



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, 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>DEFENDANTS' <u>FOURTH</u> SUPPLEMENTAL C.R.C.P. 26(A)(1) DISCLOSURES</p>	

Defendants, by and through their counsel, hereby submit their Fourth 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

(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.

1. Additional documents relevant to disputed facts alleged with particularity in the pleadings:

BATES #	Name	Date of Document
CDE094185- CDE094204	A Rural Needs Study: Improving CDE Services to Rural School Districts by Phil Fox/David Van Sant, Ph.D.	January 2011
CDE094205- CDE094217	Public School Finance	January 2011
CDE094218- CDE094258	Capital Construction Assistance Board Meeting Agendas & Minutes, Resolutions	2/15/2011
CDE094259- CDE094266	Capital Construction Assistance Board Meeting Agendas & Minutes, Resolutions	1/26/2011
CDE094267- CDE094277	Capital Construction Assistance Board Meeting Agendas & Minutes, Resolutions	10/29/2010
CDE094278- CDE094282	Capital Construction Assistance Board Meeting Agendas & Minutes, Resolutions	11/10/2010
CDE094283- CDE094321	Capital Construction Assistance Board Meeting Agendas & Minutes, Resolutions	11/30/2010
CDE094322- CDE094322	2010-2011 CDE Data Collections - Open and Close Dates	2010-2011
CDE094323- CDE094379	State Data Reporting Requirements	

BATES #	Name	Date of Document
CDE094380- CDE094385	State of Colorado K-12 Mandate	
CDE094386- CDE094399	FY2010-11 and FY2011-12 Executive Budget Requests	2/15/2011
CDE094400- CDE094413	Gov. John Hickenlooper's FY2011-12 Budget Balancing Plan	2/15/2011
CDE094414- CDE094464	Shining a Light on College Remediation in Colorado: The Predictive Utility of the ACT for Colorado and the Colorado Student Assessment Program (CSAP)	Mar-11
CDE094466- CDE094696	CDE Summary Report of the Operations and Activities of Online Programs in Colorado	Feb. 2009 & Feb. 2010
CDE094697- CDE094704	Colorado Community College System, Bridges to Opportunity through Career Pathways	
CDE094705- CDE094730	CDE Final Mill Levy Summary for Fiscal Year 2009-2010	
CDE094731- CDE094740	CDE Override Reconciliation for Fiscal Year 2009-2010	
CDE094735- CDE094740	CDE Override Reconciliation for Fiscal Year 2010-2011	
CDE094741- CDE094789	Colorado Commission on Higher Education 2010 Legislative Report on Remedial Education submitted February 4, 2011	Feb. 2011

CDE094790- CDE094815	Memorandum of the Colorado General Assembly, Office of Legislative Legal Services, to Representative Keith King, dated January 22, 2003, regarding the General Assembly's Authority to Rescind a Portion of Public School Funding for the 2002-2003 Fiscal Year	Jan 2003
CDE094816- CDE094823	B 2010-010 Executive Order Creating the Governor's Education Leadership Council executed January 11, 2011 by Governor John W. Hickenlooper	

2. CD-ROM labeled CDE094465, which includes documents requested during the deposition of Lori Bowers taken February 15, 2011.
3. The 1994 Colorado Legislative Proceedings regarding House Bill 1001 provided herewith in a set of 16 CDs, along with the affidavit of Terry Ketelsen, State Archivist, Colorado State Archives, executed February 16, 2011.
4. Indexes of documents received pursuant to Defendants' CORA requests from the following school districts:

Arriba-Flagler, Buffalo RE-4J, Cherry Creek, Clear Creek, Cripple Creek, Durango, EADS RE-1, Eagle County, East Grand, East Otero, Elbert, Elizabeth C-1, Fountain, Hoehne, Huerfano, Johnstown-Milliken, Julesburg, Karval, La Veta, Limon, Manitou Springs, Manzola, Meeker, Moffat County, Otis, Park, Park County, Pectz Plateau, Plainview, Platte Valley, Poudre, Pritchett, Pueblo City, Springfield, Summit, Trinidad, Walsh, Weld County, and West Grand.
5. Documents obtained from the Office of the State Auditor, Bates numbered AGAUDITOR000001 through AGAUDITOR000344, along with an index of these documents:

BATES #	Name	Date of Document
AGAUDITOR000001- AGAUDITOR000121	Report of the State Auditor: Online Education Performance Audit	Nov-06
AGAUDITOR000122- AGAUDITOR000172	Office of the State Auditor: Fiscal Health Analysis of Colorado School Districts	Aug-09

AGAUDITOR000173- AGAUDITOR000239	Office of the State Auditor: Fiscal Health Analysis of Colorado School Districts	Sep-10
AGAUDITOR000240- AGAUDITOR000256	Report of the State Auditor: School Capital Construction Report Fiscal Year 2005	2005
AGAUDITOR000257- AGAUDITOR000274	Report of the State Auditor: School Capital Construction Report Fiscal Year 2006	2006
AGAUDITOR000275- AGAUDITOR000291	Report of the State Auditor: School Capital Construction Report Fiscal Year 2007	2007
AGAUDITOR000292- AGAUDITOR000310	Report of the State Auditor: School Capital Construction Report Fiscal Year 2008	2008
AGAUDITOR000311- AGAUDITOR000327	School Capital Construction Report, Financial Report, January 2010, Office of the State Auditor	Jan-10
AGAUDITOR000328- AGAUDITOR000344	School Capital Construction Report, Financial Report, January 2011, Office of the State Auditor	Jan-11

6. Documents obtained from the Legislative Council of the Colorado General Assembly and the Colorado General Assembly Joint Budget Committee, Bates numbered AGLEG000001 through AGLEG014410.
7. Documents obtained pursuant to Subpoena *Duces Tecum* issued to Denver Public School District, Bates numbered AGDPS000001 through AGDPS003390, along with an index of same.
8. Documents obtained pursuant to Subpoena *Duces Tecum* issued to Woodlin School District, Bates numbered AGWOODLIN000001 through AGWOODLIN003390, along with an index of same.

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The above-listed 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: March 15, 2011

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

This is to certify that I have duly served the within **DEFENDANTS' FOURTH SUPPLEMENTAL DISCLOSURES** 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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