

**EXHIBIT 1 TO PLAINTIFF'S REPLY**

**CITY RESPONSE TO PLAINTIFFS' THIRD SET OF REQUESTS  
FOR PRODUCTION OF DOCUMENTS**

DISTRICT COURT, CITY AND COUNTY OF  
DENVER, STATE OF COLORADO  
City and County Building  
1437 Bannock Street, Room 256  
Denver, Colorado 80202

SERVED ONLY: April 4, 2014 2:12 PM  
FILING ID: 7E6D7F8882A44  
CASE NUMBER: 2013CV32444

**Plaintiff:** : 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, ,

**▲ COURT USE ONLY ▲**

Case Number: 2013CV32444

Courtroom: 376

v.

**Defendant:** CITY AND 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.

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**CITY AND COUNTY OF DENVER'S RESPONSE TO PLAINTIFFS'  
THIRD SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

attorney for city council or its members. Assuming a privilege exists (which it does not), the privilege was waived to the extent that Staff Director John Bennett read the contents of the City Attorney's memorandum out loud in a public council meeting.]

**Response:** The City objects that the request is overly broad and seeks information that is neither relevant to this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence. The City responds that, other than what has already been provided to Plaintiffs in response to prior Requests for Production of Documents, no other documents, legal opinions, or memoranda of the nature requested have been found. In any case, the City disagrees with the Plaintiffs' assertion that any legal advice offered to City Council would not be privileged. Under the City Charter, the City Attorney is legal counsel to the City Council.

**Request No. 4:** All lists of parcels of real property owned by the City that were maintained by the Manager of Improvements and Parks between October 9, 1936 and December 31, 1955, including lists of parcels that were located outside the city limits.

**Response:** The City objects that the request seeks information that is neither relevant to this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence. The City further objects on the grounds that the request is vague and ambiguous and on the grounds that the request is overly broad and unduly burdensome in that, over its hundred plus year history, the City has acquired thousands of parcels of real property, including public right of way, that were maintained by the Manager of Improvements and Parks prior to 1956. The City responds that, to the best of its knowledge, it has no existing singular list or collection of lists of all properties it owned and the Manager of Improvements and Parks maintained between October 9, 1936 and December 31, 1955. City ownership information as of 1996, which will include property owned by Denver between October 9, 1936 and December 31, 1955 if it is still owned by Denver in