



Mar 15 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, <i>et al.</i></p> <p>and</p> <p>PLAINTIFFS-INTERVENORS: Armandina Ortega, <i>et al.</i></p> <p>v.</p> <p>DEFENDANTS: The State of Colorado, <i>et al.</i></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. 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: 2005 CV 4794</p> <p>Div: 9</p>
<p align="center">DEFENDANTS' RESPONSES TO PLAINTIFF-INTERVENORS' <u>SECOND SET OF INTERROGATORIES</u></p>	

Defendants, by and through their counsel, hereby submit their Responses to Plaintiff-Intervenors' Second Set of Interrogatories, pursuant to C.R.C.P. 33. Defendants' Responses are based on Defendants' current knowledge and a good faith investigation into the discovery requests. That investigation is ongoing and Defendants reserve the right to supplement or amend these Responses if and when additional information becomes known.

The following General Objections apply to Plaintiff-Intervenors' discovery requests and are incorporated by reference into the answers contained herein. The assertion of the same, similar, or additional objections, or the provision of partial answers in response to Plaintiff-Intervenors' discovery requests, does not waive Defendants' General Objections as set forth below.

GENERAL OBJECTIONS

1. Defendants object to the discovery requests to the extent the requests seek information that is protected from disclosure under the attorney-client privilege, the work product doctrine, the joint-defense doctrine, the common-interest doctrine, the governmental deliberative process privilege, or any other applicable privilege, law, rule or immunity.
2. Defendants object to the discovery requests to the extent the requests seek confidential information, the disclosure of which could negatively impact Defendants' obligation to maintain the confidentiality of such information.
3. Defendants object to the discovery requests to the extent such requests seek information that is not relevant to the subject matter of this litigation and not reasonably expected to yield information relevant to the allegations of the complaint, the proposed relief, or the defenses.
4. Defendants object to the discovery requests to the extent the requests are overbroad, unduly burdensome, or require unreasonable efforts or expense on behalf of Defendants.
5. Defendants object to the discovery requests to the extent the requests are vague or ambiguous.
6. Defendants object to the discovery requests to the extent the requests require answers greater than, beyond the requirements of, or at variance with the Colorado Rules of Civil Procedure.
7. Defendants object to the discovery requests to the extent the discovery sought is cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive.
8. Defendants object to the definition of the phrases "describe with particularity," "state the basis," "stating the basis," "state all facts," and "stating all facts" to the extent it attempts to impose a duty on Defendants to "identify each and every document," or to "identify each and every communication" or to "state separately the acts or omissions," or to "state separately any

other fact” as more fully set forth in the definitions of these requests on the ground that the definitions are overly broad and unduly burdensome.

9. Defendants object to the discovery requests to the extent the requests do not adequately define terms used in them.

Subject to and without waving these General Objections, or any other objections or claim of privilege, Defendants hereby answer and object to Plaintiff-Intervenors’ discovery requests as follows:

I. SECOND SET OF INTERROGATORIES

1. Please identify the complete title and meaning of each and every column heading in the spreadsheet bates labeled CDE 082466-082653 (CDE Reapplication and Annual Report Data on Unmet Needs) and CDE 083729-084055 (Full Day Kindergarten Survey).

RESPONSE: Subject to and not waiving the forgoing general objections, in accordance Rule 33(d) defendants respond as follows: See data contained on disc CDE094465, in particular the folder labeled RAAR, FDK and the sub-folders CDE083729-084055 and Reapplication and Annual Reports, and the sub-folders contained therein.

Dated: March 15, 2011

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CERTIFICATE OF SERVICE

This is to certify that I have duly served the within **DEFENDANTS' RESPONSES TO PLAINTIFF-INTERVENORS' SECOND SET OF INTERROGATORIES** upon all parties herein via electronic mail, Lexis/Nexis File & Serve, and/or U.S. Mail this 15th day of March, 2011:

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