

Exhibit B

DISTRICT COURT,
CITY AND COUNTY OF DENVER, COLORADO
1437 Bannock Street, Denver, CO 80202

FREEDOM FROM RELIGION FOUNDATION, INC.,
MIKE SMITH,
DAVID HABECKER,
TIMOTHY G. BAILEY and
JEFF BAYSINGER,

Plaintiffs,

v.

BILL RITTER, JR., in his official capacity as
GOVERNOR OF THE STATE OF COLORADO, and
THE STATE OF COLORADO,

Defendants.

▲ COURT USE ONLY ▲

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Case Number: 08CV9799

Courtroom: 19

**PLAINTIFF FFRF'S RESPONSES TO DEFENDANTS'
FIRST SET OF INTERROGATORIES AND FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS**

Plaintiff FFRF responds and/or objects to Defendants' First Set of Interrogatories and First Request for Production of Documents as follows:

GENERAL OBJECTIONS

The following general objections apply to the entirety of Defendants' First Set of Interrogatories and Requests for Production of Documents.

General Objection No. 1: Plaintiffs object to Defendants' First Set of Interrogatories and Requests for Production of Documents to the extent that it seeks information beyond the scope of discovery, or otherwise purports to impose discovery or procedural obligations upon Plaintiffs greater than those set forth in the Colorado Rules of Civil Procedure.

General Objection No. 2: Plaintiffs object to Defendants' First Set of Interrogatories and Requests for Production of Documents to the extent that it seeks information which is protected from disclosure by: (a) the attorney-client privilege; (b) the work-product doctrine; and/or (c) any other privileges or immunities. Any inadvertent disclosure of information shall not be deemed a waiver or impairment of Plaintiffs' right to assert the applicability of any privilege or immunity to the information.

General Objection No. 3: Plaintiffs object to Defendants' First Set of Discovery Requests to Plaintiffs as being overly broad, unduly burdensome, and oppressive.

General Objection No. 4: Plaintiffs object to Defendants' First Set of Discovery Requests to Plaintiffs as unduly burdensome, oppressive and beyond the scope of discovery to the extent it seeks information already within the possession and control of Defendants or their counsel, or to the extent it seeks information that is equally available or readily ascertainable from public sources or sources of information hosted by, or accessible by, Defendants.

General Objection No. 5: Plaintiffs object to Defendants' First Set of Discovery Requests to Plaintiffs as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence to the extent a particular request does not contain a time period limitation or is not appropriately limited to seek information relevant to the claims alleged in Plaintiffs' Complaint.

General Objection No. 6: Plaintiffs' responses and objections to Defendants' First Set of Discovery Requests to Plaintiffs are based upon information currently known and available to them. Plaintiffs have not yet completed their investigation of the facts pertaining to this matter, and preparations for trial are ongoing. Plaintiffs, therefore, reserve their rights to amend, modify, or supplement the objections or responses stated herein, and to use subsequently discovered documents or other information and documents or other

information known but whose relevance, significance, or applicability has not yet been ascertained.

INTERROGATORIES

INTERROGATORY 1: Identify every Colorado day-of-prayer HP on which plaintiff relies to support any of the claims in the complaint.

RESPONSE: The plaintiffs rely upon at least the Prayer Proclamations from 2004-2009.

INTERROGATORY 2: Identify every Colorado day-of-prayer “dedication” (as opposed to any HP) on which plaintiff relies to support any of the claims in the complaint.

RESPONSE: Object on the basis that the Interrogatory is vague and ambiguous. Without waiving the objection, the plaintiffs rely upon at least the Day of Prayer celebration on May 4, 2007, in which Governor Ritter participated, as well as the Celebration in 2008. Governor Ritter also has participated in the Colorado Prayer Luncheon, including on May 22, 2008. This answer further may be supplemented as additional discovery is forthcoming from the defendants. The plaintiff further notes that the term "dedication" is ambiguous as to what information the defendants are seeking, but each declared "Colorado Day of Prayer" is itself deemed a dedicated and objectionable endorsement of religion, on a day designated for that sole purpose.

