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DISTRICT COURT, CITY AND COUNTY OF  
DENVER, COLORADO  
1437 Bannock Street  
Denver, Colorado 80202

Plaintiffs: **Anthony Lobato**, et al.  
  
Plaintiff-Intervenors: **Armandina Ortega**, et al.  
  
vs.  
  
Defendants: **The State of Colorado**, et al.

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Case Number: 05 CV 4794  
  
Div: 9

**PLAINTIFFS' COMBINED RESPONSES TO DEFENDANTS' SECOND  
REQUEST FOR PRODUCTION OF DOCUMENTS TO SCHOOL  
DISTRICT AND INDIVIDUAL PLAINTIFFS**

Pursuant to C.R.C.P. 34, Plaintiffs, through counsel, hereby respond to Defendants' Second Request for Production of Documents to School District and Individual Plaintiffs served February 1, 2011:

**GENERAL OBJECTIONS**

1. Best Knowledge, Information and Belief. This Response to the Discovery is made to the best of Plaintiffs' present knowledge, information and belief. This Response is at all times subject to such additional or different information that discovery or further investigation may disclose and is subject to additional knowledge of facts, as may result from its further discovery or investigation. Plaintiffs reserve the right to supplement this Response in accordance with C.R.C.P. 26(e).

2. Subsequent Discovery of Documents or Information. Plaintiffs reserve the right to make any use of, or to introduce at any hearing and/or at trial, documents or other information responsive to the Discovery Request but discovered by Plaintiffs subsequent to the date of this Response to Discovery.

3. Attorney-Client Privilege and Work Product Doctrine. Plaintiffs object to the Discovery Request to the extent that it requests information protected by the attorney-client privilege, the work product doctrine, or any other applicable legal privilege against disclosure. Such privileged documents and information shall not be produced in response to the Discovery Request, and any inadvertent production thereof shall not be deemed a waiver of any privilege with respect to such documents or information.

4. Preservation of Objections. Plaintiffs reserve all objections as to the competency, relevance, materiality, privilege and/or admissibility as evidence in any subsequent proceeding and/or trial of this or any other action for any purpose whatsoever of any documents, information or things produced in this Response to the Discovery.

5. Definitions. Plaintiffs object to all definitions, instructions, interrogatories, and document requests in the Discovery Request in which the phrases "describe," "relate to" or "relating to," "every" and "all" appear. The terms "describe," "relate to," "relating to," "every" and "all" are overly broad, vague, ambiguous and unintelligible, require subjective judgment on the part of Plaintiffs and their attorneys.

6. Expansive Definitions and Instructions. Plaintiffs object to all definitions and instructions to the Discovery Request to the extent that such definitions and instructions purport to enlarge, expand, or alter in any way the plain meaning and scope of any specific term, phrase or request on the grounds that such enlargement, expansion, or alteration renders such term,

phrase or request vague, ambiguous, unintelligible, overbroad and uncertain. Plaintiffs also object to all definitions that purport to expand or enlarge Plaintiffs' obligations under the Colorado Rules of Civil Procedure.

7. Confidentiality. This Response to the Discovery is made subject to the Confidentiality Order entered in this action. Any confidential information produced without being marked "Confidential" is unintentional and inadvertent, and Plaintiffs reserve the right to require that such information be marked and treated confidential or returned to Plaintiffs.

8. Burden. Plaintiffs object to the Discovery Requests to the extent they request information already in the possession of Defendants. Much of this information has been previously submitted to Defendants by Plaintiffs. It would be unduly burdensome, oppressive, and unreasonably duplicative to again provide such information to Defendants. Further, Plaintiffs object to the Discovery Requests to the extent the burden of deriving or ascertaining responses to the requests is substantially the same or less for Defendants than for Plaintiffs. Plaintiffs also object to the Discovery Requests to the extent they seek information obtainable from some other source that is more convenient, less burdensome, or less expensive.

9. Possession, Custody, or Control. Plaintiffs object to producing documents that are not within their possession, custody, or control.

11. Specific Objections. In addition to these General Objections, Plaintiffs may set forth other and further objections with their specific responses. By their specific objection, Plaintiffs do not intend to limit or restrict these General Objections.

12. Incorporation. Plaintiffs incorporate all of the foregoing General Objections into each Response to the Discovery Requests below.

### **DOCUMENTS REQUESTED**

29. All documents referenced in Plaintiffs' Second Amended Complaint, describing with particularity in which paragraph or paragraphs each of the documents referenced.

#### Response to Request No. 29:

Paragraph 5. 2006 report and 2008 update by the Colorado School Finance Project: L003054-96; L003042-43.

Paragraph 7: October 2009 CDE report: L000060-85.

Paragraph 109: Colorado Preschool Program 2005 Report to the Colorado Legislature: L004929-42.

Paragraph 127: Plaintiffs are not presently able to identify the source of this reference. Plaintiffs will supplement this response when additional information is discovered.

Paragraph 129: Joint Budget Committee FY 2010-11 Budget Briefing, Department of Education: L00118-185.

Paragraph 130: Special Education Funding in Colorado: L002990-3033.

Paragraph 143: Report of the State Auditor, Public School Capital Construction Program, May 2003: L004943-5018.

Dated: March 18, 2011.

*s/ Alexander Halpern*

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Alexander Halpern  
Alexander Halpern LLC

*Original signature of Alexander Halpern is on file in the offices of Alexander Halpern LLC*

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 18<sup>th</sup> day of March, 2011, a true and correct copy of the **PLAINTIFFS' COMBINED RESPONSES TO DEFENDANTS' SECOND REQUEST FOR PRODUCTION OF DOCUMENTS TO SCHOOL DISTRICT AND INDIVIDUAL PLAINTIFFS** was served via LexisNexis®, addressed to the following:

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*[The original, executed document is on file at the offices of Alexander Halpern LLC]*