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Certificate of Compliance Concerning Discovery Conferences 07-2-02323-2-30

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KIM CRIBBY
SUPERIOR COURT CLERK
SEATTLE, WA.

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

MATHEW & STEPHANIE MCCLEARY, on their own behalf and on behalf of KELSEY & CARTER MCCLEARY; ROBERT & PATTY VENEMA, on their own behalf and on behalf of HALIE & ROBBIE VENEMA; and NETWORK FOR EXCELLENCE IN WASHINGTON SCHOOLS ("NEWS"),

Petitioners,

v.

STATE OF WASHINGTON,

Respondent.

Honorable Paris K. Kallas

Hearing Date (without oral argument): July 3, 2007

No. 07-2-02323-2 SEA

CERTIFICATE OF COMPLIANCE
CONCERNING DISCOVERY
CONFERENCES

THOMAS F. AHEARNE declares as follows:

1. Declarant. I am one of the attorneys for the petitioners in this action. As such, I have personal knowledge of the facts stated below and am competent to testify to those facts.

2. Discovery Conferences. Counsel for the Petitioners and counsel for the Respondent State had two discovery conferences pursuant to CR 26(i) and King County Local Rule 37(e) in June to try to narrow their disagreements over the set of 30 document requests that the State had served on the Petitioners in this suit – i.e., the McCleary family, the Venema family, and the non-profit corporation Network for Excellence in Washington Schools ("NEWS"). They met and conferred in person on June 12, and then held a follow-up telephone conference on June 15. The State's counsel focused on the following 12 document requests:

- Six requests for documents about funding and education system inputs (Document Request Nos. 20, 21, 26, 27, 29, & 30), and
- Six requests for documents that "support, negate, refer, or relate to" certain paragraphs of the Petition (Document Request Nos. 14-19).

CERTIFICATE OF COMPLIANCE CONCERNING
DISCOVERY CONFERENCES - 1

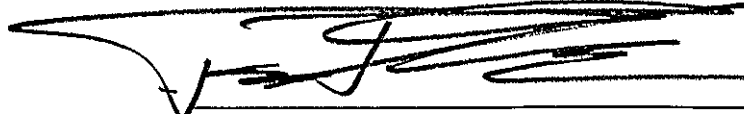
FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299 ♦ 206-447-4400

1 Although the parties narrowed the scope of their disagreements at those two discovery
2 conferences, they continue to disagree about Petitioners' objection to the three categories of
3 documents addressed in Petitioners' contemporaneously filed protective order motion. The
4 parties accordingly decided that Petitioners should file a CR 26 motion for a protective order to
5 resolve this disagreement.

6 3. The State's Documents. Petitioners' counsel have received over 42,000 public
7 documents from the State under the Washington Public Records Act. Petitioners' counsel has
8 have also made a full copy of the State's two websites relating to K-12 education (OSPI's
9 "http://www.k12.wa.us/" website and the K-12 sections of Washington Learns'
10 "http://www.washingtonlearns.wa.gov/" website). Those copies total over 9.6 gigabytes of
11 electronically stored information. We have not printed out every one of those pages, but it is
12 my understanding that the rule of thumb for estimating page numbers is 50,000 to 75,000 pages
13 per gigabyte – which means those full copies from the State's two websites would roughly
14 translate into over ½ million pages of paper. Our full set of these State documents is copied
15 and organized in the same way as they were made available to us by the State.

16 4. Additional Nebraska and Missouri examples. Attached as Ex. 1 is a true and
17 correct copy of excerpts from the plaintiff Omaha Public Schools' Answers to Defendants' First
18 Set of Interrogatories, stating that even though discovery in that *Nebraska* funding litigation is
19 "in its infancy", plaintiffs have already identified eleven expert witnesses and more than 130
20 fact witnesses. Attached as Ex. 2 is a true and correct copy of a February 25, 2007 St. Louis
21 Dispatch article reporting that the trial in that *Missouri* funding litigation lasted almost
22 2 months, required a "host of education finance experts," and cost more than \$2.9 million in
23 legal fees.

1 5. Closing. I declare under penalty of perjury under the laws of the State of
2 Washington that the foregoing is true and correct. Executed at Seattle, Washington this 25th day
3 of June, 2007.

4 

5 _____
6 Thomas F. Ahearne

EXHIBIT 1

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

DOUGLAS COUNTY SCHOOL DISTRICT
0001 A/K/A OMAHA PUBLIC SCHOOLS
(OPS), et al.,

DOC. 1028

PAGE 017

Plaintiffs,

v.

DAVĚ HEINEMAN, in his official capacity
as Governor of the State of Nebraska, et
al.,

**PLAINTIFF OMAHA PUBLIC
SCHOOLS' ANSWERS TO
DEFENDANTS' FIRST SET OF
INTERROGATORIES**

Defendants.

COMES NOW Plaintiff Omaha Public Schools ("OPS") and for its Answers to Defendants' First Set of Interrogatories states and alleges as follows:

**INITIAL OBJECTIONS BASED ON THE NEBRASKA DISCOVERY RULES FOR ALL
CIVIL CASES**

OPS objects to the unduly burdensome number of interrogatories propounded by Defendants. Rule 33(a) limits the number of interrogatories that one party may serve upon another to no more than fifty without leave of court. This fifty interrogatory limit was imposed because interrogatories "are particularly subject to being abused or improperly used." Comments to Rule 33. When propounding interrogatories a party may not avoid the fifty interrogatory limit by numbering the interrogatories as it wishes irrespective of the number of actual questions propounded in each interrogatory as Rule 33(a) states that each question, subquestion, or subpart shall count as one interrogatory. Consequently, OPS objects to and will not respond to Interrogatories No. 10 through 33 until such time, if ever, that the Court grants Defendants' leave to exceed

the 50 interrogatory limit. In responding to Interrogatories No. 1 through 9, OPS will state its objection to the interrogatory and then will answer to the best of its knowledge, subject to and without waiving the objections.