INTERROGATORY 3: Identify and state all facts and evidence supporting the allegation that each HP prevented each plaintiff from exercising his or its right to non-belief.

RESPONSE: FFRF asserts representative standing in this case, so the interrogatory is seemingly not applicable. The individual plaintiffs do not claim to have been coercively

prevented from exercising their right to non-belief. The plaintiffs do contend that the annual declaration of a "Colorado Day of Prayer" gives the appearance of religious endorsement.

INTERROGATORY 4: Identify and state all facts and evidence supporting the allegation that each HP affected each plaintiff's political status in the state of Colorado.

RESPONSE: Object on the basis that the interrogatory is vague and ambiguous. Without waiving the objection, the individual plaintiffs complain herein that annual declarations of a "Colorado Day of Prayer" give the appearance of elevating and endorsing religion as an effective solution to problems requiring rational solutions. The declarations encourage all persons to believe in God, and thereby give the appearance that belief is preferable and that believers have special access to government leaders, including the Governor.

INTERROGATORY 5: State whether or not each plaintiff has attended or participated in any day of prayer event in Colorado or any NDP event, and identify the date, time, and the actions each plaintiff took at such events, including but not limited to, whether any plaintiff was prevented from taking any action he or it wanted to take at such event.

RESPONSE: FFRF sues herein in its representative capacity, so the interrogatory is seemingly not applicable. The Governor's encouragement through annual proclamations that all citizens of Colorado should actively participate in Day of Prayer events puts the individual plaintiffs in the position of either violating their own freedom of conscience or being excluded from events touted by the Governor.

INTERROGATORY 6: Identify and state all facts and evidence supporting the

allegation that the governor or any other state official in any way affected or took any other action with regard to any plaintiff who did not attend or participate in the events referenced in the above paragraph.

RESPONSE: The plaintiffs do not contend that the Governor's annual declarations of a "Colorado Day of Prayer" are accompanied by coerced belief or participation in prayer events, but they do complain that the Governor's annual proclamations give the appearance of religious endorsement by elevating religion as a supposed solution to problems requiring rational solutions, and by encouraging all citizens of Colorado to believe in a God. The individual plaintiffs consider that such encouragement of all citizens to believe in a God violates their freedom of conscience by telling citizens that religion is the solution that should be endorsed.

INTERROGATORY 7: Identify how each plaintiff learned about or was exposed or subjected to the HP, including but not limited to, any coercion that caused him or it to be so exposed.

RESPONSE: The plaintiffs are aware of annual declarations of a "Colorado Day of Prayer" by the Governor through extensive media coverage, including on the internet, print media and visual coverage. The Governor's proclamations, moreover, are not issued secretly; they are intended to be broadcast and made known to the citizens of Colorado, including the plaintiffs.

INTERROGATORY 8: Identify what items in the state's budget relate to any allegation in the complaint, including but not limited to, the expenditure of tax monies.

RESPONSE: The plaintiffs do not contend that any line item in the State's budget is specific to the declaration of Days of Prayer. The plaintiffs note, however, that the

participation of Governor Ritter in Day of Prayer celebrations does involve the use of paid State personnel, including the Governor and his security.

INTERROGATORY 9: Identify and state all facts and evidence supporting your allegation concerning the governor's alignment or association with Reign Down USA.

RESPONSE: Sources on the internet report that Governor Ritter proclaimed April 26, 2008 to be a Day of Prayer in Colorado, in conjunction with an event sponsored by Reign Down USA.

INTERROGATORY 10: Identify the exact language and state all facts and evidence supporting the allegation that language in the HPs constitutes an exhortation or exhortations to pray.

RESPONSE: The issuance of proclamations declaring an annual "Colorado Day of Prayer" are issued for the purpose of encouraging all citizens to actively pray. All of the proclamations, in their entirety, therefore, implicitly are part of the appearance of the exhortation to pray. Each of the proclamations between 2004-2009, moreover, included specific language indicating that on the National Day of Prayer, "Americans will unite in prayer for our Nation, our State, our leaders and our people." Recognizing the National Day of Prayer as a day on which "Americans will unite in prayer," moreover, the Governor in each proclamation then proceeds to proclaim a "COLORADO DAY OF PRAYER" on the same day as the National Day of Prayer.

