

DISTRICT COURT, DENVER COUNTY, COLORADO

Denver City and County Building
1437 Bannock St.
Denver, Colorado 80202

Plaintiffs: ANTHONY LOBATO, et al.

and

Plaintiff-Intervenors: ARMANDINA ORTEGA, et al.

v.

Defendants: THE STATE OF COLORADO, et al.

Alexander Halpern, #7704
ALEXANDER HALPERN LLC
Kathleen J. Gebhardt, #12800
Jennifer Weiser Bezoza, #40662
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Case No. 2005CV4794

Div. 9

PLAINTIFFS' RULE 26(a)(1) INITIAL DISCLOSURES

Pursuant to Colorado Rule of Civil Procedure 26(a)(1), Plaintiffs Anthony Lobato, et al. (“Plaintiffs”) hereby submit the following initial disclosures. These disclosures are made based upon information currently known and reasonably available to Plaintiffs at this time. Plaintiffs’ disclosures represent a good faith effort to identify individuals they now reasonably believe may have discoverable information. However, Plaintiffs reserve the right to supplement these disclosures as discovery and investigation proceed in this action.

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. Individual Plaintiffs: The following individuals are plaintiffs in this lawsuit. These individual plaintiffs are students or parents with students that attend school in school districts across the state. These plaintiffs are more fully described in the Amended Complaint at ¶¶ 20-54. These plaintiffs are likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including information relevant to the Defendants’ delivery of education opportunities, including without limitation special education services, services for limited English speakers, and gifted and talented services and programs.

Anthony Lobato
Taylor Lobato
Alexa Lobato
Denise Lobato
Janet L. Kuntz
Jack Kuntz

Daniel Kuntz
Stacey Kuntz
Miguel Cendejas
Yuri Cendejas
Natalia Cendejas
Selma Cendejas

Pantaleón Villagomez
Maria Villagomez
Chris Villagomez
Monique Villagomez
Angel Villagomez
Linda Warsh

David Warsh	Robert L. Podio	Stephen Topping
Adam Warsh	Blanche J. Podio	Michael Topping
Karen Warsh	Robert Podio	David Maes
Ashley Warsh	Samantha Podio	Cherie Maes
Herbert Conboy	Tim Hunt	Jessie Silva, III
Victoria Conboy	Sabrina Hunt	Debbie Gould
Tabitha Conboy	Shannon Moore-Hiner	Hannah Gould
Timothy Conboy	Eris Moore	Ben Gould
Keila Barish	Darean Hunt	Daniel Gould
Terry Hart	Jeffrey Hunt	Lillian Leroux
Katherine Hart	Doug Vondy	Ari Leroux
Larry Howe-Kerr	Denise Vondy	Lillian Leroux
Kathy Howe-Kerr	Hannah Vondy	Theresa Wrangham
Lauren Howe-Kerr	Kyle Leaf	Rachel Wrangham
Luke Howe-Kerr	Brad Weisensee	Deanna Wrangham
John T. Lane	Traci Weisensee	Lisa Calderon
Jennifer Pate	Joseph Weisensee	Savannah Smith
Ethan Pate	Anna Weisensee	Tahj Taylor
Evelyn Pate	Amy Weisensee	Jessica Spangler
Adeline Pate	Elijah Weisensee	Rider Donovan Spangler

II. 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 on educational quality of the lack of funding.

Alamosa School District RE-11J

Rob Alejo, Superintendent
Rhoda Getz, District Manager
Mark Meyer, Assistant Superintendent
209 Victoria Ave.
Alamosa, CO 81101
Phone: 719-587-1600

Bethune R-5

Shila Adolf, Superintendent
P.O. Box 127
Bethune, CO 80805-0127
Phone: 719-346-7513

Centennial R-1

Kurt Cary, Superintendent
P.O. Box 350
San Luis, CO 81152
Phone: 719-672-3240

Center Consolidated School District 26JT

George Welsh, Superintendent
Sean Monroe, Business Manager
Lori Cooper, Director of Instruction
500 S. Broadway
Center, CO 81125
Phone: 719-754-3442