Furthermore, OPS objects to the premature nature of many of the interrogatories. As Defendants are well aware, discovery in this matter is in its infancy. The Order for Progression ("Progression Order") in this case was entered by Judge Lamberty on September 2, 2004. Pursuant to the Progression Order, discovery closes on February 15, 2007, and the deadline for summary judgment motions is March 15, 2007. Defendants Johanns and Christensen did not respond to the request for production of documents sent to them in July of 2004 until December 2004, and the Defendant State Board of Education members, who were sent requests for production of documents in August of 2004, still have not provided written responses. In responding to the requests, Johanns and Christensen raised many objections, and produced nearly 1,000 boxes of documents and an untold amount of electronically stored data. Given the amount of data and documents produced, Plaintiffs have only had the opportunity to initially select documents for further review. That initial selection resulted in over 37,160 documents being selected, consisting of over 280,199 pages to review from the nearly 1,000 boxes of documents. This initial selection process took over four months to complete. The more detailed review and analysis of those documents and the electronically stored data will take several more months.

Furthermore, OPS in responding to Defendants' request for production, has available for Defendants' review in excess of 300 boxes of documents as well as an enormous amount of data stored in an electronic format. Before depositions can begin

to be taken, the documents and data mentioned above, and many more, will have to be reviewed and analyzed. All of this leads to the inevitable conclusion that many of these interrogatories are plainly premature.

OPS also objects to these interrogatories because they seek information protected by the Attorney/Client Privilege or the Attorney Work Product Privilege. However, OPS will respond to the best of its ability. OPS reserves the right to amend or supplement its responses.

INTERROGATORY NO. 1: State the names and addresses of all persons who have knowledge or claim to have knowledge of any fact(s) or issue(s) concerning the subject matter of this action and for each person describe the knowledge he or she possesses and the fact(s) or issue(s) the knowledge or issue is relevant to.

ANSWER NO. 1:

OPS objects to Interrogatory No. 1 because it is overly broad and unduly burdensome. OPS further objects that the Interrogatory is premature since it was propounded and is being answered during the infancy of discovery in this matter. Furthermore, OPS objects to the extent that the Interrogatory seeks information protected by the Attorney/Client Privilege or the Attorney Work Product Privilege. Subject to, and without waiving these objections, OPS provides the following answer and reserves the right to amend or supplement this response.

INFORMATION CONCERNING PLAINTIFF PARENTS AND THEIR STUDENTS IS CONFIDENTIAL AND SHOULD BE TREATED AS SUCH. Records regarding these students were produced on April 28, 2005 and those records identify the schools the students attend or attended as well as the teachers and administrators involved in the students education at each school attended.

Aquino, Maria REDACTED

Ms. Aquino has knowledge of her children who attend OPS. Those children are:

Biliew, Kok REDACTED

Mr. Biliew has knowledge of his children who attend OPS or who will attend OPS.

Crawford, Carmen L. REDACTED

Ms. Crawford has knowledge of her children who attend OPS. Those children include:

Diaz Vera, Veronica I. REDACTED

Ms. Diaz Vera has knowledge of her children who attend OPS. Those children include:

Eckhoff, Linda K. REDACTED

Ms. Eckhoff has knowledge of her son,

Eona, Donna M. REDACTED

Ms. Eona has knowledge of her children who attend or have attended OPS. Those

REDACTED

Olvera, Robert and Elvia

Mr. and Mrs. Olvera have knowledge of their children who attend OPS. Those children

OPS in loco parentis

Teacher Administrative Center

3215 Cuming Street

Omaha, NE 68131-2024

OPS has knowledge of the following students for whom OPS is a guardian during all times that they are in the custody and control of OPS for education purposes:

Philson, Andrea L.

Ms. Philson has knowledge of her children who attend OPS. Those children include:

Pinto, Efrain L.

Mr. Pinto has knowledge of his children who attend OPS. Those children include:

Steinke, Laurey A.

Ms. Steinke has knowledge of her children who attend OPS. Those children include:

Turner, Angelina

Ms. Turner has knowledge of her children who attend OPS. Those children include:

Vaughn, Marilyn

Ms. Vaughn has knowledge of her children who attend OPS. Those children include:

REDACTED

Walker, Lydia

Ms. Walker has knowledge of her children who attend OPS. Those children include:

Wesley, Starla

Ms. Wesley has knowledge of her daughter

Yoang, Nyaret

Nyaret Yoang has knowledge of Nyaret Yoang's children that attend or have attended

Allen, Julia

Teacher Administrative Center
3215 Cuming Street
Omaha, NE 68131-2024

Dr. Allen is Director of Special Education for OPS, and has knowledge regarding, among other things, federal law and Nebraska's requirements and reimbursement system for special education students.

Arbuckle, Kelly

McMillan Magnet Middle School
3802 Redick Avenue
Omaha, NE 68112-2966

Ms. Arbuckle is employed by McMillan Magnet Middle School and has knowledge regarding, among other things, the challenges faced by students and staff at McMillan and the resources needed for kindergarten students at McMillan to have an equal opportunity to succeed.

Bartee, Jerry

Teacher Administrative Center
3215 Cuming Street
Omaha, NE 68131-2024

Dr. Bartee works for OPS as Assistant Superintendent, Business Services, and has knowledge regarding, among other things, OPS buildings, building management, and transportation issues.

Carmichael, Roseann

Lewis and Clark Middle School
6901 Burt Street
Omaha, NE 68132-2694

Ms. Carmichael is employed at Lewis and Clark Middle School and has knowledge regarding, among other things, the challenges faced by students and staff at Lewis and Clark and the resources needed for kindergarten students at Lewis and Clark to have an equal opportunity to succeed.

Clancy, Mel

Teacher Administrative Center
3215 Cuming Street
Omaha, NE 68131-2024

Dr. Clancy works for OPS as Director of Elementary Education and has knowledge regarding, among other things, OPS' implementation of small class size in Academy Program schools and its impact on student achievement.

Cohen, Pam

Marrs Magnet Middle School
5619 South 19 Street
Omaha, NE 68107-3699

Ms. Cohen is the Principal of Marrs Magnet Middle School and has knowledge, among other things, of the impact of dual language programs on student achievement.

