



Mar 4 2011
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<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. 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' DESIGNATION OF EXPERT IDENTITY AND SUBJECT MATTER OF TESTIMONY</p>	

Pursuant to the Case Management Order, Defendants, by and through their counsel, hereby designate their Colo. R. Civ. P. 26(a)(2) expert witness identities and the subject matter of their testimony.

Defendants reserve their right to supplement these disclosures as discovery progresses, particularly to disclose additional Rule 26(a)(2)(B)(II) witnesses who may provide both factual and expert opinions. Defendants additionally reserve their right to elicit expert testimony from any fact or expert witness disclosed or proffered at trial by Plaintiffs or Plaintiff-Intervenors.

Finally, Defendants reserve their right to disclose additional experts to rebut matters contained in the expert reports or summaries of opinions of Plaintiffs or Plaintiff-Intervenors' expert witnesses, including without limitation expert witnesses on cost studies, school funding, the economics of education, and Colorado constitutional law. As those reports or summaries have not yet been disclosed, it is impossible at this time to determine whether, and to what extent, rebuttal witnesses are necessary.

Subject to and without waiving the above reservations, Defendants designate the following expert witnesses pursuant to Colo. R. Civ. P. 26(a)(2)(B)(I):

1. Eric A. Hanushek
Paul & Jean Hanna Senior Fellow
Hoover Institution
Stanford University
Stanford, CA 94305

The subject matter of Dr. Hanushek's testimony is expected to include, without limitation, the lack of correlation between funding and student performance, the utility of education costing out studies, education policy and reform, school choice and vouchers, cost effectiveness and efficient use of resources in providing education services, and early childhood education. Dr. Hanushek may also render opinions regarding comparative analyses of Colorado schools' academic performance and funding against other state and national education systems, and related matters. Dr. Hanushek may also elaborate on the generally accepted criteria and factors used in determining the academic performance of students. Dr. Hanushek may also offer rebuttal testimony to the testimony offered by Plaintiffs' or Plaintiff-Intervenors' experts.

2. Vody Herrmann
Assistant Commissioner for Public School Finance
Colorado Department of Education
201 East Colfax Ave.
Denver, CO 80203

The subject matter of Ms. Herrmann's testimony is expected to include, without limitation, Colorado's public school finance system and related matters. Ms. Herrmann may also offer fact testimony based on her extensive experience in Colorado's public education system.

3. William Moloney
Former Commissioner
Colorado Department of Education

The subject matter of Dr. Moloney's testimony is expected to include, without limitation, issues relating to the economics of public education, efficiencies in public education, comparative analyses of other state and national education systems, the relationship between spending and student achievement, and related matters. Many of these issues are outlined in Dr. Moloney's recent policy brief, "Much Better Schools on Much Lower Budgets." Dr. Moloney may also offer fact testimony based on his extensive experience in Colorado's public education system.

Subject to and without waiving the above reservations, Defendants further designate the following expert witnesses pursuant to Colo. R. Civ. P. 26(a)(2)(B)(II). Many of these designees are fact witnesses who may also provide expert opinion:

4. Trish Boland
Title I Coordinator, Office of Federal Program Administration
Colorado Department of Education
1560 Broadway, Suite 1450
Denver, CO 80202

The subject matter of Ms. Boland's testimony is expected to include, without limitation, federal law affecting public elementary and secondary education, competitive grants and awards, and related matters.

5. Lori Bowers
Supervisor, Colorado Preschool Program
Colorado Department of Education
201 East Colfax Ave.
Denver, CO 80203

The subject matter of Ms. Bowers' testimony is expected to include, without limitation, early childhood education, the Colorado Preschool Program, Kindergarten, and related matters.

6. John W. Covington
Superintendent, Kansas City, MO School District
Former Superintendent, Pueblo City Schools
1211 McGee Street
Kansas City, MO 64106

The subject matter of Dr. Covington's testimony is expected to include, without limitation, management of public schools and school districts, the importance of leadership and efficiency in operating schools and school districts, and related matters.

