 80203, 303-866-2061. Certain staff of the Joint Budget Committee, including but not limited to John Ziegler, Staff Director, and Carolyn Kampman, Chief Legislative Analyst, may have discoverable information regarding the Joint Budget Committee, the Colorado budget, budget issues, the annual budget cycle, the Long Bill, annual appropriations of State funds, and other related matters.

2. Office of Legislative Legal Services staff, State Capitol Building, Room 091, 200 East Colfax Avenue, Denver, Colorado 80203-1716, 303-866-2045. Certain staff of the Office of Legislative Legal Services, including but not limited to Sharon Eubanks, Deputy Director, and Nicole Myers, Senior Staff Attorney, may have discoverable information regarding the drafting of various pieces of education-related and other legislation, and other related matters.

3. Colorado Legislative Council staff, 200 E. Colfax Ave., Denver, CO, 80203, 303-866-3521. Certain staff of the Colorado Legislative Council, including but not limited to Mike Mauer, Director, and Todd Herreid, may have discoverable information regarding school finance and other education-related legislation, studies and reports regarding school finance, revenue and budget issues, and other related matters.

(B) A listing, together with a copy of, or a description by category and location of, all documents, data compilations, and tangible things in the possession, custody, or control of the party that are relevant to disputed facts alleged with particularity in the pleadings, making available for inspection and copying the documents or other evidentiary material, not privileged

or protected from disclosure, as though a request for production of those documents had been served pursuant to C.R.C.P. 34.

**Response:**

The broad allegations in the Second Amended Complaint and Complaint in Intervention make it difficult to identify with particularity all responsive documents, data compilations, or tangible items. Nonetheless, Defendants supplement their Initial Disclosures and First Supplemental Disclosures as follows:

1. Colorado School District Mill Levies and Overrides:  
<http://www.cde.state.co.us/cdefinance/sfmilllevy.htm>.
2. Colorado School District Bonded Indebtedness:  
<http://www.cde.state.co.us/cdefinance/bonddebt.htm>.
3. Colorado School District Revenue and Expenditures:  
<http://www.cde.state.co.us/cdefinance/RevExp.htm>.
4. Colorado Advanced Placement Reports:  
<http://www.cde.state.co.us/cdereval/AdvancedPlacementLink.htm>.
5. All documents accompanying Defendants' First Supplemental Responses to Plaintiffs' First Set of Discovery Requests (Bates # CDE033532 through CDE061511).
6. Additional documents relevant to disputed facts alleged with particularity in the pleadings:

BATES #	Name	Document Date
CDE061512-CDE061519	BEST FY2010-2011 Application Summaries	2010-2011
CDE061520-CDE061569	CDE Memorandum to School District Superintendents, Chief Financial Officers and Other School Personnel re: Full-Day Kindergarten Phase in Plan	9/18/2007

CDE061570-CDE061571	CDE Reform Detail re: Charter Schools and Choice	1/27/2010
CDE061572-CDE061573	CDE Colorado Charter Schools and Special Education Overview	none
CDE061574-CDE061600	CDE The State of Charter Schools in Colorado	none
CDE061601-CDE061604	CDE Spring 2010 EdFacts State Profile - Colorado	2010
CDE061605-CDE061616	South Conejos School District 2005-2006 Annual Report	11/30/2006
CDE061617-CDE061628	Alamosa School District Accreditation Report 2005-2006	11/30/2006
CDE061629-CDE061638	Centennial R-1 School District Accreditation Report 2005-2006	11/30/2006

CDE061639-CDE061651	Center 26JT School District Accreditation Report 2005-2006	11/30/2006
CDE061652-CDE061660	Creed Consolidated 1 School District Accreditation report 2005-2006	11/30/2006
CDE061661-CDE061673	Del Norte C-7 School District Accreditation Report 2005-2006	11/30/2006
CDE061674-CDE061684	Moffat 2 School District Accreditation Report 2005-2006	11/30/2006
CDE061685-CDE061685	Monte Vista School District C-8 Accreditation Report 2005-2006	1/25/2007
CDE061697-CDE061705	Mountain Valley School District Accreditation Report 2005-2006	11/30/2006
CDE061706-CDE061717	North Conejos RE-1J School District Accreditation Report 2005-2006	11/30/2006

CDE061718-CDE061729	Sanford 6J School District Accreditation Report 2005-2006	11/30/2006
CDE061730-CDE061741	Sangre De Cristo Re-22J School District Accreditation Report 2005-2006	11/30/2006
CDE061742-CDE061755	Sargent RE-33J School District Accreditation Report 2005-2006	11/30/2006
CDE061756-CDE061767	Sierra Grande R-30 School District Accreditation Report 2005-2006	11/30/2006
CDE061768-CDE061797	CDE A Typology of Colorado Charter Schools	Jan-09
CDE061798-CDE061871	Colorado State Board of Education Board Reports	2002-2003
CDE061872-CDE061935	CDE The State of Charter Schools in Colorado	Jun-09

CDE061936-CDE061973	Bond Election History Data	
CDE061974	Chart prepared by V. Herrmann for Colorado Fiscal Stabilization Commission	

7. Documents obtained pursuant to Defendants’ Colorado Open Records Act (CORA) request from school districts and Bates numbered as follows:

SCHOOL DISTRICT	BATES #
Aguilar	AGUILAR000001-001023
Aspen	ASPEN000001-003315
East Grand	EGRAND000001-007649
Falcon	FALCON000001-006445
Haxtun	HAXTUN000001-005439
Littleton	LTTLTN000001-005264
Rocky Ford	ROCKFRD000001-000901
Steamboat	STEAMBT000001-001258
Telluride	TELLURD000001-001277
Thompson	THOMPSN000001-017291

\* \* \* \* \*

The above-listed and described documents are based upon Defendants’ knowledge as currently known and available, and upon the documents currently in its possession, custody, or control. Defendants reserve the right to supplement, modify, and amend these disclosures, as and if necessary, based upon subsequently acquired or subsequently available knowledge or documents. Additionally, the disclosure herein of any document does not constitute a waiver of the right to assert attorney-client or work-product privileges, which Defendants expressly reserve the right to assert at any time. Any disclosure of privileged material is irrelevant and unintended.

DATED: October 12, 2010

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Attorney General

s/ Nicholas Heinke

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*Original signature of Nicholas Heinke 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' SECOND**  
**SUPPLEMENTAL DISCLOSURES** upon all parties herein electronically through LexisNexis  
File & Serve this 12<sup>th</sup> day of October, 2010, addressed as follows:

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s/ Jeannine Moore  
Jeannine Moore, Paralegal  
*Original Signature on file at the  
Office of the Colorado Attorney General*