Creede Consolidated 1

Buck Stroh, Superintendent
Paul Whitmore, Principal K-5
John Goss, Principal 6-12
P.O. Box 429
Creede, CO 81130-0429
Phone: 719-658-2220

Colorado Springs; District 11

Dr. Nicholas Gledich, Superintendent
Glenn Gustafson, Chief Financial Officer
Mike Poore, Deputy Superintendent/ Chief Academic Officer Instruction, Curriculum,
and Student Services
Dr. Janine Demi-Smith, Executive Director Assessment, Evaluation, and Research
1115 N. El Paso St.
Colorado Springs, CO 80903
Phone: 719-520-2000

Del Norte C-7

Mike Salvato, Superintendent
P.O. Box 159
Del Norte, CO 81132
Phone: 719-657-4303 ext. 400

Jefferson County R-1

Cynthia Stevenson, Superintendent
Lorie Gillis, Chief Financial Officer
Debbie Backus, Chief Academic Officer
Holly Anderson, Community Superintendent
Peg Kastberg, Community Superintendent
Jose Martinez, Community Superintendent
Tony Giurado, Community Superintendent
1829 Denver West Dr. # 27
Golden, CO 80401
Phone: 303-982-6500

Moffat 2 School District

Kirk Banghart, Superintendent
Linda Stagner, Business Manager
Karen Hazard, Business Manager
Michelle Hashbarger, Principal K-12
Kathryn Brady, Crestone Charter
P.O. Box 428
Moffat, CO 81143-0428
Phone: 719-256-4710

Monte Vista C-8

Dwayne K. Newman, Superintendent
Jerene Wilkinson, Accounting and Risk Manager
345 East Prospect
Monte Vista, CO 81144
Phone: 719-852-5996

Mountain Valley Re 1

Corey Doss, Superintendent
P.O. Box 127
Saguache, CO 81149
Phone: 719-655-2578

North Conejos RE-1J

Rick Ivers, Superintendent
P.O. Box 72
La Jara, CO 81140
Phone: 719-274-5174

Sanford 6J

Kevin Edgar, Superintendent
Marlene Crowther, bookkeeper
Luella Crowther, Principal Pre-K - 6
David Judd, Principal 7-12
P.O. Box 39
Sanford, CO 81151
Phone: 719-274-5167

Sangre de Cristo RE-22J

Lynn Howard, Superintendent
P.O. Box 145
Mosca, CO 81146
Phone: 719-378-2321

Sargent RE-33J

Lauren Sheldrake, Superintendent
Rebecca Quintana, District Bookkeeper
Laura Kelso, Principal K-6
7090 North Road 2 East
Monte Vista, CO 81144-9756
Phone: 719-852-4023

Sierra Grande R30

Darren Edgar, Superintendent
Vickie Cordova, Bookkeeper
Chris Barela, Principal K-12
17523 Highway 160
Blanca, CO 81123-9799
Phone: 719-379-3259

South Conejos School District
Marcella Garcia, Superintendent
Emily Romero, Principal K-6
Erwin Romero, Principal 7-12
620 Pine – P.O. Box 398
Antonito, CO 81120
Phone: 719-376-6553

III. Members of the State Board of Education. The current members of the Colorado

State Board of Education include the following:

Bob Schaffer
Randy DeHoff
Elaine Gantz Berman
Jane Goff
Peggy Littleton
Marcia Neal, and
Angelika Schroeder.

201 E. Colfax Ave.
Denver, CO 80203
Phone: 303-866-6600

These former and current 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.

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

Dwight D. Jones, Commissioner of Education
Robert Hammond, Deputy Commissioner Office of Administration and Operations
Vody Herrmann, Financing Public Schools Assistant Commissioner
Jo O'Brien, Associate Commissioner Standards and Assessments
Richard Wenning, Associate Commissioner Performance and Policy

Nina Lopez, Special Assistant to the Commissioner, Director of ARRA
John Penn, Director Performance Support
201 E. Colfax Ave.
Denver, CO 80203
Phone: 303-866-6600

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.

