

<p>DISTRICT COURT, DENVER COUNTY, COLORADO</p> <p>Denver City and County Building 1437 Bannock Street 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 style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Attorneys for Intervenor Plaintiffs: Henry Solano* Attorney Registration No. 7539 Dewey & LeBoeuf 4121 Bryant Street Denver, CO 80211 Telephone: (303) 477-9481 E-mail: HSolano@DeweyLeBoeuf.com</p> <p>David G. Hinojosa Texas Bar No. 24010689 Nina Perales Texas Bar No. 24005046 Mexican American Legal Defense and Educational Fund 110 Broadway, Ste. 300 San Antonio, Texas 78205 Telephone: (210) 224-5476 Email: dhinojosa@maldef.org</p> <p>*Counsel of Record</p>	<p>Case Number: 05-CV-4794</p> <p>Div: 9</p>
<p style="text-align: center;"><u>PLAINTIFF-INTERVENORS' FIRST SUPPLEMENTAL RESPONSES TO DEFENDANTS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS</u></p>	

TO: Defendants through their counsel, the Office of the Attorney General of Colorado.

Come now Plaintiff-Intervenors Armandina Ortega, individually and as next friend for her minor children S. Ortega and B. Ortega; Gabriel Guzman, individually and as next friend for his minor children G. Guzman, Al. Guzman and Ar. Guzman; Roberto Pizano, individually and as next friend for his minor children Ar. Pizano and An. Pizano; Maria Piña, individually and as next friend for her minor children Ma. Piña and Mo. Piña; Martha Lopez, individually and as next friend for her minor children S. Lopez and L. Lopez; M. Payan, individually and as next friend for her minor children C. Payan, I. Payan, G. Payan and K. Payan; Celia Leyva, individually and as next friend for her minor children Je. Leyva and Ja. Leyva; and Abigail Diaz, individually and as next friend for her minor children K. Saavedra and A. Saavedra and submit their joint objections and responses to the Requests for Production served by Defendants. Plaintiff-Intervenors reserve the right to amend and supplement these responses and do not waive any privileges, immunities or work-product defenses. An index of the documents produced is attached.

OBJECTIONS AND ANSWERS

3. All documents relating to your assertion that school districts are “unable to provide the full range of quality compensatory education services to their low income students in order to achieve the standards set for all students,” as alleged in paragraph 45 of the Complaint.

Supplement:

See also deposition exhibit numbers 22-26, 33, 34-39, 48, 55-61, 63-64, 68, 70-80, 162, 175-178, 410, 711, 712, 901-908, 1012, 1015-1017, 2401, 2424, 2426, 4003, 4006.

See also Defendants’ Responses and Supplemental Responses to Plaintiff-Intervenor’s First Set of Interrogatories Nos. 1, 3, 5, 6, 8, 10, 11, 17, 19, and 20; First Set of Requests for Production Nos. 1, 3, 5, 6, 8, 10, 11, 16, 22, 23, 28, and 29, and First Requests for Admission Nos. 5, 6, 7, 8, 11, 12, 13, 19, 24, 26, 30, and 32.

See also Defendants’ Responses and Supplemental Responses to Plaintiffs’ First Set of Non Pattern Interrogatories No. 11-12; 17; First Set of Requests for Production Nos. 13, 15

See also photographs attached to Plaintiff-Intervenor’s First Supplemental Initial Disclosures Under C.R.C.P. 26(a)(1) and referenced in B.90.

5. All documents relating to your assertion that school districts are “unable to provide the full range of quality language programs and services to their ELL students in order to achieve the standards set for all students,” as alleged in paragraph 62 of the Complaint.

Supplement:

See also deposition exhibit numbers 22-26, 33, 36,42-48, 55-61, 63-64, 68, 70-80, 162, 151-157, 175-178, 410-411, 419, 711, 901-908, 1012, 1015-1017, 2401, 2424, 2426, 4003, 4006.