INTERROGATORY 11: Identify and state all facts and evidence supporting the allegation that the governor made "related pronouncements endorsing prayer."

RESPONSE: Governor Ritter has publicly participated in Day of Prayer celebrations at the Capitol, including in 2007 and 2008. The Governor has also participated

in prayer luncheon celebrations of religion, including in 2008. Discovery is still proceeding, moreover, and further evidence of such pronouncements may be forthcoming.

INTERROGATORY 12: Identify and state all facts and evidence supporting the allegation that there were approximately 70 events held in Colorado to commemorate the May 1, 2009 NDP and CDP, including whether the plaintiff attended these events, and how he or it were coerced to attend these events. If plaintiff failed to attend any of these events, describe any and all results or effects on his or its lives and activities, including their status as Colorado citizens.

RESPONSE: The plaintiffs do not contend specifically that 70 events were held in Colorado to commemorate the 2009 NDP and CDP, but they are aware that many such events were held in 2009, as occurs on an annual basis. On May 4, 2007, moreover, Gene Torkelson, of the Rocky Mountain News, reported that more than 70 National Day of Prayer events were held in Colorado in 2007. The plaintiffs do not claim that they were coerced to attend such events, but they do contend that the Governor's declaration of an annual "Colorado Day of Prayer" gives the appearance of religious endorsement by the government, as described in earlier interrogatory responses.

INTERROGATORY 13: Identify and state all facts and evidence supporting the allegation concerning any and all contacts between the governor and the NDP Task Force, either personally or through any member of his staff, who should be identified with particularity including by name and job title.

RESPONSE: Shirley Dobson, Chairman of the National Day of Prayer Task Force, writes to each governor, including the Governor of Colorado, requesting each governor to issue a Day of Prayer proclamation in coordination with the National Day of Prayer

celebration. At least since 2004, the Governor of Colorado has issued such proclamations, including proclamations in 2004-2008, that specifically included the National Day of Prayer Task Force annual theme and/or biblical reference. Mrs. Dobson, in her letters to the governors, identifies the NDP Task Force theme and scriptural reference for each year, which the Governor of Colorado has regularly included into his Day of Prayer proclamations, at least since 2004. In 2009, however, after the commencement of this lawsuit, Governor Ritter issued a prayer proclamation but did not include the NDP Task Force annual theme and/or scriptural reference.

INTERROGATORY 14: Identify and state all facts and evidence supporting the allegation that there was any and all joint action between the governor and the NDP Task Force, either personally or through any member of his staff, who should be identified with particularity including by name and job title.

RESPONSE: Shirley Dobson, Chairman of the NDP Task Force, has written to the Governor of Colorado, as well as the governors of all other states, on an annual basis, requesting each governor to issue a prayer proclamation in coordination with the National Day of Prayer. Mrs. Dobson identifies the annual NDP Task Force theme and scriptural reference in her letters to the governors. In at least 2004-2008, the Governor of Colorado included the NDP Task Force annual theme and/or scriptural reference. Only in 2009, during the pendency of the present action, did the Governor decide not to include the NDP Task Force annual theme and/or scriptural reference.

INTERROGATORY 15: Identify and state all facts and evidence supporting the allegation that governors of the 50 states proclaimed days of prayer in 2007, 2008, and 2009, as well as those who did not, if any.

RESPONSE: The State prayer proclamations from 2004-2009 will be produced.

INTERROGATORY 16: Identify and state all facts and evidence supporting the allegation that the proclamations specified in the above paragraph included references to the NDP Task Force annual theme and/or supporting scripture.

RESPONSE: See answer to Interrogatory No. 15.

INTERROGATORY 17: Identify and state all facts and evidence supporting your allegation that the governor has embraced the NDP Task Force, and/or Focus on the Family.