Collins, Lena

King Elementary School
3705 Maple Street
Omaha, NE 68111-3195

Ms. Collins is a kindergarten teacher at King Elementary School, and has knowledge regarding, among other things, the challenges facing students at King and the resources needed for kindergarten students at King to have an equal opportunity to succeed.

Dorsey, Jackie

Bryan Middle School
8210 South 42nd Street
Omaha, NE 68147-1705

Ms. Dorsey is a social studies teacher at Bryan Middle School and has knowledge regarding, among other things, the operation of Bryan, the challenges faced by students and staff at Bryan, and the resources needed for students at Bryan to have an equal opportunity to succeed.

Faber, Nancy

South High School
4519 South 24 Street
Omaha, NE 68107-1894

Ms. Faber is the Principal at South High School and has knowledge regarding, among other things, the running of South, the challenges facing students and staff at South, and the resources needed for students at South to have an equal opportunity to succeed.

Glade, Holly

Monroe Middle School
5105 Bedford Avenue
Omaha, NE 68104

Ms. Glade is a social studies teacher at Monroe Middle School, and has knowledge regarding, among other things, the challenges faced by students at Monroe, interdisciplinary teaching, and its impact on student achievement.

Harvey, Tom

Teacher Administrative Center
3215 Cuming Street
Omaha, NE 68131-2024

Mr. Harvey works for OPS as Assistant Superintendent for Student and Community Services and has knowledge regarding, among other things, the African-American students attending OPS schools. Mr. Harvey also has knowledge of the programs, services, and resources OPS needs to provide adequate and equitable educational opportunities.

Hodges, Sandra

Teacher Administrative Center
3215 Cuming Street
Omaha, NE 68131-2024

Dr. Hodges works for OPS as Assistant Superintendent, Human Resources, and has knowledge regarding, among other things, teacher qualifications and responsibilities as well as staffing issues.

Jensen, Sandra

Teacher Administrative Center
3215 Cuming Street
Omaha, NE 68131-2024

Ms. Jensen is the President of the Board of Education of the Omaha Public Schools and has knowledge regarding, among other things, the challenges faced by OPS.

Koch, Shari

Teacher Administrative Center
3215 Cuming Street
Omaha, NE 68131-2024

Ms. Koch works for OPS as a specialist in the ESL Division of the Department of Curriculum and Learning and has knowledge regarding, among other things, the English language learning students attending OPS.

Lang, Pam

Adams Elementary School
3420 North 78th Street
Omaha, NE 68134-5099

Ms. Lang is Principal of Adams Elementary School and has knowledge regarding, among other things, the running of Adams, the challenges faced by students and staff at Adams, and the resources needed for students at Adams to have an equal opportunity to succeed.

Langan, John

5627 Emile St
Omaha, NE 68106

Dr. Langan is a former President of the Board of Education of the Omaha Public Schools, and current Dean of the College of Education at the University of Nebraska, Omaha. Dr. Langan has knowledge regarding, among other things, the challenges faced by OPS, and the preparation of teachers in Nebraska.

Lidgett, Kim

Jefferson Elementary School
4065 Vinton Street
Omaha, NE 68105-3895

Ms. Lidgett is Principal of Jefferson Elementary School and has knowledge regarding, among other things, the running of Jefferson, the challenges faced by students and staff at Jefferson, and the resources needed for students at Jefferson to have an equal opportunity to succeed.

Mackiel, John

Teacher Administrative Center
3215 Cuming Street
Omaha, NE 68131-2024

Dr. Mackiel is the Secretary and Treasurer of the OPS Board of Education and the Superintendent of OPS. Dr. Mackiel has knowledge regarding, among other things, the challenges facing OPS and the programs, services, and resources which OPS needs, to provide adequate and equitable educational opportunities.

Mayberger, Susan

Teacher Administrative Center
3215 Cuming Street
Omaha, NE 68131-2024

Ms. Mayberger works for OPS as a Supervisor of ESL Curriculum and Learning, and has knowledge regarding, among other things, the English language learning students attending OPS.

McCown, Denise

Picotte Elementary School
14506 Ohio Street
Omaha, NE 68116-4192

Ms. McCown is the Principal at Picotte Elementary School and has knowledge regarding, among other things, the running of Picotte, the challenges faced by students and staff at Picotte, and the resources needed for students at Picotte to have an equal opportunity to succeed.

Mullen, Janelle

Teacher Administrative Center
3215 Cuming Street
Omaha, NE 68131-2024

Ms. Mullen works for OPS as Assistant Superintendent for Curriculum and Learning and has knowledge regarding, among other things, Rule 10 and Nebraska's outcome-based educational system, and the programs, services, and resources which OPS needs to provide adequate and equitable educational opportunities.

Nelson, Alberta

Edison Elementary School
2303 North 97th Street
Omaha, NE 68134-7310

Ms. Nelson is Principal at Edison Elementary School and has knowledge regarding, among other things, the running of Edison, the challenges faced by students and staff at Edison, and the resources needed for students at Edison to have an equal opportunity to succeed.

Nelson, Nancy

Minne Lusa Elementary School
2728 Ida Street
Omaha, NE 68112-3299

Ms. Nelson is the Principal at Minne Lusa Elementary School and has knowledge regarding, among other things, the running of Minne Lusa, the challenges facing students and staff at Minne Lusa, and the resources needed for students at Minne Lusa to have an equal opportunity to succeed.

Noerrlinger, Carla

Teacher Administrative Center
3215 Cuming Street
Omaha, NE 68131-2024

Ms. Noerrlinger works for OPS as Director of Reserach and has knowledge regarding, among other things, Nebraska's outcome based educational system and student achievement and assessment.

Oberst, Nancy

Liberty Elementary School
2021 St. Mary's Ave.
Omaha, NE 68102-2415

Ms. Oberst is the Principal at Liberty Elementary School and has knowledge regarding, among other things, the running of Liberty, the challenges faced by students and staff at Liberty, and the resources needed for students at Liberty to have an equal opportunity to succeed.