7. Joseph Garcia
Lieutenant Governor, State of Colorado
Executive Director, Colorado Department of Higher Education
200 East Colfax Ave.
Denver, CO 80203

The subject matter of Lt. Governor Garcia's testimony includes, without limitation, the importance of P-20 education to Colorado, the importance of education as an essential component in creating the conditions for a strong state economy, a productive society, and a high quality of life for Colorado's citizens, and related matters.

8. Ted Hughes
Director of the Division of Public School Capital Construction Assistance
Colorado Department of Education
1525 Sherman Street, Suite B 17
Denver, CO 80203

The subject matter of Mr. Hughes' testimony is expected to include, without limitation, Colorado's public school facility construction guidelines, the statewide financial assistance priority assessment, the Building Excellent Schools Today Program, the Charter School Capital Construction Program, the Qualified Zone Academy Bond Program, and related matters.

9. Mark Hyatt
Executive Director
Colorado Charter School Institute
1580 Logan Street, Suite 210
Denver, CO 80203

The subject matter of Mr. Hyatt's testimony is expected to include, without limitation, management of public schools, the importance of leadership and efficiency in operating schools, and related matters.

10. Barbara Medina
Assistant Commissioner for Innovation and Transformation
State Director, Language Culture and Equity
Colorado Department of Education
201 East Colfax Ave.
Denver, CO 80203

The subject matter of Dr. Medina's testimony is expected to include, without limitation, education of English language learners, migrant students, programs to enhance provision of education to English language learners and migrant students, factors impacting student outcomes, online learning and regional services, and related matters.

11. Jo O'Brien
Assistant Commissioner of Standards and Assessment
Colorado Department of Education
201 East Colfax Ave.
Denver, CO 80203

The subject matter of Ms. O'Brien's testimony is expected to include, without limitation, standards, assessments, trends in performance, factors impacting student outcomes, and related matters.

12. Todd Saliman
Senior Advisor to the Governor
Former Director, Governor's Office of State Planning and Budget
200 East Colfax Ave., Room 111
Denver, CO 80203

The subject matter of Mr. Saliman's testimony includes, without limitation, Colorado's budget and finances, the impact of constitutional provisions on Colorado's budget and finances, comparative analyses between Colorado and other states on fiscal and budgetary issues, and related matters.

13. Henry Sobanet
Director, Governor's Office of State Planning and Budget
200 East Colfax Ave., Room 111
Denver, CO 80203

The subject matter of Mr. Sobanet's testimony includes, without limitation, Colorado's budget and finances, the impact of constitutional provisions on Colorado's budget and finances, comparative analyses between Colorado and other states on fiscal and budgetary issues, and related matters.

14. Rob Stein
Senior Advisor for Leadership Development
GetSmart Schools
Former Principal, Manual High School (Denver)
2543 California St.
Denver, CO 80205

The subject matter of Dr. Stein's testimony is expected to include, without limitation, management of public schools, the importance of leadership and efficiency in operating schools, and related matters.

15. Ed Steinberg
Assistant Commissioner for Exceptional Student Leadership
Colorado Department of Education
1560 Broadway, Suite 1175
Denver, CO 80202

The subject matter of Dr. Steinberg's testimony is expected to include, without limitation, gifted and talented education, special education, factors impacting student outcomes, and related matters.

16. Kristin Waters
Assistant to the Superintendent for Reform and Innovation
Denver Public Schools
Former Principal, Bruce Randolph Middle School (Denver)
900 Grant Street
Denver, CO 80203

The subject matter of Dr. Waters' testimony is expected to include, without limitation, management of public schools and school districts, the importance of leadership and efficiency in operating schools and school districts, and related matters.

DATED: March 4, 2011

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*Original signature of Nicholas P. Heinke is
on file at the Office of the Colorado Attorney
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CERTIFICATE OF SERVICE

This is to certify that I have duly served the within **DEFENDANTS' DESIGNATION OF EXPERT IDENTITY AND SUBJECT MATTER OF TESTIMONY** upon all parties herein via electronic mail, Lexis/Nexis File & Serve, and/or U.S. Mail this 4th day of March, 2011:

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