RESPONSE: In proclamations issued in 2004-2008, the Governor of Colorado expressly included the NDP Task Force annual theme and/or scriptural reference, as requested by Mrs. Dobson.

INTERROGATORY 18: Identify and state all facts and evidence supporting your allegation that the governor has or is working hand-in-glove with the NDP Task Force, and/or Focus on the Family.

RESPONSE: In at least the annual prayer proclamations issued by the Governor in 2004-2008, the Governor of Colorado included the NDP Task Force annual theme and/or scriptural reference in his annual prayer proclamations, as requested by Mrs. Dobson. No governor has incorporated an annual theme or scriptural reference that was not suggested by the National Day of Prayer Task Force.

INTERROGATORY 19: Identify and state all facts and evidence supporting your allegation that the governor has a collaborative relationship with the NDP Task Force, and/or Focus on the Family.

RESPONSE: In prayer proclamations issued at least in 2004-2008, the Governor of

Colorado expressly included the NDP Task Force annual theme and/or scriptural reference.

INTERROGATORY 20: Identify and state all facts and evidence supporting your allegation that the governor endorses the religious principles of the NDP Task Force, and/or Focus on the Family.

RESPONSE: In prayer proclamations issued at least in 2004-2008, the Governor of Colorado included the NDP Task Force annual theme and/or scriptural reference in his annual proclamations. The Governor of Colorado has not included annual themes or scriptural references promulgated by other religious groups; he has included only the scriptural references identified on an annual basis by the NDP Task Force, which are readily identifiable as being of biblical origin, according to Mrs. Shirley Dobson.

INTERROGATORY 21: Identify and state all facts and evidence supporting your allegation that the governor endorses religion in violation of the Colorado Constitution.

RESPONSE: At least since 2004, the Governor of Colorado has issued an annual proclamation declaring a Day of Prayer, in conjunction with the National Day of Prayer. In at least 2007 and 2008, moreover, Governor Ritter participated in National Day of Prayer ceremonies publicly held, including on the Capitol steps in 2007. Governor Ritter has also participated in annual Colorado Prayer Luncheons, including in 2008. The Governor's participation in Day of Prayer activities, including by issuing annual proclamations in conjunction with the National Day of Prayer, gives at least the appearance of religious endorsement by the Governor, including because the National Day of Prayer itself is a day dedicated toward promoting prayer for its own sake. The Governor's actions in giving the appearance of supporting or preferring prayer are alleged to violate the Colorado Constitution.

INTERROGATORY 22: Identify and state all facts and evidence supporting your allegation that the governor supports an indelible bond between church and state.

RESPONSE: The issuance of annual Day of Prayer proclamations, at least since 2004, gives the appearance of State support for religion. This appearance is emphasized, such as in the proclamations issued in 2004-2008, by the express inclusion of annual themes and scriptural references promoted by the NDP Task Force, an avowedly evangelical Christian organization.

INTERROGATORY 23: Identify and state all facts and evidence supporting your allegation that the governor endorses public celebration of religion by public officials, particularly as distinguished from freedom of religion.

RESPONSE: Object on the basis that the Interrogatory is vague and ambiguous. Without waiving said objection, the plaintiff relies on the fact that the Governor of Colorado has issued public proclamations declaring an annual Day of Prayer since at least 2004. The prayer proclamations give the appearance of endorsing religion; in fact they include an annual theme and scriptural reference in each proclamation issued in 2004-2008, as set forth and chosen by the NDP Task Force. The issuance of public proclamations constitute a celebration of religion by public officials. In addition, Governor Ritter has openly participated in such public celebrations, including in 2007 and 2008, when he participated in celebrations of the National Day of Prayer. Governor Ritter has also participated in Colorado Prayer Luncheons, such as in 2008, which further give the appearance of public celebration of religion. The distinction between celebration of religion and "freedom of religion," moreover, is unclear in this question, particularly as private speech endorsing religion is protected, but government speech endorsing or

preferring religion is not permissible under the Colorado Constitution.