See also Defendants' Responses and Supplemental Responses to Plaintiff-Intervenor's First Set of Interrogatories Nos. 2, 4, 5, 7, 9, 10, 11, 12, 17, and 20; First Set of Requests for Production Nos. 2, 4, 5, 7, 9, 16, 19, 27, and 29, and First Requests for Admission Nos. 2-4, 10, 11, 15, 24, 25, and 26.

See also Defendants' Responses and Supplemental Responses to Plaintiffs' First Set of Non Pattern Interrogatories No. 13; 17; First Set of Requests for Production Nos. 13, 15.

See also photographs attached to Plaintiff-Intervenor's First Supplemental Initial Disclosures Under C.R.C.P. 26(a)(1) and referenced in B.90.

6. All documents concerning preschool programs in your district.

Supplement:

See also deposition exhibit numbers 2-19, 22-26, 33, 55-61, 162, 175-178, 410-411, 419, 711, 901-908, 1012, 1015-1017, 2401.

See also Defendants' Responses and Supplemental Responses to Plaintiff-Intervenor's First Set of Interrogatories Nos. 17-21; First Set of Requests for Production Nos. 216-20, 22, , and First Requests for Admission Nos. 22, 24.

See also photographs attached to Plaintiff-Intervenor's First Supplemental Initial Disclosures Under C.R.C.P. 26(a)(1) and referenced in B.90.

7. All documents pertaining to any facilities needs of any school that any of your children attend or have attended.

Supplement:

See also deposition exhibit numbers 84-90, 1101-1110.

See also Defendants' Responses and Supplemental Responses to Plaintiff-Intervenor's First Set of Interrogatories Nos. 15-16; First Set of Requests for Production Nos. 14-15, 25-26, and First Requests for Admission Nos. 27-30.

See also photographs attached to Plaintiff-Intervenor's First Supplemental Initial Disclosures Under C.R.C.P. 26(a)(1) and referenced in B.90.

10. All documents pertaining to the allegation at paragraph 97 of the Complaint that "the State's funding formulas fail to reflect the true costs of educating students with special needs in their districts, particularly ELL and low income students."

Supplement:

See also Defendants' Responses and Supplemental Responses to Plaintiffs' Non-Pattern Interrogatories Nos. 11, Request for Production 15, 16, 17, 18, 19, 20, 21, 22, 23, 25-28.

12. All documents pertaining to the allegation that "many students are not properly prepared to enter postsecondary education" as alleged at paragraph 97 of the Complaint.

Supplement:

See also responses to RFP Nos. 4-7 above.

See also Defendants' Responses and Supplemental Responses to Plaintiffs' First Set of Requests for Admission Nos. 6, 7; Non-Pattern Interrogatories Nos. 11, 12, Request for Production 15, 16, 17, 18, 19, 20, 21, 22, 23, 25-28.

13. All documents pertaining to the allegation contained in paragraph 100 of the Complaint that you or any of your children "are unable to obtain a thorough and uniform education."

Supplement:

See also responses to RFP Nos. 4-7 above.

14. All documents pertaining to the allegation contained in paragraph 101 of the Complaint that "insufficient funding" depresses the performance levels of ELL and low income students.

Supplement:

See Responses to 4, 5 and 12 above.

15. All documents pertaining to the allegation contained in paragraph 103 of the Complaint that the "system of school finance for Colorado public schools denies local communities and their taxpayers from exercising meaningful local control."

Supplement:

See also deposition exhibit numbers 84-90, 1101-1110.

See also Defendants' Responses and Supplemental Responses to Plaintiff-Intervenor's First Set of Interrogatories Nos. 21, 29; and First Requests for Admission Nos. 30, 31.

See also Defendants' Responses and Supplemental Responses to Plaintiffs' First Set of Requests for Admission Nos. 6, 7; Non-Pattern Interrogatories Nos. 11, 12, Request for Production 15, 16, 17, 18, 19, 20, 21, 22, 23, 25-28.