Perrigo, Raymond

Ashland Park/Robbins Elementary School
5050 South 51st Street
Omaha, NE 68117-1955

Mr. Perrigo is Principal of Ashland Park/Robbins Elementary School and has knowledge regarding, among other things, the running of Ashland Park/Robbins, the challenges faced by students and staff at Ashland Park/Robbins, and the resources needed for students at Ashland Park/Robbins to have an equal opportunity to succeed.

Peterson, Kathy

Fontenelle Elementary School
3905 North 52nd Street
Omaha, NE 68104-2999

Dr. Peterson is Principal of Fontenelle Elementary School, and has knowledge regarding, among other things, the running of Fontenelle, the challenges faced by students and staff at Fontenelle, and the resources needed for students at Fontenelle to have an equal opportunity to succeed.

Pool, Dennis

Teacher Administrative Center
3215 Cuming Street
Omaha, NE 68131-2024

Dr. Pool works for OPS as Assistant Superintendent, General Administrative Services, and has knowledge regarding Nebraska's school funding system and OPS spending and resources.

Rezac, Mary

Gilder Elementary School
3705 Chandler Road
Omaha, NE 68147-1199

Ms. Rezac is an instructional facilitator at Gilder Elementary School, and has knowledge regarding, among other things, the students at Gilder and the resources needed for students at Gilder Elementary to have an equal opportunity to succeed.

Sterba, Lisa

Lewis and Clark Middle School
6901 Burt Street
Omaha, NE 68132-2694

Ms. Sterba is the Principal of Lewis and Clark Middle School and has knowledge regarding, among other things, the running of Lewis and Clark Middle School, the challenges faced by students and staff at Lewis and Clark, and the resources needed for students at Lewis and Clark to have an equal opportunity to succeed.

Schutz, Jim

Teacher Administrative Center
3215 Cuming Street
Omaha, NE 68131-2024

Mr. Schutz is a former Principal at Monroe Middle School and has knowledge regarding, among other things, the running of Monroe, the challenges faced by students and staff at Monroe, and the resources needed for students at Monroe to have an equal opportunity to succeed.

Taylor, Julie

Norris Middle School
2235 South 46th
Omaha, NE 68106-3399

Ms. Taylor is an Activities Director and Assistant Principal at Norris Middle School and has knowledge regarding, among other things, the running of Norris, the challenges faced by students and staff at Norris, and the resources needed for students at Norris to have an equal opportunity to succeed.

Tyree, Shirley J.

Teacher Administrative Center
3215 Cuming Street
Omaha, NE 68131-2024

Ms. Tyree is the Vice-President of the Board of Education of the Omaha Public Schools and has knowledge regarding, among other things, the challenges faced by OPS.

Weidner, Dan

3215 Cuming Street
Omaha, NE 68131

Mr. Weidner oversees OPS alternative education programs located at Blackburn, Parrish, and Wilson schools, and has knowledge regarding, among other things, the challenges faced by students and staff in these programs as well as the resources needed at these schools for students to have an equal opportunity to succeed.

Anderson, Don

301 Centennial Mall South
Lincoln, NE 68509

Mr. Anderson worked for NDE in its Special Populations Department and has knowledge regarding, among other things, Special Education.

Anderson, Sue

301 Centennial Mall South
Lincoln, NE 68509

Sue Anderson works for NDE in its School Improvement: Accreditation Department and has knowledge regarding, among other things, elementary and secondary school approval, accreditation, and assessment.

Ankenman, Dave

301 Centennial Mall South
Lincoln, NE 68509

Dave Ankenman works for NDE in its School Improvement: Curriculum/Instruction Department focusing on the Curriculum Team Program Management and has knowledge regarding, among other things, curriculum development.

Baer, Larry

Office of the Governor
P.O. Box 94848
Lincoln, NE 68509-4848

Larry Baer works for the Governor of the State of Nebraska and has knowledge regarding, among other things, elementary and secondary education in Nebraska.

Barry, Tammy

State Capitol
Lincoln, NE 68509

Tammy Barry works for the Committee on Education for the Nebraska Legislature and has knowledge regarding, among other things, the school funding system.

Bauer, Vicki

301 Centennial Mall South
Lincoln, NE 68509

Vicki Bauer works for NDE in its Adult Program Services Department and has knowledge regarding, among other things, Adult Basic Community Education.

Baum, Shirley

301 Centennial Mall South
Lincoln, NE 68509

Shirley Baum works for NDE in its School Improvement: Curriculum – Instruction Department and has knowledge regarding, among other things, Family & Consumer Sciences.

Beecham, Bob

301 Centennial Mall South
Lincoln, NE 68509

Mr. Beecham works for NDE in its Educational Support Services Department, and has knowledge regarding, among other things, all issues relating to that Department.

Bergquist, Kay

301 Centennial Mall South
Lincoln, NE 68509

Kay Bergquist works for NDE in its Educational Support Services Department and has knowledge regarding, among other things, School Finance & Organization Services.

Bird, Ann

301 Centennial Mall South
Lincoln, NE 68509

Ann Bird works for NDE in its Special Populations Department and she has knowledge regarding, among other things, Special Education.

Block, Lynette

301 Centennial Mall South
Lincoln, NE 68509

Ms. Block works for NDE in its School Improvement: Curriculum/Instruction Department focusing on Reading First and has knowledge regarding, among other things, Reading First grants and distributions.

Bone, Rachel

73465 S. 76th Avenue
La Vista, NE 68128

Ms. Bone is a former member of the State Board of Education and has knowledge regarding, among other things, the issues raised in this Litigation.

Calvin, Karen

301 Centennial Mall South
Lincoln, NE 68509

Karen Calvin works for NDE in its School Improvement: Curriculum – Instruction Department and has knowledge regarding, among other things, Industrial Technology.

Carter, Claudia

301 Centennial Mall South
Lincoln, NE 68509

Claudia Carter works for NDE in its School Improvement: Accreditation Department and has knowledge regarding, among other things, North Central Accreditation; Approval – Accreditation.