INTERROGATORY 24: Identify and state all facts and evidence supporting your allegation that the words or phrases in the HPs convey to non-religious Americans that they are expected to believe in God.

RESPONSE: The Governor's annual declaration of a "Colorado Day of Prayer" gives the appearance that the government views religion as the solution to social problems and, therefore, elevates religion to the status of generally accepted dogma to which all citizens are encouraged to believe, including belief in a God. The plaintiffs, in particular, are non-believers who perceive the annual prayer proclamations to be an encouragement for him and others to believe in a God, which encouragement from the government violates the plaintiffs' own freedom of conscience.

INTERROGATORY 25: Identify and state all facts and evidence supporting your allegation that the governor prefers religion over non-religion for all Colorado citizens.

RESPONSE: The declaration of an annual "Colorado Day of Prayer" by the Governor gives the appearance that the State prefers religion over non-religion, including by elevating religion to the status of a preferred solution to problems and by encouraging all citizens to believe in a God.

INTERROGATORY 26: Identify and state all facts and evidence supporting your allegation that the governor believes that believers are political insiders and non-believers are political outsiders, with particular regard to how the governor's belief or beliefs have specific effects on the life of the plaintiff and other Colorado citizens.

RESPONSE: The issuance by the Governor of an annual declaration of a "Colorado Day of Prayer" gives the appearance that believers are political insiders, with special access

to government leaders, while non-believers are political outsiders without such access. Evidence of this distinction exists in the very fact that such proclamations are issued on an annual basis by the Governor, while no proclamations are issued extolling the role of reason. The appearance of access to government leaders by believers, moreover, is emphasized by the Governor's inclusion of the annual theme and/or scriptural reference chosen by the National Day of Prayer Task Force in Colorado's proclamations, at least in 2004-2008. (The plaintiff submits with these answers a summary of background information and materials relating to the National Day of Prayer and the NDP Task Force.) While the plaintiffs do not claim that the annual declaration of a Day of Prayer has coerced them into becoming believers, the proclamations do give the appearance to the plaintiffs and others that religion is preferred and expected, while the plaintiffs' non-belief is disfavored and discouraged. The plaintiffs are put in the position, therefore, of being disapproved and/or they are put in the position of having to justify their non-belief.

INTERROGATORY 27: Identify and state all facts and evidence supporting your allegation concerning how HPs become known to all citizens.

RESPONSE: Proclamations by the Governor declaring a Day of Prayer are intended to become known to all citizens of the State. The purpose and effect of a proclamation is not achieved by secrecy, and, in fact, proclamations are broadcast, including to the plaintiffs, through extensive media coverage on the internet, in print media, and by broadcast media sources.

INTERROGATORY 28: Identify and state all facts and evidence supporting the allegation that the HPs create a hostile environment for the plaintiff.

RESPONSE: The Governor's annual proclamation of a "Colorado Day of Prayer"

gives the appearance that religion is a preferred solution to problems and that all citizens should believe in a God, as encouraged by the Governor. The plaintiffs deem their non-belief to be a matter of personal conscience, which they should not have to defend in the face of the Governor's endorsement of religion. The plaintiffs view the Governor's promotion of the belief in a God as a violation of their freedom of conscience, which effect is magnified by the annual media hoopla associated with the Day of Prayer, as promoted by the Governor. The plaintiffs are made to feel like stigmatized outsiders and they are put in the position of defending or justifying their non-belief, in the face of the Governor's encouragement of belief.

INTERROGATORY 29: Identify and state all facts and evidence supporting the allegation that the plaintiff and other members of FFR in Colorado are subjected or exposed to unwanted HPs or any proclamations to pray.

RESPONSE: Annual declarations of a "Colorado Day of Prayer" by the Governor are intended to be broadcast publicly and to become known by the citizens of the State, including the plaintiffs. In fact, the plaintiffs are exposed to the Governor's annual exhortations to pray due to extensive media coverage, to which they are exposed on the internet, in print media, and/or via broadcast mediums.