See also photographs attached to Plaintiff-Intervenor's First Supplemental Initial Disclosures Under C.R.C.P. 26(a)(1) and referenced in B.90.

16. All documents relating to the allegation in paragraph 104 of the Complaint that alleged "insufficient funding" cause "Plaintiff-Intervenor children . . . [to be] unable to obtain the thorough and uniform education need to achieve their full potential and fully participate in the social, economic and education opportunities to this State and nation."

Supplement:

See documents Responses to RFP Nos. 4-7 and 12 above.

18. All documents evidencing the "[r]esearch" that "has proven that effective preschool programs are particularly important for low income and ELL students," as alleged in paragraph 63 of the Complaint.

Supplement:

See also responses to RFP Nos. 6 above.

19. All documents relied upon in answering Defendants' First Set of Interrogatories.

Supplement:

See also Plaintiff-Intervenor school records attached to Plaintiff-Intervenor's First Supplemental Initial Disclosure Under C.R.C.P. 26(a)(1) and referenced in B.89.

See also photographs attached to Plaintiff-Intervenor's First Supplemental Initial Disclosures Under C.R.C.P. 26(a)(1) and referenced in B.90.

See also documents introduced in the fact depositions taken in this case, including but not limited to those identified in Attachment A to Plaintiff-Intervenor's First Supplemental Initial Disclosures Under C.R.C.P. 26(a)(1) and referenced in B.91.

Performance, accountability, and other data located on SchoolView on the CDE Website, as referred to in a stipulation forthcoming by parties.

DATED: May 20, 2011

Respectfully submitted,

By: S/ Marisa Bono

David G. Hinojosa
Texas State Bar No. 24010689
Marisa Bono 24052874
Texas State Bar No.
Rebecca Couto
California State Bar No. 248019
Admitted Pro Hac Vice
MALDEF
110 Broadway, Suite 300
San Antonio, TX 78205
210-224-5476

and

S/ Henry Solano
Henry Solano
Reg. No. 7539

Attorneys for Intervenors

CERTIFICATE OF SERVICE

This is to certify that I have duly served Plaintiff-Intervenors' First Supplemental Answers to Defendants' Request for Production of Documents to Plaintiff-Intervenors and accompanying Index upon all parties herein by electronically filing through LexisNexis File and Serve or by depositing copies of same in the United States mail, first-class postage prepaid, this 20th day of May 2011, addressed as follows:

Attorneys for Defendants:

JOHN W. SUTHERS
Attorney General
MONICA M. MÁRQUEZ
Deputy Attorney General
ANTONY B. DYL
Senior Assistant Attorney General
CAREY TAYLOR MARKEL
Senior Assistant Attorney General
NICHOLAS P. HEINKE
Assistant Attorney General
JONATHAN P. FERO
Assistant Attorney General
ERICA WESTON
Assistant Attorney General
Office of the Colorado Attorney General
1525 Sherman Street, 7th Floor
Denver, CO 80203

Attorneys for Plaintiffs Anthony Lobato, et al.:

Alexander Halpern
ALEXANDER HALPERN LLC
Kathleen J. Gebhardt
Jennifer Weiser Bezoza
KATHLEEN J. GEBHARDT LLC
1426 Pearl Street, Suite 402
Boulder, CO 80302

*Attorneys for Anthony Lobato, Denise Lobato, Taylor
Lobato, Alexa Lobato, and Aurora Joint School District No. 28-C:*

Kenzo Kawanabe
Terry R. Miller
DAVIS GRAHAM & STUBBS LLP
1550 Seventeenth Street, Suite 500
Denver, CO 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:*

Jess A. Dance
Perkins Coie LLP
1899 Wynkoop Street, Suite 700
Denver, CO 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:*

Kyle C. Velte
Ryann B. MacDonald
Reilly Pozner LLP
511 Sixteenth Street, suite 700
Denver, CO 80202

By: S/ Marisa Bono
Marisa Bono