

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, Colorado 80202	<input type="checkbox"/> <b>COURT USE ONLY</b> <input type="checkbox"/>
PLAINTIFFS: <b>Anthony Lobato, et al.</b>  and  PLAINTIFFS-INTERVENORS: <b>Armandina Ortega, et al.</b>  vs.  DEFENDANTS: <b>The State of Colorado, et al.</b>	
<b>Attorneys for Defendants:</b> JOHN W. SUTHERS, Attorney General  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  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	Case Number: 05 CV 4794  Div: 9
<b>DEFENDANTS' FIRST SET OF INTERROGATORIES TO SCHOOL DISTRICT PLAINTIFFS</b>	

Defendants, by their counsel, propound the following First Set of Interrogatories to be answered by School District Plaintiffs within 30 days of service.

## **DEFINITIONS AND INSTRUCTIONS**

A. The term “document” means the original and identical or non-identical copy or any draft of any kind of any written, recorded, or graphic matter, however produced, stored, or preserved, including, but not limited to, storage in a computer system or database whether consisting of paper, disks, CDs, in digital format or any other form, ESI, or any other written or recorded or graphic material whatsoever.

B. The term “ESI” refers to “Electronically Stored Information” and includes any and all information and documents stored in any electronic medium or format.

C. The term “all” includes the term “any” and vice-versa.

D. The term “and” includes the term “or” and vice-versa.

E. The term “identify” or “identity” when used in reference to a natural person, means to state that person’s name, title, address and phone number, present or last known business address and phone number, present or last known position, title, job description, and educational institution or authority affiliation, and position, title, job description, and educational institution or authority at the time in question with respect to the particular interrogatory or request for production of documents involved.

F. The term “identify” or “identity” when used in reference to an entity other than a natural person or individual, means to state its full name, present or last known address and phone number, and the identity of the natural person or individual who has the best knowledge of the matter with respect to which the entity has been identified.

G. The term “identify” when used in reference to a document, means to state its title, type (e.g. letter, memorandum, etc.), date, author(s), or originator(s), addressee(s), or recipient(s), subject matter, any file numbers that may be used in locating the document, and the person in whose possession the document may be found.

J. The term “identify” when used in reference to a fact, means to state all known facts within your knowledge, care, custody of control or that should be available to you based upon reasonable inquiry.

K. The term “person” or “persons” includes a natural person, firm, association, organization, partnership, business, trust, corporation, or public entity.

L. The terms “address” or “addresses” mean the street address, including the city, state, and zip code.

M. The terms “you,” “your” or “District” refer to each School District Plaintiff responding to these requests for production, as well as any employee, agent, attorney, or other representative acting for the School District Plaintiff.

N. The term “preschool” refers to all educational services provided to students prior to first grade.

O. The term “Complaint” means the Second Amended Complaint filed by the Plaintiffs on July 28, 2010.

P. Unless otherwise specified, the relevant time period is 2005 through the present.

### **INTERROGATORIES**

1. Identify the person(s) who prepared or assisted in the preparation of the answers to these interrogatories and identify their relationship to you.
2. Describe the amount of funding and resources you contend are sufficient to provide a “constitutionally adequate, quality education” as that phrase is used in the First Claim for Relief of the Complaint?
3. Describe the amount of funding and resources you contend are sufficient to allow local boards of education and school districts “to fulfill the qualitative mandate of the Education Clause and the requirements of state and federal reform legislation” as that phrase is used in the Second Claim for Relief of the Complaint?
4. Describe the system of public school finance in Colorado which you contend would be appropriate.
5. Describe your mission statement and any actions you have taken to promote or instill an understanding of the District’s mission among staff, students, teachers, principals, parents and the community.
6. Describe how you have provided professional development for District employees from 2000 to the present.
7. Describe the hiring processes for District employees, including identification of need and job posting through interviews, hiring and assessment.
8. Identify the amount of money you have spent on this litigation and the source of funds used.
9. Describe how the students in the District have failed to receive adequate educational opportunities from 2000 to the present.
10. Identify all grants received and how any grant monies were used.