Carter, Ginny

301 Centennial Mall South
Lincoln, NE 68509

Ginny Carter works for NDE in its Educational Support Services Department and has knowledge regarding, among other things, Applications Development.

Christensen, Doug

301 Centennial Mall South
Lincoln, NE 68509

Dr. Christensen is Nebraska's Commissioner of Education and has knowledge regarding, among other things, every issue in this litigation.

Christensen, Gregg

301 Centennial Mall South
Lincoln, NE 68509

Gregg Christensen works for NDE in its Educational Support Services Department and has knowledge regarding, among other things, Communications, Partnerships & Entrepreneurships Education.

Clark, John

301 Centennial Mall South
Lincoln, NE 68509

Mr. Clark works for NDE as the Administrator for Information Services and has knowledge regarding, among other things, the functioning and operation of NDE.

Corr, Marcia

301 Centennial Mall South
Lincoln, NE 68509

Ms. Corr works for NDE in its Office of Children and Families focusing on Early Childhood Education and has knowledge regarding, among other things, early childhood education issues.

Duncan, Pam

301 Centennial Mall South
Lincoln, NE 68509

Ms. Duncan works for NDE in its Special Populations Department and has knowledge regarding, among other things, Special Education.

Egertson, Harriett

301 Centennial Mall South
Lincoln, NE 68509

Harriett Egertson formerly worked for NDE in its Office of Children and Family focusing on early Childhood Education and has knowledge regarding, among other things, early childhood education.

Feis, Polly

301 Centennial Mall South
Lincoln, NE 68509

Ms. Feis is Nebraska's Deputy Commissioner of Education and has knowledge regarding, among other things, elementary and secondary education in Nebraska.

Fichter, Carol

301 Centennial Mall South
Lincoln, NE 68509

Ms. Fichter works for NDE in its Office of Children and Families focusing the Early Childhood Training Center and has knowledge regarding, among other things, early childhood education and issues involving the Early Childhood Training Center.

Folkers, Dean

301 Centennial Mall South
Lincoln, NE 68509

Dean Folkers works for NDE in the School Improvement: Curriculum – Instruction Department and has knowledge regarding, among other things, Career & Technical Education Planning & Fiscal Management.

Frederick, Craig

301 Centennial Mall South
Lincoln, NE 68509

Craig Frederick works for NDE in the School Improvement: Curriculum – Instruction Department and has knowledge regarding, among other things, Agriculture Education.

Giltsdorf, Jack

301 Centennial Mall South
Lincoln, NE 68509

Jack Giltsdorf works for NDE in its School Improvement: Accreditation Department and has knowledge regarding, among other things, Approval – Accreditation and School Activities Association.

Glenn, Tony

301 Centennial Mall South

Lincoln, NE 68509

Tony Glenn works for NDE in its School Improvement: Curriculum – Instruction Department and has knowledge regarding, among other things, Industrial Technology.

Handa, Jan

301 Centennial Mall South

Lincoln, NE 68509

Ms. Handa works for NDE in its School Improvement: Staff Development/Instructional Issues Department focusing on Excellence in Education issues and has knowledge regarding, among other things, the Excellence in Education Council and the use of Lottery Funds to support educational services in Nebraska.

Harouff, Marge

301 Centennial Mall South

Lincoln, NE 68509

Ms. Harouff works for NDE in its Adult Program Services Department and has knowledge regarding, among other things Nebraska's Council on Teacher Education.

Hasty, Rebecca

301 Centennial Mall South

Lincoln, NE 68509

Ms. Hasty works for NDE in its School Improvement: Curriculum/Instruction Department focusing in areas concerning the Office of Civil Rights, equity issues, and non-traditional education and has knowledge regarding, among other things, equity issues in Nebraska schools and school districts.

Hiebner, Susan

301 Centennial Mall South

Lincoln, NE 68509

Ms. Hiebner works for NDE in its School Improvement: Curriculum – Instruction Department and has knowledge regarding, among other things, Career Guidance & Counseling.

Heineman, Dave

Office of the Governor

P.O. Box 94848

Lincoln, NE 68509-4848

Governor Heineman has knowledge regarding, among other things, elementary and secondary education in Nebraska.

Henry, Sue

301 Centennial Mall South
Lincoln, NE 68509

Ms. Henry works for NDE in its School Improvement: Staff Development/Instructional Issues Department focusing on Migrant Education, and has knowledge regarding, among other things, immigrant and migrant issues in elementary and secondary education.

Higgins, Joe

5067 South 107th Street
Omaha, NE 68127

Mr. Higgins is a member of the State Board of Education and has knowledge regarding, among other things, the issues raised in this Litigation.

Hill, Julane

301 Centennial Mall South
Lincoln, NE 68509

Julane Hill works for NDE in its School Improvement: Curriculum – Instruction Department and has knowledge regarding, among other things, Health Education.

Hill, Lauren

Office of the Governor
P.O. Box 94848
Lincoln, NE 68509-4848

Lauren Hill works for the Governor of the State of Nebraska in his Policy Research Office and has knowledge regarding, among other things, elementary and secondary education in Nebraska.

Imes, Kandy

1850 20th Street
Gering, NE 69341

Ms. Imes is a member of the State Board of Education and has knowledge regarding, among other things, the issues raised in this Litigation.

Inbody, Russ

301 Centennial Mall South
Lincoln, NE 68509

Mr. Inbody works for the Nebraska Department of Education ("NDE") as the director of School Finance and Organization Services and has knowledge regarding, among other things, the school funding system and its administration.

Johanns, Michael

U.S. Department of Agriculture
1400 Independence Ave., S.W.

Washington, D.C. 20250.

Secretary Johanns is currently the Secretary of the United States Department of Agriculture, and was Nebraska's 38th Governor. Secretary Johanns has knowledge regarding, among other things, elementary and secondary education in Nebraska.

Jurgens, Carol

301 Centennial Mall South
Lincoln, NE 68509

Ms. Jurgens works for NDE in its School Improvement: Curriculum/Instruction Department focusing on vocational education and has knowledge regarding, among other things, technical preparation education in schools throughout Nebraska.

