

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:

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Case No.:
2013CV032444

Courtroom 376

**PLAINTIFF'S AMENDED NOTICE OF C.R.C.P. 30(b)(6) DEPOSITION OF
DEFENDANT SCHOOL DISTRICT NO. 1 IN THE CITY AND COUNTY OF
DENVER**

PLEASE TAKE NOTICE that pursuant to C.R.C.P. 30(b)(6), the Defendant SCHOOL DISTRICT NO. 1 IN THE CITY AND COUNTY OF DENVER ("DPS") 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 18, 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 SCHOOL DISTRICT NO. 1 IN THE 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 DPS benefitted financially from the land swap
4. Communications, conversations, and discussions between Tom Boasberg and employees of DPS concerning the land swap during the period January 1, 2010 through and including the present.
5. Communications, conversations, and discussions between Tom Boasberg and members of the school board concerning the land swap during the period January 1, 2010 through and including the present.
6. Communications, conversations, and discussions between Tom Boasberg and any city and all city officials including the mayor, his staff, and any member of the Denver City Council concerning the land swap during the period January 1, 2010 through and including the present.
7. Valuation and appraisals of the land traded to DPS.
8. Valuation and appraisals of the real property known as 1330 Fox St., Denver, CO 80202.
9. The applicability of Charter section 2.4.5 to the land swap transaction (including prior amendments to Charter section 2.4.5)
10. Parks and recreation Facilities Map Feb 1995

11. Hentzell Natural Area Map
12. Dannemiller letter to Boasberg 1/2/2013
13. The zoning designation of HHNP in the 2010 Zoning Ordinance.
14. Ordinance 168, Series 2013
15. Ordinance 170, Series 2013
16. Park acreage to population ratios
17. Denver city population 1975 to present
18. Why the land swap was not publicly disclosed until 2012
19. Whether HHNP lies in a flood plain
20. Standards for locating elementary schools
21. Documents that show DPS students use of HHNP as a park and natural area
22. Research that shows the need for another elementary school in SE Denver
23. A list of DPS school closings 2002-2013
24. Tom Boasberg's professional standards for educating elementary age children
25. How DPS meets those standards
26. Research that supports building an elementary school in a floodplain.
27. Research that supports building an elementary school adjacent to a five lane highway with a 45 mph speed limit
28. Research that supports building an elementary school adjacent to an open body of water where students can drown
29. Contractors and subcontractors who benefit from contracts to design and build the school
30. Financial and personal relationships between contractors and subcontractors for this project and city officials and DPS officials
31. The Maintenance Agreement for CDOT ponds in HHNP

32. The effect of commercial development in a natural area
33. The title commitment delivered to DPS at closing
34. Effect of the Lis Pendens filed by Plaintiff May 30, 2013
35. Contingency plans of DPS if the court enters judgment that HHNP is a park and may not be sold without a vote of the people.
36. Other potential sites for an elementary school in Denver.
37. Investigation of other potential sites prior to April 1, 2013
38. Whether 1330 Fox St is pledged as security for bond debt
39. Whether the planned new elementary school will be pledged as security for bond debt if DPS conveys 1330 Fox St to the city

Respectfully submitted February 28, 2014.

BENSON & CASE, LLP

s/John Case

John Case, #2431

Jessica Schultz, #46292

Attorney for Plaintiffs

