

<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>NANCY J. WAHL, 31890* First Assistant Attorney General E-mail: nancy.wahl@state.co.us</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. FERO, 35754* Assistant Attorney General E-mail: jon.fero@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' REQUEST FOR PRODUCTION OF EXPERT WITNESS DOCUMENTS TO PLAINTIFFS</p>	

Defendants, by their counsel, propound the following Request for Production of Expert Witness Documents to be answered by 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 “you” refers to each Plaintiff responding to these requests for production, as well as any employee, agent, attorney, or other representative acting for the Plaintiff.

F. The term “Plaintiffs’ Rule 26(a)(2)(B)(I) expert witnesses” means those expert witnesses retained as described in Colo. R. Civ. P. 26(a)(2)(B)(I) and disclosed in Plaintiffs’ initial expert disclosures and any supplements thereto.

G. The term “Plaintiffs’ Rule 26(a)(2)(B)(II) expert witnesses” means those expert witnesses retained as described in Colo. R. Civ. P. 26(a)(2)(B)(II) and disclosed in Plaintiffs’ initial expert disclosures and any supplements thereto.

DOCUMENTS REQUESTED

33. For each of Plaintiffs’ Rule 26(a)(2)(B)(I) expert witness, produce:
- a. All documents and tangible things, including reports, models, or data compilations, which have been provided to, reviewed by, or prepared by or for the expert witness;
 - b. The expert witness’s most current resume or *curriculum vitae*;
 - c. All communications (including but not limited to e-mails, letters, text messages, and voicemails) by and between you and the expert witness related to the expert witness’s testimony, opinions, or other work on this case;

- d. Copies of all reports or summaries of testimony prepared by the expert witness in any case for which the expert witness has testified or been retained to testify in the preceding four years;
 - e. Copies of all deposition or trial testimony given by the expert witness in any case for which the expert witness has testified or been retained to testify in the preceding four years;
 - f. Copies of all contracts entered into between you and the expert witness;
 - g. All drafts of the expert witness's reports or summaries of testimony in this case.
34. For each of Plaintiffs' Rule 26(a)(2)(B)(II) expert witness who is not also an employee of a Plaintiff School District, produce:
- a. All documents and tangible things, including reports, models, or data compilations, which have been provided to, reviewed by, or prepared by or for the expert witness;
 - b. The expert witness's most current resume or *curriculum vitae*;
 - c. All communications and by and between you and the expert witness related to the expert witness's testimony, opinions, or other work on this case;
 - d. Copies of all reports or summaries of testimony prepared by the expert witness in any case for which the expert witness has testified or been retained to testify in the preceding four years;
 - e. Copies of all deposition or trial testimony given by the expert witness in any case for which the expert witness has testified or been retained to testify in the preceding four years;
 - f. All drafts of the expert witness's reports or summaries of testimony in this case.
35. For each of Plaintiffs' Rule 26(a)(2)(B)(II) expert witness who is also an employee of a Plaintiff School District, produce:
- a. The expert witness's most current resume or *curriculum vitae*;
 - b. Copies of all reports or summaries of testimony prepared by the expert witness in any case for which the expert witness has testified or been retained to testify in the preceding four years;

- c. Copies of all deposition or trial testimony given by the expert witness in any case for which the expert witness has testified or been retained to testify in the preceding four years.

DATED: May 13, 2011

JOHN W. SUTHERS
Attorney General

s/ Nicholas Heinke

NANCY J. WAHL, 31890*

First Assistant Attorney General

ANTONY B. DYL, 15968*

Senior Assistant Attorney General

CAREY TAYLOR MARKEL, 32987*

Senior Assistant Attorney General

NICHOLAS P. HEINKE, 38738*

Assistant Attorney General

JONATHAN P. FERRO, 35754*

Assistant Attorney General

ERICA WESTON, 35581*

Assistant Attorney General

ATTORNEYS FOR DEFENDANTS

*Counsel of Record

*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' REQUEST FOR PRODUCTION OF EXPERT WITNESS DOCUMENTS TO PLAINTIFFS** upon all parties herein electronically through LexisNexis File & Serve or U.S. Mail this 13th day of May, 2011, addressed as follows:

David Hinojosa, Esq.
Nina Perales, Esq.
Marisa Bono, Esq.
Rebecca M. Couto, Esq.
**Mexican American Legal Defense
and Education Fund (MALDEF)**
110 Broadway, Ste. 300
San Antonio, Texas 78205
*Attorneys for Plaintiff-Intervenors
Armandina Ortega, et al.
(via electronic-mail and U.S. Mail)*

Henry Solano, Esq.
DEWEY & LeBOEUF
4121 Bryant St.
Denver, Colorado 80211
*Attorney for Plaintiff-Intervenors
Armandina Ortega, et al.*

Alexander Halpern , Esq.
Alexander Halpern LLC
1426 Pearl Street, Suite 420
Boulder, Colorado 80302
Attorney for Anthony Lobato, et al.

Kathleen J. Gebhardt, Esq.
Kathleen J. Gebhardt LLC
1900 Stoney Hill Road
Boulder, Colorado 80305
*Attorney for Anthony Lobato, et al.
(via electronic-mail and U.S. Mail)*

Kenzo Kawanabe, Esq.
Terry R. Miller, Esq.
Geoffrey C. Klingsporn, Esq.
Rebecca J. Dunaway, Esq.
Daniel P. Spivey, Esq.
DAVIS, GRAHAM & STUBBS, LLP
1550 Seventeenth Street, Suite 500
Denver, Colorado 80202
*Attorneys for Anthony Lobato, Denise
Lobato, Taylor Lobato, Alexa Lobato,
Aurora Joint School District No. 28,
Jefferson County School District,
Colorado Springs School District,
Monte Vista and Alamosa School District*

Kyle C. Velte, Esq.
Ryann B. MacDonald, Esq.
REILLY POZNER, LLP
511 Sixteenth Street, Suite 700
Denver, Colorado 80202
*Attorneys for Plaintiffs Creed Consol.
School District No. 1, Del Norte Consol.
School District no C-7, Moffat School
District No. 2, and Mountain Valley
School District No. Re 1*

Jess A. Dance, Esq.
Zane Gilmer, Esq.
PERKINS COIE, LLP
1899 Wynkoop Street, Suite 700
Denver, Colorado 80202

David W. Stark, Esq.
Joseph C. Daniels, Esq.
Sera Chong, Esq.
FAEGRE & BENSON LLP
1700 Lincoln Street, Suite 3200

*Attorney for Plaintiffs Sanford
School District 6J, North Conejos
School District RE-1J, South Conejos
School District RE-10, and Centennial
School District No. R-1*

Kimberley D. Neilio, Esq.
GREENBERG TRAUERIG, LLP
1200 Seventeenth Street, Suite 2400
Denver, Colorado 80202
*Attorney for Plaintiff Pueblo School District 60,
County of Pueblo, Colorado*

Jessica E. Yates, Esq.
SNELL & WILMER LLP
One Tabor Center, Suite 1900
Denver, Colorado 80202
*Attorney for Plaintiffs Alexandria, Amber,
Ari, Ashley and Lillan Leroux*

Denver, Colorado 80203
*Attorneys for Plaintiffs Jessica Spangler,
Herbert Conboy, Victoria Conboy, Terry
Hart, Kathy Howe-Kerr, Larry Howe-Kerr,
John T. Lane, Jennifer Pate, Blance J.
Podio, and Robert L. Podio*

Alyssa K. Yatsko, Esq.
HOLLAND & HART, LLP
555 Seventeenth St. Suite 3200
Denver, Colorado 80201-8749
*Attorney for Jefferson County School
District No. R-1*

Elizabeth J. M. Howard, Esq.
THE HARRIS LAW FIRM, P.C.
1125 Seventeenth Street, Suite 1820
Denver, Colorado 80202
*Attorneys for Plaintiffs Teresa Wrangham,
Debbie Gould, and Stephen Topping*

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