



May 4 2011
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<p>DISTRICT COURT, DENVER COUNTY, COLORADO Denver City and County Building 1437 Bannock St. Denver, Colorado 80202</p>	
<p>Plaintiffs: ANTHONY LOBATO, et al., and Plaintiff-Intervenors: ARMANDINA ORTEGA, et al. v. Defendants: THE STATE OF COLORADO, et al.</p>	<p>▲ COURT USE ONLY ▲</p> <p>Case No. 2005CV4794</p> <p>Div. 9</p>
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<p style="text-align: center;">PLAINTIFFS' COMBINED SECOND SUPPLEMENTAL DISCLOSURES</p>
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Pursuant to Colorado Rules of Civil Procedure 26(a)(1) and 26(e), Plaintiffs Anthony Lobato, et al. (“Plaintiffs”) hereby submit the following supplemental disclosures (“Second Supplemental Disclosures”).

The Plaintiffs that filed their Amended Complaint on March 1, 2010, timely exchanged their initial disclosures on July 1, 2010 (“Initial Disclosures”). In the Initial Disclosures, Plaintiffs listed categories of documents that may be relevant to disputed facts alleged with particularity in the pleadings. Per the parties’ stipulation, documents in the possession, custody, or control of School District Plaintiffs would be copied, numbered, and sent to Defendants in a reasonable time. Plaintiffs made clear that should Defendants demand production of school-district documents at an earlier time, Plaintiffs would make such documents available for inspection and copying as they are kept in the usual course of business or labeled to correspond to the listed categories pursuant to C.R.C.P. 26(a)(1)(B) and 34(b). (Initial Disclosures at 13.)

Plaintiffs Aurora, Joint School District No. 28, Moffat County School District Re: No. 1, Montezuma-Cortez School District RE-1, and Pueblo, School District No. 60 (collectively the “New Plaintiffs”) became plaintiffs in this action on August 5, 2010. On September 20, 2010, the New Plaintiffs timely exchanged their initial disclosures in Plaintiffs’ “Combined Initial Disclosures By Certain Plaintiffs And First Supplemental Disclosures.” (“Combined Disclosures”). In the Combined Disclosures, the New Plaintiffs provided the identity of

additional persons with discoverable information and also adopted each and every disclosure listed in the Initial Disclosures. Accordingly, all Plaintiffs timely exchanged initial disclosures pursuant to Rule 26.

Plaintiffs have provided Defendants copies of school-district documents as they reasonably became available over the course of the past several months. These documents were transmitted under cover letters indicating that the enclosed documents were responsive to Plaintiffs' Rule 26(a) obligations. Certain documents sent in December 2010 and thereafter were transmitted under cover letters indicating that the enclosed documents were responsive to both Plaintiffs' Rule 26(a) obligations and Defendants' discovery requests. To the extent required, Plaintiffs incorporate these letters into these Second Supplemental Disclosures and reiterate that all documents that have been produced by Plaintiffs are responsive to Plaintiffs' Rule 26(a) and Rule 26(e) obligations.

A. Individuals Likely to Have Discoverable Information

The following individuals are likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings. By making this disclosure, Plaintiffs do not waive any objection to the relevance of testimony of any of the following persons or any other appropriate objections, including, among others, the attorney-client privilege or work product doctrine:

I. School District Officials. The following individuals are officials and/or representatives of the Plaintiff School Districts. Each individual is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including, without limitation, information relevant to their respective school district and school financial

operations and budgets, educational programs, strategic planning, accreditation, teacher evaluation and performance, and student assessment and performance. Each individual is also likely to have relevant information concerning programs and resources necessary to provide the educational services mandated by the constitution, statute, and regulation; the impact of under-funding on the quality of education that the district is able to provide those programs and otherwise to meet mandated standards of educational quality for all students; the gap between the resources necessary to meet educational mandates and the funding actually provided by the public school finance system; and the effect of the lack of funding on educational quality.

