

DISTRICT COURT, DENVER COUNTY, COLORADO
Court Address: 1437 Bannock Street
Denver, CO 80202

Plaintiffs: FRIENDS OF DENVER PARKS, INC., a Colorado non-profit corporation; and STEVE WALDSTEIN, an individual; ZELDA HAWKINS, an individual; MEMBERS OF THE PETITIONERS COMMITTEE TO REPEAL DENVER ORDINANCE 170, consisting of JOHN CASE, JUDITH M. CASE, RENEE LEWIS, DAVID HILL, AND SHAWN SMITH.

Defendants: CITY & COUNTY OF DENVER, a municipal corporation; and SCHOOL DISTRICT NO. 1 IN THE CITY AND COUNTY OF DENVER, a public entity; and DEBRA JOHNSON, in her capacity as clerk and recorder of the City and County of Denver.

Plaintiff's Attorneys:

John Case, Esq. Atty reg. # 2431
Jessica Schultz, Atty reg. #46292
Benson & Case, LLP
1660 So. Albion Street, Suite 1100
Denver, Colorado 80222

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▲ COURT USE ONLY ▲

Case No.:
2013CV032444

Courtroom 376

**PLAINTIFF'S NOTICE OF C.R.C.P. 30(b)(6) DEPOSITION OF DEFENDANT
CITY AND COUNTY OF DENVER**

PLEASE TAKE NOTICE that pursuant to C.R.C.P. 30(b)(6), the Defendant CITY AND COUNTY OF DENVER is required to designate one or more officers, officials, agents, or other persons who consent to testify on its behalf and make them available for a deposition as follows:

DATE/TIME: March 13, 2014 at 9:00 a.m.

LOCATION: Benson & Case, LLP
1660 So. Albion Street, Suite 1100
Denver, Colorado 80222

The deposition will be taken pursuant to the Colorado Rules of Civil Procedure before a **certified court reporter and videographer** and will continue from day-to-day until completed. Pursuant to C.R.C.P. 30(b)(6), Defendant CITY AND COUNTY OF DENVER shall designate one or more of its officers, officials, agents, or other persons to testify on its behalf as to all matters known or reasonably available to the Defendant as to the following topics of information:

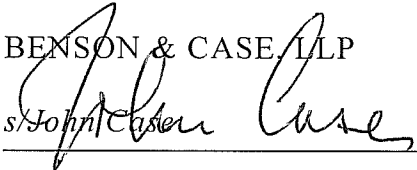
30(b)(6) Deposition Topics

1. Terms of the Contract to Exchange Property 4/10/2013 (“land swap”).
2. Negotiations and discussions between the city and DPS concerning the land swap. The relevant period of time is January 1, 2010 through and including the present. This topic includes knowledge of who engaged in such negotiations and discussions; when and where discussions took place, and who was present; what was said; what documents were created (including emails, notes, memoranda, and drafts); what recordings were made; what persons had knowledge of such negotiations and discussions, including the mayor, members of city Council, the Manager of Parks and Recreation, employees of the Department of Parks and Recreation, and employees of the city attorney.
3. How the city benefitted financially from the land swap
4. Discussions between Mayor Hancock and Lauri Dannemiller concerning the land swap during the period January 1, 2010 through and including the present.
5. Discussions between Mayor Hancock and James T. Allen concerning the land swap during the period January 1, 2010 through and including the present.
6. Valuation and appraisals of the land traded to DPS.
7. Valuation and appraisals of the real property known as 1330 Fox St., Denver, CO 80202.
8. The applicability of Charter section 2.4.5 to the land swap transaction (including prior amendments to Charter section 2.4.5)
9. Parks and recreation Facilities Map Feb 1995
10. How the name “Hampden Heights North Park” was placed on official city maps.
11. Ordinance 694, Series 1974
12. Hentzell Park Deed 1975

13. Ordinance 385 Series 1983
14. Hentzell Natural Area Map
15. Dannemiller letter to Boasberg 1/2/2013
16. The zoning designation of HHNP in the 2010 Zoning Ordinance.
17. Deed to parcel 31 recorded October 9, 1936.
18. Any conveyances, leases, easements, or dedications, of all or any part of parcel 31, during the period October 10, 1936 through September 14, 1955.
19. Ordinance 296 Series 1955.
20. Easement deed recorded at Book 7747 Page 563.
21. Dedication of Hampden Heights Park
22. Annexation of Hampden Heights 1964-1965
23. Ordinance 81, Series of 1972
24. Lease to Oppenheimer for parking lot February 4, 1992
25. Etter memo June 29, 1988
26. Stamm memo November 7, 1980
27. Alexander memo December 11, 1992
28. Ordinance 168, Series 2013
29. Ordinance 170, Series 2013
30. All lists of Denver park lands created or maintained by Denver Department of Parks and Recreation (“DPR”) from 1936 to present.
31. How land owned by the city could become a park from 1936 to present
32. Public use of HHNP from 1936 to present
33. How parks are designated
34. How parks are named