V. Governor's P-20 Education Coordinating Council (P-20 Council). Members of the Governor's P-20 Council are identified at <http://www.chcpf.state.co.us/governor/pdf/p-20-council/P-20-Council-Sub-Committees.pdf>. See Exhibit 1 attached hereto.

The members and advisors of the P-20 Education Coordinating Council are likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including information relevant to the proceedings of the P-20 Council, issues addressed by the Council, including, but not limited to the meaning and elements of a thorough and uniform system of public schools, school curriculum, education reform, 21st century learning and education, accountability and standards, and the role of the State in providing such an education.

VI. Members of the Colorado House and Senate Education Committees. Current members of the House Education Committee are identified at http://www.state.co.us/gov_dir/leg_dir/house/members/heducation.htm. Current members of the Senate Education Committee are identified at http://www.state.co.us/gov_dir/leg_dir/senate/members/seducation.htm. In addition, past chairs

of the House and Senate Education Committees include former senators Norma Anderson and Sue Windels and former representative Mike Merrifield.

Current members and present and past chairs of the House and Senate Education Committees are likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including information relevant to the steps taken by the Legislature to define and fulfill the mandate to provide a thorough and uniform system of free public education; the history and purpose of education reform legislation; the public school finance system and legislation; other taxing, statutory, and constitutional requirements related to school finance; and the use of gifts, grants and donations to fund education.

VII. Members and Staff of the Joint Budget Committee. Current members of the Joint Budget Committee include Representative Mark Ferrandino, Chairman; Representative Dickey Lee Hullinghorst; Representative Cheri Gerou; Senator Maryanne “Moe” Keller, Vice-Chairman; Senator Mary Hodge; and Senator Al White. Past members include Representative Jack Pommer. The current staff of the Joint Budget Committee is identified at http://www.state.co.us/gov_dir/leg_dir/jbc/staff.pdf.

Members and Staff of the Joint Budget Committee are likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including information relevant to the history of the public school finance system, steps taken by the Legislature to fulfil the mandate to provide a thorough and uniform system of public education, the public school finance system and legislation, other taxing, statutory, and constitutional requirements related to school finance, and the use of gifts, grants and donations to fund education.

VIII. Past and present staff of the Colorado Legislative Council. Past and present staff of the Colorado Legislative Council are likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including information relevant to the history of the public school finance system and fiscal and other information and policies related to public school finance.

These persons include without limitation:

Mike Mauer, Director, and
Todd Herreid
200 E Colfax Ave
Denver, CO, 80203
303-866-3521

IX. Other Individuals.

Ken DeLay, Executive Director
Lyndon Burnett, President, and
Jane Urschel, Deputy Executive Director
Colorado Association of School Boards (CASB)
1200 Grant Street
Denver, CO 80203-2306
303-832-1000

These persons are 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.

John Hefty, Executive Director
Bruce Caughey, Deputy Executive Director
Colorado Association of School Executives (CASE)
4101 S. Bannock St.
Englewood, CO 80110-4606
303-762-8762

Mr. Hefty and Mr. Caughey are likely to have 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..

Tony Salazar, Executive Director
Colorado Education Association (CEA)
1500 Grant Street
Denver, CO 80203-1800
303-837-1500

Mr. Salazar is likely to have 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, issues affecting public school teachers in Colorado, and the impact of the under-funding of public education.

Governor Bill Ritter and former Governor Bill Owens
136 State Capitol
Denver, CO 80203-1792
303-866-2471

Governor Ritter and former Governor Owens are 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.

William Moloney, Former Commissioner of Education for Colorado

Mr. Moloney is likely to have 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.

Jim Griffin, Executive Director
League of Charter Schools
725 S. Broadway, Suite 5
Denver, CO 80209
303-989-5356

Mr. Griffin is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including information relevant to public school finance, education reform, and charter schools.

Mark Hyatt, Executive Director
Institute of Charter Schools
1580 Logan St., Suite 210
Denver, CO 80203
303-866-3299

Mr. Hyatt is likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including information relevant to public school finance, education reform, and charter schools.

