

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, Colorado 80202</p>	<p style="text-align: center;">COURT USE ONLY</p>
<p>PLAINTIFFS: Anthony Lobato, <i>et al.</i></p> <p>and</p> <p>PLAINTIFFS-INTERVENORS: Armandina Ortega, <i>et al.</i></p> <p>vs.</p> <p>DEFENDANTS: The State of Colorado, <i>et al.</i></p>	
<p>Attorneys for Defendants: JOHN W. SUTHERS, Attorney General MONICA M. MÁRQUEZ, 28950 Deputy Attorney General E-mail: monica.marquez@state.co.us ANTONY B. DYL, 15968* Senior Assistant Attorney General E-mail: tony.dyl@state.co.us CAREY TAYLOR MARKEL, 32987* Senior Assistant Attorney General E-mail: carey.markel@state.co.us NICHOLAS P. HEINKE, 38738* Assistant Attorney General E-mail: nicholas.heinke@state.co.us JONATHAN P. FERO, 35754* Assistant Attorney General E-mail: jon.fero@state.co.us 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 style="text-align: center;">DEFENDANTS' <u>FIRST</u> SUPPLEMENTAL DISCLOSURES</p>	

Defendants, by and through their counsel, hereby submit their First 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.

Response:

The broad allegations in the Second Amended Complaint and Complaint in Intervention make it difficult to identify with particularity all responsive documents, data compilations, or tangible items. Nonetheless, Defendants supplement their Initial Disclosures as follows:

1. Colorado Department of Education: Pupil Membership Statistics: Data Prior to 2009: <http://www.cde.state.co.us/cdereval/rvprioryearpmdata.htm>.
2. Summary of FY2010-11 Building Excellent Schools Today (BEST) Grant Applications received on April 9, 2010 with attachments (Bates # CDE010609 through CDE011430).
3. FY2008-09 Budget by School District (Bates # CDE011431 through CDE016242).
4. FY2009-10 Budget by School District (Bates # CDE016243 through CDE021343).
5. All documents produced by Defendants in response to Plaintiffs' First Set of Discovery Requests on August 17, 2010.
6. Documents obtained pursuant to Defendants' Colorado Open Records Act (CORA) request from school districts and Bates numbered as follows:

SCHOOL DISTRICT	BATES #
Strasburg	STRASBG000001-002232
Westminster	WMINSTR000001-002635
Valley RE-1 (Sterling)	VALLEY000001-000166

St. Vrain	STVRN000001-038995
Trinidad	TRINIDD000001-0000092
Wray RD-2	WRAY000001-002015
Bennett 29J	BENNET000001-008304
Windsor/Weld 4	WELD000001-4013806
Fort Morgan	FTMORG000001-016151
Lone Star	LONEST000001-005264
Kit Carson	KITCR000001-045625
Limon	LIMON000001-004792
Byers	BYERS000001-001292
Steamboat	STEAMBT000001-000242
Plateau Valley	PLATVLY000001-001230
Platte Canyon	PLTCNY000001-005244
Englewood	ENGLWD000001-005190

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The above-listed and described 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: August 17, 2010

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/s/ Carey Taylor Markel

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*Original signature of Carey Taylor Markel 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 **FIRST SUPPLEMENTAL DISCLOSURES DISCLOSURES** upon all parties herein via LexisNexis File & Serve mail and Federal Express this 17th day of August, 2010:

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