35. City protection and management of land owned by the city 1936 to present
36. Management of HHNP by the Department of Parks and Recreation 1936 to present
37. Funding of bridges and bicycle trails built in HHNP
38. Natural area designation and de-designation
39. The definition of city parkland
40. The definition of natural area
41. The master plan for Denver parks 1967 to present
42. *McIntyre v. Board of Commissioners of El Paso County*, 61 P. 237 (Colo. App. 1900)
43. The nature of city ownership of parks
44. The purpose of parks
45. The purpose of natural areas
46. Circumstances under which the sale of parkland is an ultra vires act according to the Denver City Charter
47. Park acreage to population ratios
48. Denver city population 1975 to present
49. Why the land swap was not publicly disclosed until 2012
50. Whether HHNP lies in a flood plain
51. The Maintenance Agreement for CDOT ponds in HHNP
52. The effect of commercial development in a natural area
53. The title commitment delivered to DPS at closing
54. Effect of the Lis Pendens filed by Plaintiff May 30, 2013

Respectfully submitted February 26, 2014.

BENSON & CASE, LLP

s/John Case

John Case, #2431
Jessica Schultz, #46292
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2014 a true and correct copy of the foregoing **PLAINTIFF'S NOTICE OF C.R.C.P. 30(b)(6) DEPOSITION OF DEFENDANT CITY AND COUNTY OF DENVER** was served on the following:

Denver County District Court
1437 Bannock Street
Denver, CO 80202

VIA ICCES FILE & SERVE

David W. Broadwell, Esq.
Patrick Wheeler, Esq.
Mitchel Behr, Esq.
Assistant City Attorneys
1437 Bannock St. R#353
Denver CO 80202

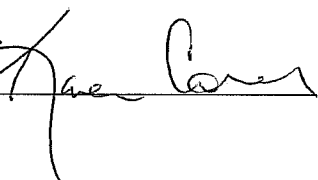
VIA EMAIL AND ICCES FILE & SERVE

Attorneys for Defendants City and County of Denver and Debra Johnson

Michael J. Hickman, Esq.
Jerome A. Deherrera, Esq.
Office of General Counsel
Denver Public Schools
900 Grant St. #401
Denver CO 80203-2996

VIA EMAIL AND ICCES FILE & SERVE

Attorneys for Defendant Denver Public School District Number 1

s/Karen Corner

Karen Corner

Your filing is successfully submitted to ICCES for service. This filing will not be submitted to the court. Print this page for your records.

Filing Information:**Filing ID:** ED5954BA2248E**Court Location:** Denver County - District**Case Number:** 2013CV032444**Case Caption:** Friends Of Denver Parks Inc Et Al V. C And C Of Denver Et Al**Authorized Date:** 02/27/2014 9:18 AM**Submitted By:** Karen Corner**Filing Party(ies):**

Party	Type	Status	Attorney
Friends Of Denver Parks Inc	Plaintiff		Jessica Rae Schultz (Benson and Case, LLP) John M Case (Benson and Case, LLP)
Steve Waldstein	Plaintiff		Jessica Rae Schultz (Benson and Case, LLP) John M Case (Benson and Case, LLP)
Zelda Hawkins	Plaintiff		Jessica Rae Schultz (Benson and Case, LLP) John M Case (Benson and Case, LLP)
Inter Neighborhood Cooperation Inc	Movant		John M Case (Benson and Case, LLP)

Documents:

Document ID	Event	Title
CAF0C1695A85F	<u>Notice of Deposition (Serve Only)</u>	Notice of Deposition 30 b 6 of Defendant City & County of Denver (Serve Only)

Service:

Party	Type	Attorney	Organization	Method
C And C Of Denver	Defendant	Patrick Wheeler	Denver City Attorneys Office	E-Service
C And C Of Denver	Defendant	Mitchel Todd Behr	Denver City Attorneys Office	E-Service
C And C Of Denver	Defendant	David W Broadwell	Denver City Attorneys Office	E-Service
School Dist No 1 In The C&c Of Denver	Defendant	Michael J Hickman	Denver Public Schools	E-Service
School Dist No 1 In The C&c Of Denver	Defendant	Jerome Andronico Jose Deherrera	Denver Public Schools	E-Service
School Dist No 1 In The C&c Of Denver	Defendant	Molly Hart Ferrer	Denver Public Schools	E-Service
Debra Johnson	Defendant	Patrick Wheeler	Denver City Attorneys Office	E-Service
Debra Johnson	Defendant	Mitchel Todd Behr	Denver City Attorneys Office	E-Service
Debra Johnson	Defendant	David W Broadwell	Denver City Attorneys Office	E-Service

Submission Options:**Note To Clerk:** N/A**Primary Attorney:** John M Case**Authorizer:** John M Case**Submit Options:** Do not submit to the court; serve selected parties.**Billing Information:****Filing Fee:** \$0.00**Service Fees:** \$7.50**Total Fees:** \$7.50**Billing Reference:** Friends