Dale McCall, Executive Director
Colorado BOCES Association,
11274 Weld County Road #17
Longmont, CO 80504
970-381-0720

Mr. McCall and other members of the Colorado BOCES Association identified at <http://coloradoboces.org/modules/cms/pages.phtml?pageid=145374&sessionid=b90eb9d21340c56e401d97ccd00ed61a> are likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, including information relevant to school finance issues, provision of educational services through the use of BOCES, under-funding and the effects of under-funding of support for special populations such as special education, second

language learners, and students at risk. These individuals are also likely to have relevant information related to teacher training, retention, and recruitment.

B. Relevant Documents

The documents described below are voluminous and are located throughout the state. Pursuant to C.R.C.P. 26(a)(1), (a)(1)(B), and 34(b), and the parties' stipulation that the production of documents listed in these initial disclosures will be completed in sufficient time to not prejudice any party in the preparation for depositions, the documents described below will be produced by Plaintiffs in a reasonable amount of time and in a reasonable manner. In the event that Defendants demand production of such documents before such time, Plaintiffs reserve the right to make any documents not produced available for inspection and copying as they are kept in the usual course of business or labeled to correspond to the categories set forth below pursuant to C.R.C.P. 26(a)(1)(B) and 34(b).

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.

The following list describes categories of documents maintained by the Plaintiff School Districts may be relevant to disputed facts alleged with particularity in the pleadings:

1. Documents evidencing, analyzing, or describing school district and school revenues from all state, local, federal, and private sources, expenditures for all purposes, fiscal planning, budgeting, budget management proposals and options, and the school district and

school level budgeting processes.

2. Documents evidencing, analyzing, or describing school district and school educational programs, program planning and implementation; curriculum development and implementation; workforce and post-secondary readiness planning, career development planning; individual education planning; graduation and promotion requirements; and remedial programs, including kindergarten and pre-kindergarten programs, after school and summer school programs, and fifth year, concurrent enrollment, or similar programs.

3. Documents evidencing, analyzing, or describing school district and school student and staff safety and safety programs and initiatives; and standards and programs to develop a civil, responsible, healthy, and involved school community and environment,

4. Documents evidencing, analyzing, or describing school district student proficiency goals; implementation of specific student assessments; student performance and growth on CSAP and other standardized assessments; graduation and drop-out rates, post-secondary and work force readiness, and other measures of student performance; the accomplishment of mandated performance goals and standards over time and as projected for the future; and development and implementation of prevention, intervention, and enrichment programs.

5. Documents evidencing, analyzing, or describing school district and school accreditation; performance as measured by mandated student and other performance standards; school improvement or other plans; and other statutory and regulatory performance mandates.

6. Documents evidencing, analyzing, or describing school district teacher, staff, and administrator needs, recruitment, retention, employment and compensation, qualifications

(highly qualified standards), collective bargaining contracts and negotiations, professional development and training, evaluation systems and policies, and teacher effectiveness.

7. Documents evidencing, analyzing, or describing financial and program plans, initiatives, and options for providing education services for special needs populations, including at-risk (low income) pupils, students with disabilities, English language learners, students from ethnic or racial minorities, migrant families, early childhood education, and gifted and talented students, and the effect of under-funding of PSFA factors and categorical funding on such programs.

8. Documents evidencing, analyzing, or describing school district property and specific ownership taxes, override elections, bond issues, and elections related to or affecting local property taxes for all educational purposes.

9. Documents evidencing, analyzing, or describing school district school buildings and other physical facilities; capital construction and capital reserve funding; conditions, safety, renovation, and repair of capital facilities; school district and school information technology and other equipment resources, needs, and options; and school district bus and other transportation resources, needs, and options.

10. Documents evidencing, analyzing, or describing school transportation resources, needs, and funding.

11. Documents evidencing, analyzing, or describing school district literacy programming, extra-curricular and curricular music, arts, student council, and other activities programs and clubs; and inter-scholastic, intramural, and curricular athletics programs and facilities.

12. Documents evidencing, analyzing, or describing school district charter schools.

13. Documents evidencing, analyzing, or describing school district and school administrative and support staffing, needs, recruitment, retention, training, and costs.