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Laura Munro
Executive Director, Diverse Learners
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Brenda Krage
Executive Director, Dept. of Secondary Career and Technical Education
Pueblo, School District No. 60
315 W. 11th Street
Pueblo, CO 81003
Telephone: 719-549-7100

Will Hathaway
President, Board of Education
Sargent School District RE-33J
7090 North Road 2 East
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Telephone: 719-852-4023

Jenifer Huffman
7-12 Teacher on Special Assignment
Sierra Grande School District R-30
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Pueblo City Schools
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4th Grade Teacher
Kemper Elementary School
620 E. Montezuma Avenue
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Cortez Middle School
16 West 10th
Cortez, CO 81321
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Center, CO 81125
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Anastasia Campbell
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Tesla Education Opportunity Center
6560 International Circle
Colorado Springs, CO 80910
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Don Stensrud
Principal
Fairview High School
1515 Greenbriar Blvd.
Boulder, CO 80305
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Mike Medina
Principal
Angevine Middle School
1150 W. South Boulder Road
Lafayette, CO 80026
Telephone: 720-561-7100

Holly Hultgren
Retired Principal, Lafayette Elementary School
550 Mapleton Ave.
Boulder, CO 80304
Telephone: 303-443-8812

Ed Vandertook
Superintendent
Strasburg 31J School District
56729 E. Colorado Ave.
Strasburg, CO 80136
Telephone: 303-622-9215

II. Members of the State Board of Education.

Paul Lundeen
Debora Scheffel
201 E. Colfax Ave.
Denver, CO 80203
Telephone: 303-866-6600

These Members of the Colorado State Board of Education are likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including information relevant to public school finance, standards and assessment, accreditation, curriculum, capital construction, and teacher and administrator licensure, training, preparation, and retention.

III. Employees of the Colorado Department of Education. These individuals are employees of the Colorado Department of Education:

Lori Bowers
Ted Hughes
Trish Boland
Ed Steinberg
Barbara Medina
Charm Paulmeno
Jacquelin Medina
Jhon Penn
John Condi

These individuals at the Colorado Department of Education are likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including information relevant to public school finance, standards and assessment, accreditation, curriculum, capital construction, and teacher and administrator licensure, training, preparation, and retention.

IV. Other Individuals.

1. Governor John Hickenlooper
136 State Capitol
Denver, CO 80203-1792
Telephone: 303-866-2471

Governor Hickenlooper is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including information relevant to the history, development, operation and purposes of the school finance system, education reform legislation and regulations, and the impact of the under-funding of public education.

2. Barbara O'Brien
The Piton Foundation
370 17th Street, # 5300
Denver, CO 80202
Telephone: 303-825-6246

Ms. O'Brien is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including information relevant to the importance of early childhood education. She is also likely to have information as to the education policies during Governor Ritter's administration.

3. John Brackney
President South Metro Denver Chamber of Commerce
6840 S. University Blvd.
Centennial, CO 80122
Telephone: 303-795-0142

Mr. Brackney is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including information relevant to the importance of a strong public P-20 education system, both in connection with attracting and retaining business to Colorado as well as the importance of an educated work force to business in Colorado, specifically the South Metro Denver area.

4. Patricia Pacey
Pacey & McNulty (f/k/a Pacey Economics Group)
3005 Center Green Dr. # 200
Boulder, CO 80301
Telephone: 303-530-5333

Ms. Pacey is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including information relating to the State Education Fund, her reports on the State Education Fund, and the Declining Enrollment Study conducted by Pacey Economics Group.

5. Ed Steinbrecher
Former Executive Director of the American Education Finance Association
8365 Armadillo Trail
Evergreen, CO 80439
Telephone: 303-674-0857

Mr. Steinbrecher is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including information relating to the development and history of school finance over the past 40 years.

6. Senator Rollie Heath
200 E. Colfax
Denver, CO 80203
Telephone: 303-866-4872

Senator Heath is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including information related to the current, proposed ballot measure, and his work as member and Chairman of various Legislative Interim Committees.

7. Charlie S. Brown
Director, Center for Colorado's Economic Future
University of Denver
2199 S. University Blvd.
Denver, CO 80208-4812
Telephone: 303-871-2770

Mr. Brown is likely to have discoverable information relevant to the disputed facts alleged with particularity in the pleadings, including information related to the work and reports of the Center for Colorado's Economic Future.

8. Stefan Welsh
P.O. Box 1116
Center, CO 81125
Telephone: 719-588-4756

Mr. Welsh is likely to have discoverable information relevant to the disputed facts alleged with particularity in the pleadings, including information related to the authenticity and making of the video clips that are identified herein.

9. Representatives of Douglas County School District
620 Wilcox Street
Castle Rock, CO 80104
Telephone: 303-387-0100

Representatives of Douglas County School District are likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including information relevant to their school district and school financial operations and budgets, educational programs, strategic planning, accreditation, teacher evaluation and performance, and student assessment and performance. The representatives are also likely to have relevant information concerning programs and resources necessary to provide the educational services mandated by the constitution, statute, and regulation; the impact of under-funding on the quality of education that the district is able to provide those programs and otherwise to meet mandated

standards of educational quality for all students; the gap between the resources necessary to meet educational mandates and the funding actually provided by the public school finance system; the effect of the lack of funding on educational quality; Resolutions passed by the Douglas County School District Board of Education commenting on this lawsuit; and communications related to this Lawsuit with employees and attorneys working for or on behalf of Defendants, the Colorado Attorney General's office, the Governor's office, the Colorado State Board of Education, and the Colorado Department of Education.