11. Identify all resources of any kind received from the Colorado Department of Education.
12. Describe the programs the District has developed or used to provide educational opportunities to English Language Learner students from 2000 to the present.
13. Describe the programs the District has developed or used to provide educational opportunities to gifted and talented students from 2000 to the present.
14. Describe the programs the District has developed or used to provide educational opportunities to “students at risk of academic failure,” as that phrase is used in paragraph 16 of the Complaint, from 2000 to the present.
15. Describe the programs the District has developed or used to provide educational opportunities to “students with disabilities,” as that phrase is used in paragraph 16 of the Complaint, from 2000 to the present.
16. Describe the programs the District has developed or used to provide educational opportunities to “students of low income families,” as that phrase is used in paragraph 16 of the Complaint, from 2000 to the present.
17. Describe the programs the District has developed or used to provide educational opportunities to “students of minority racial and ethnic heritage,” as that phrase is used in paragraph 16 of the Complaint, from 2000 to the present.
18. Describe how the District measures the effectiveness of District employees.
19. Describe the District’s role in the delivery of education services to students in the District from 2000 to the present.
20. Describe the programs and services you are unable to provide, as alleged in paragraph 181 of the Complaint.
21. Identify the specific “rights,” as that term is used in paragraph 196 of the Complaint, which you allege each of the named Defendants violate.
22. Describe how each of the named Defendants violates the “rights” of the District, as that term is used in paragraph 196 of the Complaint.
23. Identify each superintendent of the District and the length of their tenure since 2000.
24. For each superintendent identified in Interrogatory 24, state the reasons for their departure.
25. Identify the District’s board members since 2000.

26. Describe any visits by District administration or by Board members to other districts in Colorado or elsewhere for the purpose of learning how to enhance or improve the provision of education in the District.
27. Describe the District's summer school programs from 2000 to the present.
28. Describe the District's preschool programs from 2000 to the present.
29. Describe the District's after-school programs from 2000 to the present.
30. Describe the District's on-line learning programs.
31. Describe the District's "vocational and other programs," for non-college bound students, as that phrase is used in paragraph 188 of the Complaint, from 2000 to the present.
32. Describe what services students in the District receive from any BOCES, and in so doing, identify the BOCES.
33. Describe the District's capital maintenance plan and budget from 1995 to the present.
34. Describe the steps the District has taken to generate local funds to support the District's schools, including but not limited to bonds, mill levies, or other tax increases, from 2000 to the present.
35. Describe the District's efforts to diminish truancy from 2000 to present.
36. Describe the District's extended learning programs from 2000 the present.
37. Describe the District's actions to improve the delivery of education services to all children in the District from 2000 to the present.

DATED: October 12, 2010

JOHN W. SUTHERS  
Attorney General

*/s/ Carey Taylor Markel*

---

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. FERO, 35754\*  
Assistant Attorney General  
ERICA WESTON, 35581\*  
Assistant Attorney General

ATTORNEYS FOR DEFENDANTS

\*Counsel of Record

*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 **DEFENDANTS' FIRST SET OF INTERROGATORIES TO SCHOOL DISTRICT PLAINTIFFS** upon all parties herein electronically through LexisNexis File & Serve this 12<sup>th</sup> day of October, 2010, addressed as follows:

David Hinojosa  
Nina Perales  
Diego M. Bernal  
Mexican American Legal Defense  
and Education Fund (MALDEF)  
110 Broadway, Ste. 300  
San Antonio, Texas 78205  
*Attorneys for Plaintiff-Intervenors  
Armandina Ortega, et al.*

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

Alexander Halpern  
Alexander Halpern LLC  
1426 Pearl Street, Suite 201  
Boulder, Colorado 80302  
*Attorney for Anthony Lobato, et al.*

Kathleen J. Gebhardt  
Kathleen J. Gebhardt LLC  
1426 Pearl Street, Suite 201  
Boulder, Colorado 80302  
*Attorney for Anthony Lobato, et al.  
(via electronic-mail)*

Kenzo Kawanabe  
Terry R. Miller  
Davis Graham & Stubbs, LLP  
1550 Seventeenth Street, Suite 500  
Denver, Colorado 80202  
*Attorneys for Anthony Lobato, Denise  
Lobato, Taylor Lobato, Alexa Lobato,  
And Aurora Joint School District No. 28 S*

Kyle C. Velte  
Ryann B. MacDonald  
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  
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*

s/ Jeannine Moore

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