Katt, Rich

301 Centennial Mall South
Lincoln, NE 68509

Rich Katt works for NDE in its School Improvement: Curriculum – Instruction Department and has knowledge regarding, among other things, Career & Technical Education Programs Management.

Klock, Karen

301 Centennial Mall South
Lincoln, NE 68509

Ms. Klock works for NDE in its School Improvement: Curriculum – Instruction Department and has knowledge regarding, among other things, Business Education.

Kosmicki, Michelle

301 Centennial Mall South
Lincoln, NE 68509

Ms. Kosmicki works for NDE has knowledge regarding, among other things, Career and Technical Education.

Knoche, Connie

301 Centennial Mall South
Lincoln, NE 68509

Ms. Knoche works for NDE in Educational Support Services School Finance Department and has knowledge regarding, among other things, the school funding system and its administration.

Lang, Catherine D.

1033 "O" Street, Suite 600
Gold's Galleria
Lincoln, NE 68508

Ms. Lang is Nebraska's Property Tax Administrator and has knowledge regarding, among other things, the assessable valuation of all taxable property in each school district and certification of same, as well as estimating the necessary funding level of schools under the school funding system.

Larson, Kim

301 Centennial Mall South
Lincoln, NE 68509

Ms. Larson works for NDE in its School Improvement: Curriculum/Instruction Department focusing on Reading/Writing and has knowledge regarding, among other things, reading and writing curriculum and instruction in elementary and secondary schools as well as regarding the State Writing Test.

Losh, Mary Ann

301 Centennial Mall South
Lincoln, NE 68509

Ms. Losh works for NDE in its School Improvement: Staff Development/Instructional Issues Department and has knowledge regarding, among other things, professional development programs and resources currently being implemented in Nebraska as well as those that could be implemented.

Mactier, Ann

3811 N. Post Road
Omaha, NE 68112

Ms. Mactier is a member of the State Board of Education and has knowledge regarding, among other things, the issues raised in this Litigation.

McClurg, Lori

State Capitol, Room 1315
Lincoln, NE 68509

Ms. McClurg is the Director of the Nebraska Department of Administrative Services and has knowledge regarding, among other things, distributions to local school districts pursuant to the school funding system.

Meyer, Fred C.

1580 Highway 281
St. Paul, NE 68873

Mr. Meyer is the President of the State Board of Education and has knowledge regarding, among other things, the issues raised in this Litigation.

Meyer, Sharon

301 Centennial Mall South
Lincoln, NE 68509

Ms. Meyer works for NDE in its School Improvement: Accreditation Department and has knowledge regarding, among other things, elementary and secondary school approval, accreditation, and assessment.

Myles, Jessie

301 Centennial Mall South
Lincoln, NE 68509

Mr. Myles works for NDE in its School Improvement: Staff Development/Instructional Issues Department focusing on Multicultural and Urban Education issues and has knowledge of, among other things, multicultural education in Nebraska's elementary and secondary schools as well as urban educational issues.

Nelson, E. Benjamin

720 Hart Senate Office Building,
Washington, D.C. 20510-2706

Senator Nelson is Nebraska's junior United States Senator and was 37th Governor of the State of Nebraska. Senator Nelson has knowledge regarding, among other things, elementary and secondary education in Nebraska.

Newton, Bev

301 Centennial Mall South
Lincoln, NE 68509

Bev Newton works for NDE in its School Improvement: Curriculum – Instruction Department and has knowledge regarding, among other things, Business Education.

Patten, Owen

301 Centennial Mall South
Lincoln, NE 68509

Mr. Patten works for NDE in its School Improvement: Staff Development/Instructional Issues Department focusing on the issues facing Native American Students and has knowledge regarding, among other things, those issues.

Peterson, Beverly J.

108 S. Park Avenue
Oakland, NE 68045

Ms. Peterson is a former member of the State Board of Education and has knowledge regarding, among other things, the issues raised in this Litigation.

Peterson, Kimberly J.

1521 S.W. 14th St.
Lincoln, NE 68522

Ms. Peterson is a member of the State Board of Education and has knowledge regarding, among other things, the issues raised in this Litigation.

Peterson, Marilyn

301 Centennial Mall South
Lincoln, NE 68509

Ms. Peterson works for NDE in its Grants Management System Department and has knowledge regarding, among other things, NDE's administration of grants to Nebraska's school districts including issues related to the federal No Child Left Behind act.

Prochazka, Gregory

301 Centennial Mall South
Lincoln, NE 68509

Mr. Prochazka works for NDE in Aid Distribution/Internal Finance Support and has knowledge regarding, among other things, school aid and its distribution.

Raikes, Ron

Room 1110, State Capitol,
Lincoln, NE 68509.

Senator Raikes represents District 25 in Nebraska's Legislature and is the current chairman of the Education Committee. Sen. Raikes has knowledge of the school funding system.

Reikofski, Roger

301 Centennial Mall South
Lincoln, NE 68509

Mr. Reikofski works for NDE in its Office of Children and Families focusing on Homeless Education and has knowledge regarding, among other things, education the homeless in Nebraska.

Rempp, Carol

301 Centennial Mall South
Lincoln, NE 68509

Ms. Rempp works for NDE in its School Improvement: Staff Development/Instructional Issues Department focusing on educating Native American Students and has knowledge regarding, among other things, educational programs for the State's Native American Students.

Rice, Donlynn

301 Centennial Mall South
Lincoln, NE 68509

Ms. Rice works for NDE in its School Improvement: Curriculum/Instruction Department and has knowledge regarding, among other things, elementary and secondary curriculum and instruction in Nebraska.

Rodriguez, Henry

301 Centennial Mall South
Lincoln, NE 68509

Mr. Rodriguez works for NDE in Aid Distribution/Internal Finance Support and has knowledge regarding, among other things, school aid and its distribution.

