



May 23 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' FIFTH SUPPLEMENTAL C.R.C.P. 26(A)(1) DISCLOSURES</p>	

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

(A) The name and, if known, the address and telephone number of each individual likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, identifying who the person is and the subjects of the information.

1. Todd Saliman
Former Senior Advisor to the Governor
Former Director, Governor's Office of State Planning and Budget

Mr. Saliman may have knowledge regarding 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.

2. Lance Villers
Superintendent
Custer County School District
709 Main Street
Westcliffe, Colorado 81252

Mr. Villers may have knowledge regarding district or school management, district or school finances and budgets, allocation of district or school resources, curriculum selection and alignment, delivery of education, local circumstances affecting the delivery of education, student attendance and performance, collective bargaining agreements, provision of and funding for student programs, condition of district schools, maintenance of schools, capital construction needs and budgeting, the local response to bonding issues and other financing, nutrition services, transportation, issues relating to charter schools, and other related matters.

3. Ben Alexander
Former Colorado State Senator
State Senate District 6
4. John Andrews
Former Colorado State Senator
Director, Centennial Institute
8787 W. Alameda Ave.
Lakewood, Colorado 80226
303-963-3000

5. Keith King
Colorado State Senator
303-866-4880

These individuals may have knowledge regarding the Colorado budget, budget issues, the annual budget cycle, the Long Bill, annual appropriations of State funds, education-related and other legislation, studies and reports regarding school finance, revenue and budget issues, and other related matters.

6. All persons deposed by any party in this matter.
7. All persons disclosed by Plaintiffs or Plaintiff-Intervenors in this matter.

(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. Documents responsive to Plaintiff-Intervenors' Subpoena to the Colorado Department of Higher Education previously produced on disc to Plaintiffs' and Plaintiff-Intervenors' counsel on May 11, 2011, and Bates numbered CDHE000001.

2. The Colorado Department of Education Public School Finance Projected District Funding Summaries for 2011-2012 pursuant to the School Finance Act introduced to the Colorado State Legislature on April 5, 2011 at:

<http://www.cde.state.co.us/cdefinance/SchoolFinanceFundingFY2011-12.htm>

Including April 6, 2011 News Release *School Finance Act Introduced; Projected District-Level Funding Summaries Available*, Bates numbered CDE104066.

3. Documents and records received from Boulder Valley School District previously produced on disc to Plaintiffs' and Plaintiff-Intervenors' counsel on March 24, 2011, and Bates numbered AGBVSD000001-AGBVSD013111.

4. Documents and records received from Adams 14 School District previously produced on disc to Plaintiffs' and Plaintiff-Intervenors' counsel on March 24, 2011, and Bates numbered AGADAMS14000001-AGADAMS14016249.

5. Confidential documents responsive to Plaintiffs' counsel Jennifer Bezoza, Esq.'s correspondence dated March 11, 2011, previously produced on CD-ROM to both Plaintiffs'

counsel and counsel for Plaintiff-Intervenors on April 1, 2011, Bates numbered CDE094824-CDE104065.

6. Documents responsive to Plaintiffs' written requests dated April 20, 2011, following the deposition of Dr. Patricia Boland previously produced on disc to Plaintiffs' counsel Jessica Yates, Esq. on May 12, 2011, and Bates numbered CDE104068, along with U.S. Department of Education Monitoring Reports and Colorado Department of Education information posted on the Colorado Department of Education Office of Federal Programs at:

<http://www.cde.state.co.us/FedPrograms/monit/usde.asp>

7. 2010-2011 Understanding School Finance at:

<http://www.cde.state.co.us/cdefinance/pdf/FY2010-11BrochureWeb.pdf>

8. Documents and records received from Pueblo 70 School District, Bates numbered AGPUBLO70005520- AGPUBLO70007273.

9. Documents responsive to Plaintiffs' written requests dated March 23, 2011, relating to gifted and talented programs, and the deposition of Dr. Jacqueline Medina, previously produced on disc to Plaintiffs' counsel Jennifer Bezoza, Esq. and Plaintiff-Intervenors' counsel Marisa Bono, Esq. on April 19, 2011, Bates numbered CDE104067-CDE104108. Additionally produced to Plaintiffs' counsel Jennifer Bezoza, Esq. is the following information:

a. Gifted Student CSAP Reports at:

http://www.cde.state.co.us/cdeassess/index_data.html

b. Gifted Student Academic Growth Data at:

<http://www.schoolview.org/>

c. Gifted Student Drop-Out Rates at:

http://cde.state.co.us/index_stats.htm

<http://cde.state.co.us/cdereval/rv2010DropoutLinks.htm>

CD-ROM containing gifted and talented documents and spreadsheets, Bates numbered CDE106558.

10. Documents responsive to Plaintiffs' written requests dated March 23, 2011, relating to special education programs, Bates numbered CDE104315-CDE104371.

11. The March 2010 Declining Enrollment Study and related materials, Bates numbered CDE104372-CDE104580.

12. CDE Staffing Data and Salary Information at:

<http://www.cde.state.co.us/cdereval/rv2009StaffDatalinks.htm>

<http://www.cde.state.co.us/cdereval/rvprioryearHRdata.htm>

13. Comprehensive Appraisal for District Improvement (CADI) reports responsive to Plaintiffs' Second Set of Discovery Requests, Non-Pattern Interrogatory No. 23, Bates numbered CDE104111 through CDE104314.
14. Gifts, Grants, and Donation documents responsive to Plaintiffs' Second Set of Discovery Requests, Non-Pattern Interrogatory No. 28, produced on CD-ROM Bates numbered CDE106313.
15. State Education Fund documents responsive to Plaintiffs' Second Set of Discovery Requests, Non-Pattern Interrogatory No. 29, produced on CD-ROM Bates numbered CDE106314.
16. Educator Effectiveness Resource Bank documents responsive to Plaintiff-Intervenors Third Set of Interrogatories and Second Request for Production, Interrogatory No. 27 produced on CD-ROM Bates numbered CDE106311.
17. Colorado Preschool Program documents responsive to Plaintiff-Intervenors Third Set of Interrogatories and Second Request for Production, Interrogatory No. 29 produced on CD-ROM Bates numbered CDE106312.
18. Expenditure and confidential salary data responsive to Plaintiff-Intervenors Third Set of Interrogatories and Second Request for Production, Request for Production No. 34 produced on CD-ROM Bates numbered CDE106309.
19. Confidential documents relating to Weld County 6, Rocky Ford, Sheridan, and Mapleton School Districts responsive to Plaintiff-Intervenors Third Set of Interrogatories and Second Request for Production, Request for Production No. 35, Bates numbered CDE104688-CDE106308.
20. Remediation Summary by High Schools data responsive to Plaintiff-Intervenors Third Set of Interrogatories and Second Request for Production, Request for Production No. 38 produced on CD-ROM Bates numbered CDE106310.
21. Photographs and renderings of various school districts, Bates numbered CDE106559-CDE106573.
22. BEST-related documents, Bates numbered CDE106574-CDE106605.
23. Resumes for Lori Bowers, Kristin Waters, Mark Hyatt, and Ed Steinberg, Bates numbered CDE106606-106615.
24. All documents disclosed by any party in this matter.
25. All documents used as deposition exhibits by any party in this matter.

The above-listed persons and 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: May 23, 2011

JOHN W. SUTHERS
Attorney General

s/ Nicholas P. Heinke

NANCY J. WAHL, 31890*
First Assistant Attorney General
ANTONY B. DYL, 15968*
Senior Assistant Attorney General
CAREY TAYLOR MARKEL, 32987*
Senior Assistant Attorney General
NICHOLAS P. HEINKE, 38738*
Assistant Attorney General
JONATHAN P. FERRO, 35754*
Assistant Attorney General
ERICA WESTON, 35581*
Assistant Attorney General
ATTORNEYS FOR DEFENDANTS
*Counsel of Record
*Original signature of Nicholas P. Heinke
is on file at the Office of the Colorado
Attorney General*

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within **DEFENDANTS' FIFTH SUPPLEMENTAL DISCLOSURES** upon all parties herein via electronic mail, Lexis/Nexis File & Serve, and/or U.S. Mail this 23rd day of May, 2011:

David Hinojosa, Esq.
Nina Perales, Esq.
Marisa Bono, Esq.
Rebecca M. Couto, Esq.
**Mexican American Legal Defense
and Education Fund (MALDEF)**
110 Broadway, Ste. 300
San Antonio, Texas 78205
*Attorneys for Plaintiff-Intervenors
Armandina Ortega, et al.
(via electronic-mail and U.S. Mail)*

Alexander Halpern , Esq.
Alexander Halpern LLC
1426 Pearl Street, Suite 420
Boulder, Colorado 80302
Attorney for Anthony Lobato, et al.

Kenzo Kawanabe, Esq.
Terry R. Miller, Esq.
Geoffrey C. Klingsporn, Esq.
Rebecca J. Dunaway, Esq.
Daniel P. Spivey, Esq.
DAVIS, GRAHAM & STUBBS, LLP
1550 Seventeenth Street, Suite 500
Denver, Colorado 80202
*Attorneys for Anthony Lobato, Denise
Lobato, Taylor Lobato, Alexa Lobato,
Aurora Joint School District No. 28,
Jefferson County School District,
Colorado Springs School District,
Monte Vista and Alamosa School District*

Henry Solano, Esq.
DEWEY & LeBOEUF
4121 Bryant St.
Denver, Colorado 80211
*Attorney for Plaintiff-Intervenors
Armandina Ortega, et al.*

Kathleen J. Gebhardt, Esq.
Kathleen J. Gebhardt LLC
1900 Stoney Hill Road
Boulder, Colorado 80305
*Attorney for Anthony Lobato, et al.
(via electronic-mail and U.S. Mail)*

Kyle C. Velte, Esq.
Ryann B. MacDonald, Esq.
REILLY POZNER, LLP
511 Sixteenth Street, Suite 700
Denver, Colorado 80202
*Attorneys for Plaintiffs Creed Consol.
School District No. 1, Del Norte Consol.
School District no C-7, Moffat School
District No. 2, and Mountain Valley
School District No. Re 1*

Jess A. Dance, Esq.
Zane Gilmer, Esq.
PERKINS COIE, LLP
1899 Wynkoop Street, Suite 700
Denver, Colorado 80202
*Attorney for Plaintiffs Sanford
School District 6J, North Conejos
School District RE-1J, South Conejos
School District RE-10, and Centennial
School District No. R-1*

Kimberley D. Neilio, Esq.
GREENBERG TRAUIG, LLP
1200 Seventeenth Street, Suite 2400
Denver, Colorado 80202
*Attorney for Plaintiff Pueblo School District 60,
County of Pueblo, Colorado*

Jessica E. Yates, Esq.
SNELL & WILMER LLP
One Tabor Center, Suite 1900
Denver, Colorado 80202
*Attorney for Plaintiffs Alexandria, Amber,
Ari, Ashley and Lillan Leroux*

David W. Stark, Esq.
Joseph C. Daniels, Esq.
Sera Chong, Esq.
FAEGRE & BENSON LLP
1700 Lincoln Street, Suite 3200
Denver, Colorado 80203
*Attorneys for Plaintiffs Jessica Spangler,
Herbert Conboy, Victoria Conboy, Terry
Hart, Kathy Howe-Kerr, Larry Howe-Kerr,
John T. Lane, Jennifer Pate, Blance J.
Podio, and Robert L. Podio*

Alyssa K. Yatsko, Esq.
HOLLAND & HART, LLP
555 Seventeenth St. Suite 3200
Denver, Colorado 80201-8749
*Attorney for Jefferson County School
District No. R-1*

Elizabeth J. M. Howard, Esq.
THE HARRIS LAW FIRM, P.C.
1125 Seventeenth Street, Suite 1820
Denver, Colorado 80202
*Attorneys for Plaintiffs Teresa Wrangham,
Debbie Gould, and Stephen Topping*

s/ Jeannine Moore

Jeannine Moore, Paralegal
*Original Signature on file at the
Office of the Colorado Attorney General*