

DISTRICT COURT, DENVER COUNTY, COLORADO 1437 Bannock Street, Denver, CO 80202	DATE FILED October 11, 2022 12:35 PM FILING ID: CC3D1DB2A69E6 CASE NUMBER: 2022CV32315
Plaintiffs: DAVID MIGOYA , Reporter at <i>The Denver Gazette</i> and THE DENVER GAZETTE , vs. Defendant: STACY WHEELER , in her official capacity as custodian of records, Denver Public Schools.	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
Joseph M. Goldhammer, CO Atty Reg #5761 Will Reinken, CO Atty Reg #53190 ROSENBLATT & GOSCH, PLLC 8085 East Prentice Avenue Greenwood Village, CO 80111 Telephone: 303-263-5557 Email: joe@rosenblattgosch.com Email: will@rosenblattgosch.com <i>Attorneys for Respondent</i>	Case Number: 2022CV032315 Courtroom No.: 409
<p style="text-align: center;">DENVER SCHOOL LEADERS ASSOCIATION’S ANSWER TO THE COMPLAINT</p>	

The Intervenor, Denver School Leaders Association (DSLAs) submits the below Answer to Plaintiff’s Complaint/ Application for Order to Show Cause as follows:

- A. Paragraph 1¹ consists of Plaintiff’s description of the relief it seeks in this action.
DSLAs admits Plaintiff seeks this relief but denies that Plaintiff is entitled to it.
- B. DSLAs denies the allegations in ¶¶ 2 & 3.
- C. Paragraph 4 consists of Plaintiff’s description of the relief it seeks in this action.
DSLAs admits Plaintiff seeks this relief but denies that Plaintiff is entitled to it.

¹ All references to paragraphs in this Answer are to those in the Complaint.

- D. As to ¶5, DSLA admits this Court has jurisdiction over Plaintiff's claim and that the records Plaintiff seeks can be found in this judicial district but denies the remaining allegations therein.
- E. DSLA lacks knowledge of the allegations in ¶¶6-7 which it therefore denies.
- F. Based upon DPS's admissions in its answer to the allegations in ¶¶8-10, DSLA also admits those allegations.
- G. Based upon DPS's admissions and denials in its answer to the allegations in ¶¶s 11-12, DSLA admits and denies those allegations consistently with DPS's admissions and denials.
- H. Based upon DPS's admissions and denials in its answer to the allegations in ¶¶s 13-16, DSLA admits and denies those allegations consistently with DPS's admissions and denials.
- I. Based upon DPS's admissions and denials in its answer to the allegations in ¶17, DSLA admits and denies those allegations consistently with DPS's admissions and denials.
- J. Based upon DPS's admissions and denials in its answer to the allegations in ¶18, DSLA admits and denies those allegations consistently with DPS's admissions and denials.
- K. Based upon DPS's admissions and denials in its answer to the allegations in ¶19, DSLA admits and denies those allegations consistently with DPS's admissions and denials.
- L. Based upon DPS's admissions in its answer to the allegations in ¶¶20-21, DSLA also admits those allegations.
- M. Each of ¶¶22-32 consists of recitation of statutes or characterization of caselaw that does not require a response. To the extent responses are required, DSLA denies the allegations of those paragraphs to the extent they are inconsistent with the statutes or cases referenced.
- N. In response to ¶33. DSLA incorporates its above responses.
- O. Based upon DPS's admissions and denials in its answer to the allegations in ¶34, DSLA admits and denies those allegations consistently with DPS's admissions and denials.

P. Based upon DPS's admissions and denials in its answer to the allegations in ¶35, DSLA admits and denies those allegations consistently with DPS's admissions and denials.

Q. DSLA denies the allegations in ¶36.

R. DSLA denies the allegations in ¶37.

S. Based upon DPS's admission in its answer to the allegations in ¶38, DSLA admits the allegations in that paragraph.

T. DSLA denies the allegations in ¶39.

U. DSLA affirmatively states that the Colorado legislature has overruled the case authorities relied upon by Plaintiff, that the records sought by Plaintiff are personnel files not subject to disclosure under CORA, and that, in any event, disclosure would violate the public interest.

WHEREFORE, DSLA requests the Court to dismiss the Complaint in its entirety and to assess costs and attorney fees against the Plaintiffs.

Respectfully submitted:

Dated: October 11, 2022

By: S/Joseph M. Goldhammer
Joseph M. Goldhammer Esq.
William R. Reinken, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2022, a true and correct copy of the above **DENVER SCHOOL LEADERS ASSOCIATION'S ANSWER TO THE COMPLAINT** was electronically filed with the Clerk of the Court via CCEF which will serve registered, interested parties to include the following:

M. Brent Case, Esq. bcase@semplelaw.com
Jonathan P. Fero, Esq. jfero@semplelaw.com

Rachel Johnson, Esq. rjohnson@fcfp.org

S/Libby Russell
Libby Russell, Legal Specialist
Rosenblatt & Gosch, PLLC