14. Minutes from board of education public meetings from 2005 to present.

15. Documents evidencing, analyzing, or describing school district engagement with the public, private sector interest groups, and foundations concerning school priorities, plans, and funding.

The following includes documents prepared or maintained by the Defendants or other State bodies, officials, representatives, or employees and may be relevant to disputed facts alleged with particularity in the pleadings:

16. Documents prepared by or for the Legislative Joint Budget Committee concerning public school finance, finance policy or other considerations affecting public school funding, and education reform.

17. Documents prepared by or for the Colorado Legislative Council concerning public school finance, finance policy or other considerations affecting public school funding, and education reform.

18. Documents and reports prepared by or for the Colorado House or Senate Education Committees and any interim committees (including, without limitation, the school finance, long term fiscal stability, and early childhood interim committees) concerning public school finance, finance policy or other considerations affecting public school funding, and education reform.

19. Documents prepared by or for the Governor's P-20 Coordinating Council or any

committees or subcommittees thereof concerning public school finance, finance policy or other considerations affecting public school funding, and education reform.

20. Speeches, presentations, and publications by members of the legislature, the State Board of Education, the office of the Governor, the State Treasurer, members of the Joint Budget Committee, members of the House or Senate Education Committees, the Commissioner of Education, or employees of the Colorado Department of Education concerning public school finance, finance policy or other considerations affecting public school funding, and education reform.

19. Legislation, legislative history, fiscal notes and documents evidencing, analyzing, or describing legislation affecting public school finance and education reform from 1988 to the present.

20. The Long Bill for the years 2000 to the present.

21. Documents evidencing, analyzing, or describing the use of gifts, grants, and donation as a source for funding public education and accounting; applications for and accounts of gifts, grants, and donations.

22. Documents evidencing, analyzing, or describing the use of public school lands fund monies.

23. Studies, reports, presentations and other written analyses by employees of the Colorado Department of Education.

24. The Colorado "Race to the Top" applications, drafts thereof, supporting exhibits, and documents describing, analyzing, or used or prepared in connection with the preparation thereof.

25. Documents evidencing, analyzing, or describing the passage and implementation of Amendment 23 Referendum C., Referendum D, and Amendment 59.

C. Damages.

Plaintiffs are seeking declaratory and injunctive relief, and do not presently seek to recover monetary damages; however, they reserve the right to do so. Plaintiffs also reserve the right to seek from Defendants recovery of fees, costs, and expenses available under Colorado law.

D. Insurance Agreements.

Plaintiffs are unaware of an insurance agreement under which any persona carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Dated: July 1, 2010

DAVIS GRAHAM & STUBBS LLP



/s/ Terry R. Miller

Kenzo Kawanabe, #28697

Terry R. Miller, #39007

Alexander Halpern
ALEXANDER HALPERN LLC

Kathleen J. Gebhardt
Jennifer Weiser Bezoza
KATHLEEN J. GEBHARDT LLC

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Anthony Lobato, et al.*

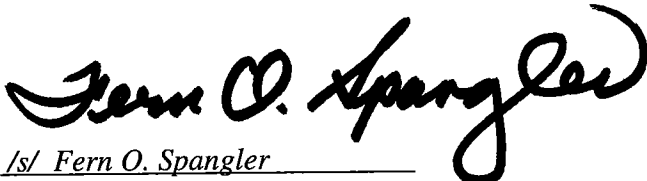
CERTIFICATE OF SERVICE

The undersigned certifies that on the 1st day of July, 2010, a true and correct copy of the foregoing **PLAINTIFFS' RULE 26(a)(1) INITIAL DISCLOSURES** was served via **LexisNexis**, addressed to the following:

Office of the Attorney General
John W. Suthers, Attorney General
Monica Marquez
Antony B. Dyl
Carey Taylor Markel
Ann H. Cisneros
Erica Weston
Nicholas P. Heinke
1525 Sherman Street, 7th Floor
Denver, CO 80203

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MALDEF
110 Broadway, Suite 300
San Antonio, TX 78205

Henry Solano
Dewey & Le Boeuf
4121 Bryant St.
Denver, CO 80211


/s/ Fern O. Spangler
Fern O. Spangler

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