10. All individuals identified by Plaintiff-Intervenors and Defendants in this action.
11. All individuals deposed in this action.

B. Documents

The following documents may be relevant to disputed facts alleged with particularity in the pleadings. Plaintiffs do not waive any objection to the relevance of any disclosed document or any other objection, including but not limited to, those based upon the attorney-client privilege, work product doctrine, or confidentiality. Plaintiffs reserve the right to further identify other documents, including but not limited to all documents listed or identified by other parties or disclosed by further discovery.

1. Report titled "Is School Funding Fair? A National Report Card"
2. Colorado Commission on Higher Education, 2009 Legislative Report on Remediation
3. 2010 Kids Count in Colorado
4. 2011 Kids Count in Colorado
5. Education Week Quality Counts 2011
6. 2008-2009 State of the States in Gifted Education

7. State Special Education Finance Systems, 1999-2000 (Parts I & II)
8. Documents from the University of Denver Economic Futures Panel

www.du.edu/economicpanel/

9. Audio Legislative History. Audio of the following legislative hearings may be relevant to disputed facts alleged with particularity in the pleadings.
 - a. Education Accountability Act of 2009:
 - i. Hearings on H.B. 09-163 Before the S. Comm. on Educ., 67th Gen. Assembly of Colo. (Feb. 19 and April 27 2009).
 - ii. Hearing on H.B. 09-163 Before the S., 67th Gen. Assembly of Colo. (April 16, 2009).
 - b. Preschool to Postsecondary Education Alignment Act of 2008 – Colorado Achievement Plan for Kids (CAP4K):
 - i. Hearings on S.B. 08-212 Before the S. Comm. on Educ., 66th Gen. Assembly of Colo. (March 27, April 11, April 17, 2008).
 - ii. Hearing on S.B. 08-212 Before the H., 66th Gen. Assembly of Colo. (May 1, 2008).
 - c. Public School Finance Act of 1994:
 - i. Hearing on H.B. 94-1001 Before the H. Finance Comm., 59th Gen. Assembly of Colo. (Feb. 2, 1994).
 - ii. Hearing on H.B. 94-1001 Before The H. Appropriations Comm., 59th Gen. Assembly of Colo. (Feb. 11, 1994).
 - iii. Hearings on H.B. 94-1001 Before the H., 59th Gen. Assembly of Colo. (Feb. 21 and Feb. 22, 1994).
 - iv. Hearings on H.B. 94-1001 Before the S. Comm. on Educ., 59th Gen. Assembly of Colo. (March 17 and March 21, 1994).
 - v. Hearings on H.B. 94-1001 Before the S., 59th Gen. Assembly of Colo. (March 22 and March 23, 1994).
 - d. English Language Proficiency Act of 1981: Hearings on S.B. 81-426 Before the S. Comm. on Educ., 53rd Gen. Assembly of Colo. (Mar. 12 and Mar. 27, 1981).

10. Video footage of environment and conditions of classrooms.

- a. <http://www.youtube.com/watch?v=uBxGVePIVH4>
- b. Eagle County School District RE 50J
<http://www.youtube.com/watch?v=NvgtypKk11M>
- c. Center Consolidated School District 26JT:
<http://www.youtube.com/watch?v=G899wAcIQTI>
- d. Creede Consolidated School District No. 1:
<http://www.youtube.com/watch?v=HgNLxhurFE4>
- e. Kiowa County School District – RE-1:
<http://www.youtube.com/watch?v=uGWKgBf8peM>
- f. Kim Reorganized School District No. 88:
<http://www.youtube.com/watch?v=C8dFUNXNPai>
- g. North Conejos School District RE-1J:
<http://www.youtube.com/watch?v=VQT4ukQuGbw>

11. All deposition exhibits and all documents produced by the parties in this action.

DATED: May 4, 2011

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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of May, 2011, a true and correct copy of the foregoing **PLAINTIFFS' COMBINED SECOND SUPPLEMENTAL DISCLOSURES** was served via **LexisNexis**, as follows:

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[The original, executed document is on file at the offices of Davis Graham & Stubbs LLP.]