Romanek, Deb

301 Centennial Mall South
Lincoln, NE 68509

Ms. Romanek works for NDE in its School Improvement: Curriculum/Instruction Department focusing on Mathematics and has knowledge regarding, among other things, mathematics education in elementary and secondary schools in Nebraska.

Roschewski, Pat

301 Centennial Mall South
Lincoln, NE 68509

Pat Roschewski works for NDE in its School Improvement: Accreditation Department and has knowledge regarding, among other things, State Assessment.

Ross, Ron

State Capital, Room 2003
Lincoln, NE 68509

Ron Ross is the Treasurer of the State of Nebraska and has knowledge regarding, among other things, the Treasurer's role in the School Funding System.

Rowch, Nancy

301 Centennial Mall South
Lincoln, NE 68509

Ms. Rowch works for NDE in its School Improvement: Staff Development/Instructional Issues Department focusing on English as a Second Language ("ESL") and Bilingual issues and has knowledge regarding, among other things, Title III as well as ESL and Bilingual programs throughout the State's school districts.

Scheer, Jim

306 Valley View Drive
Norfolk, NE 68701

Mr. Scheer is a member of the State Board of Education and has knowledge regarding, among other things, the issues raised in this Litigation.

Scherr, Stephen A.

1000 W. Ninth Street
Hastings, NE 68901

Mr. Scherr is a former President of the State Board of Education and has knowledge regarding, among other things, the issues raised in this Litigation.

Schliesser, Barb

301 Centennial Mall South
Lincoln, NE 68509

Ms. Schliesser works for NDE in its Office of Children and Families focusing on early intervention issues and has knowledge regarding, among other things, such issues.

Sherman, Gary

301 Centennial Mall South
Lincoln, NE 68509

Mr. Sherman works for NDE in its Special Populations Department and has knowledge regarding, among other things, the Special Education in Nebraska.

Sibert, Bonnie

301 Centennial Mall South
Lincoln, NE 68509

Bonnie Sibert works for NDE in its School Improvement: Curriculum – Instruction Department and has knowledge regarding, among other things, Business Education.

Sloup, Teri

301 Centennial Mall South
Lincoln, NE 68509

Ms. Sloup works for NDE in its School Improvement: Curriculum – Instruction Department and has knowledge regarding, among other things, Career & Technical Education.

Starr, Larry

301 Centennial Mall South
Lincoln, NE 68509

Mr. Starr works for NDE in its School Improvement: Curriculum/Instruction Department focusing on social studies education and has knowledge regarding, among other things, social studies curriculum and instruction in schools throughout Nebraska.

Stefkovich, Mike

301 Centennial Mall South
Lincoln, NE 68509

Mr. Stefkovich works for NDE in Administrative Support Services and has knowledge regarding, among other things, school aid and its distribution.

Stevens, Karen

301 Centennial Mall South
Lincoln, NE 68509

Ms. Stevens works for NDE in its School Improvement: Staff Development/Instructional Issues Department and has knowledge regarding, among other things, 21st Century Community Learning issues facing Nebraska schools and school districts.

Thege, Denise

301 Centennial Mall South
Lincoln, NE 68509

Denise Thege works for NDE in its Administrative Support Services Department and has knowledge regarding, among other things, elementary and secondary education in Nebraska.

Thelen, Jan

301 Centennial Mall South
Lincoln, NE 68509

Ms. Thelen works for NDE in its Office of Children and Families and has knowledge regarding, among other things, early education issues.

Timm, Patricia H.

1020 North 21st Street
Beatrice, NE 68310

Ms. Timm is a member of the State Board of Education and has knowledge regarding, among other things, the issues raised in this Litigation.

Vrbka, Donna

301 Centennial Mall South
Lincoln, NE 68509

Donna Vrbka works for NDE in its School Improvement: Curriculum – Instruction Department and has knowledge regarding, among other things, Career Guidance & Counseling.

Woodland, Jim

301 Centennial Mall South
Lincoln, NE 68509

Mr. Woodland works for NDE in its School Improvement: Curriculum/Instruction Department focusing on science education and has knowledge regarding curriculum and instruction of science in schools throughout Nebraska.

Woods Harris, Carole

5404 Ellison Ave.
Omaha, NE 68104

Ms. Woods Harris is a member of the State Board of Education and she has knowledge regarding, among other things, the issues raised in this Litigation.

INTERROGATORY NO. 2: State the name, present address and occupation of each individual you intend to call as expert witness at the trial of this matter. For each expert witness, please state the following:

- a. The subject matter on which the expert is expected to testify;
- b. The substance of the facts and opinions to which said expert is expected to testify; and
- c. The facts or assumptions relied on by the witness for every opinion.

ANSWER NO. 2:

OPS objects to Interrogatory No. 2 because it is premature. Pursuant to the Progression Order, OPS has at least until August 15, 2005 to answer expert interrogatories.

INTERROGATORY NO. 3: Identify all facts supporting, and witnesses who have knowledge of, your allegation in Paragraph 116 of your Second Amended Complaint that "Nebraska's school funding system fails to provide each OPS and Nebraska Schools Trust member student, including each Plaintiff student, an equal opportunity to obtain the free instruction guaranteed by Nebraska's Constitution, statutes and regulations."

ANSWER NO. 3:

OPS objects to Interrogatory No. 3 because it is premature. OPS further objects that the question is overly broad and unduly burdensome in that it requests OPS to identify all facts and all witnesses regarding a particular allegation of the Second Amended Complaint. Furthermore, the burden placed upon OPS in answering this

Respectfully submitted,

By: David M. Pedersen

David M. Pedersen (#13252)
 Jill Robb Ackerman (#17623)
 Elizabeth Eynon-Kokrda (#21174)
 of BAIRD, HOLM, McEACHEN, PEDERSEN,
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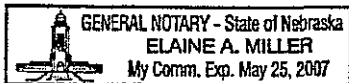
I have reviewed the foregoing Answers to Interrogatories and state that the same are true and correct to the best of my knowledge.

John Mackiel

STATE OF NEBRASKA)
) ss.
 COUNTY OF DOUGLAS)

Before me, a Notary Public qualified for said County, personally appeared John Mackiel, known to me to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed.

Witness my hand and seal this 28th day of April, 2005.



Elaine A. Miller
 Notary Public

Jill Robb Ackerman

Direct Dial: 402.636.8263
Direct Fax: 402.231.8556
E-Mail: jrackerman@bairdholm.com
Also admitted in Iowa

VIA HAND DELIVERY

Mark Laughlin, Esq.
Michael L. Schleich, Esq.
Fraser Stryker
409 So. 17th St.
Omaha NE 68102

Re: *Douglas County School District 001 a/k/a Omaha Public Schools (OPS),
et al v. Dave Heinemann, Doc 1028 Page 1017
Answers to Expert Interrogatories*

Dear Mark and Mike:

Enclosed please find a copy of the Supplemental Answer to Interrogatory No. 2 by Paul Theobald and David Grissmer. As you know, we are working as quickly as we can to have our additional experts answer their interrogatories.

I do not have a complete list of expert names to disclose to you, but I can disclose to you the following in order to try to keep the case moving as fast as possible:

Beatriz Arias, PhD.
5955 East Orange Blossom Lane
Phoenix AZ 85108

Bruce Baker, Ed.D.
Department of Teaching and Leadership
5437 Joseph R. Pearson Hall
1122 West Campus Rd.
University of Kansas
Lawrence KS 66045

W. Stephen Barnett, Ph.D.
National Institute for Early Education Research
Rutgers, The State University of New Jersey
120 Albany St., Ste. 500
New Brunswick NJ 08901

June 18, 2007

Page 2

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1791 Arastradero Rd.
Palo Alto CA 94304

Lisa Kelly Vance
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Kaiser Hall
Omaha NE 68182

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University of Nebraska at Omaha
Kaiser Hall, 514F
Omaha NE 68182

John Myers
Augenblick Pollack & Associates
700 Broadway, Ste. 804
Denver CO 80803

Robert Kerrey
Office of the President
New School University
66 West 12th St./Room 800
New York NY 10011

Jay Smink
National Dropout Prevention Center
Clemson University
209 Martin St.
Clemson SC 29631

Linda Darling-Hammond
Stanford University School of Education
310 CERAS Building
520 Galvez Mall
Stanford, CA 94305

David Grissmer
12036 Rutherglen Place
Bristow, VA 22202-5050

We will update you with names as soon as possible. Moreover, we are working

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Page 3

to get Answers to Expert Interrogatories to you as soon as possible. Per our discussion, we agree that you will have nine months to provide us the names of your anticipated experts, and twelve months to provide us discovery responses for your experts from the date we provide you with the Answers to Interrogatories for our last expert. We can ask the Court to adjust the progression order after we have a better feel on how long this will take.

Thank you for your cooperation in this matter.

Very truly yours,

Jill Robb Ackerman
FOR THE FIRM

JRA:chm
Enclosure

DOCS/687523.1

EXHIBIT 2

2/25/07 St. Louis Post-Dispatch C4
2007 WLNR 3661142

St. Louis Post-Dispatch (MO)
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February 25, 2007

Section: Metro

Decision on public school funding is in judge's hands

Matthew Franck POST-DISPATCH JEFFERSON CITY BUREAU

JEFFERSON CITY After nearly two months of claims and counterclaims over the cost of educating Missouri's children, testimony ended Friday in a trial challenging the state's \$2.7 billion method for funding public schools.

About half of the state's school districts are hoping the trial will force a significant investment in education. Some estimates presented by experts in the trial would call for as much as a \$1.3 billion increase in school spending.

Cole County Circuit Judge Richard Callahan isn't expected to render a verdict for weeks, or even months. Lawyers in the case will continue filing briefs over the next few weeks, before offering closing arguments March 28.

The verdict will probably hinge on whether the judge believes a new school spending plan - which calls for pumping \$800 million into schools over the next seven years - fulfills state constitutional demands for providing a free public education.

One lawyer who is defending the state's current system says that issue is a no-brainer.

"There is substantial new money, to the tune of hundreds of millions of dollars, being injected into the quality of public schools," said Joshua Schindler, who represents three taxpayers who joined the suit. "I don't think that the plaintiffs proved that education funding is not adequate."

In more than seven weeks of testimony, a host of education finance experts have fought over the central question of how much it takes to adequately educate a child and whether there's truly a connection between spending and student performance.

Two economists told the court they see no conclusive link between higher spending and higher academic achievement.

Alex Bartlett, a lawyer representing more than 200 plaintiff school districts, called in school finance experts of his own to provide the opposite view. Several of those experts offered the court studies suggesting Missouri needs to spend between \$480 million and \$1.3 billion more each year to ensure an adequate

education for its children.

But plaintiffs relied more on the testimony of school administrators from all corners of the state. Each described crumbling school buildings and schools that lack resources to target instruction to struggling students.

"Educators who work day in and day out in schools know what is needed to grant children a full education," Bartlett said in an interview.

Even high-spending school districts told the court they lacked money. St. Louis Public Schools, for example, said it needed nearly \$200 million annually to meet student needs.

The case took three years to come to trial. In the meantime, Missouri overhauled its school funding formula, establishing a minimum level of annual per-pupil spending of \$6,117.

Some involved with the case say a verdict could rest purely on the judge's interpretation of the state constitution.

Schindler said the constitution is clear in mandating that at least 25 percent of the state budget go to public education. A witness for the state said that threshold was already being exceeded.

But Bartlett said the 25 percent standard is merely a minimum. He said the constitution also required the state to provide a "general diffusion of knowledge." Bartlett used the same constitutional argument to prevail in a similar school funding suit in 1993.

With more than 230 school districts involved, the current case is staggering in its scope and complexity. At least \$2.9 million in legal fees had already been spent as of last month to support three separate crews of lawyers.

Those lawyers have buried the court in hundreds of exhibits. Stacks of those documents now line the walls of the judge's chambers, where Callahan will now begin his work of arriving at a verdict.

----- INDEX REFERENCES -----

NEWS SUBJECT: (Legal (1LE33); Education (1ED85))

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