INTERROGATORY 30: Identify and state all facts and evidence supporting the allegation that the government, including but not limited to the defendant state of Colorado and governor, induced any or all celebrations of religion in the public realm.

RESPONSE: Millions of persons, in thousands of events throughout the country, participate in public Day of Prayer celebrations, including many such events held throughout Colorado. These events do not all occur simultaneously on the designated Day

of Prayer coincidentally, but rather as a result of the Governor, the President and local officials, declaring a coordinated Day of Prayer. In at least 2007 and 2008, moreover, Governor Ritter participated in such public celebrations of the Day of Prayer, including at the State Capitol in 2007. Declarations of a Day of Prayer do not merely acknowledge ceremonies independently organized, but rather the proclamations create the occasion for the celebration of religion.

INTERROGATORY 31: Define the term religiosity, and identify and state all facts and evidence supporting the allegation that the governor's actions constitute a culture of officially-sanctioned religiosity.

RESPONSE: The term religiosity relates to belief in the supernatural, and prayer relates to appeals to the supernatural. The declaration of an annual "Colorado Day of Prayer," moreover, constitutes the endorsement by the government of religion, including through prayer, as well as the encouragement that all citizens believe in a God. The annual declarations of a Day of Prayer constitute the occasion to celebrate religion and prayer, including in thousands of ceremonies throughout the country. These celebrations of religion, with the encouragement of government officials, create a massive public celebration of religion that is explicitly precipitated, sanctioned and endorsed by the government.

INTERROGATORY 32: Identify and state all facts and evidence supporting the allegation that the governor has "dedicated" a day of prayer, including but not limited to, issuing HPs.

RESPONSE: At least since 2004, the Governor of Colorado has issued an annual prayer proclamation declaring a "COLORADO DAY OF PRAYER," to be held in

conjunction with the National Day of Prayer.

INTERROGATORY 33: Identify and state all facts and evidence supporting the allegation that the governor officially supports and advocates religion through the medium of prayer for all Colorado citizens, including but not limited to, issuing HPs.

RESPONSE: The annual declarations of a Day of Prayer by the Governor give the appearance of religious endorsement, including the endorsement of religion as practiced through prayer. The inherent endorsement of religion by the issuance of such annual proclamations is further magnified by the Governor's inclusion of an annual theme and/or scriptural reference in proclamations, including between 2004-2008, chosen by the National Day of Prayer Task Force, an openly evangelical Christian organization, headed by Mrs. Shirley Dobson.

INTERROGATORY 34: Identify and state all facts and evidence supporting the allegation that the interests and behavior of plaintiff and FFR members in Colorado are injured or affected by any and all actions of the governor, including but not limited to, issuing HPs.

RESPONSE: The Colorado Constitution prohibits the government from endorsing religion, or giving the appearance of such endorsement, regardless whether such endorsement is accompanied by coercion. In the present case, the plaintiffs react to the Governor's annual proclamation of a Day of Prayer as the endorsement of religion, including the belief in a God. The government's encouragement, including to the plaintiffs, to believe in a God is further perceived by the plaintiffs to violate their freedom of personal conscience. The government's active encouragement of religion, and apparent preference for religion, also is stigmatizing to the plaintiffs, who must defend or justify their non-

belief, in the face of the government's actions supporting religion.

INTERROGATORY 35: Identify and state all facts and evidence supporting the allegation that the governor has officially admonished any one to pray, including but not limited to, issuing HPs.

RESPONSE: Object on the basis that the Interrogatory is vague and ambiguous. Without waiving the objection, plaintiff responds that the Governor's annual declarations of a "Colorado Day of Prayer" constitute encouragement to all citizens of the State to pray. The proclamations also constitute encouragement for citizens to believe in a God, which the government endorses as being appropriate.

INTERROGATORY 36: Identify and state all facts and evidence supporting the allegation that the text of the HPs endorses religion per se, as distinguished from religious freedom.

RESPONSE: Object on the basis that the Interrogatory is vague and ambiguous. Without waiving the objection, the plaintiff notes that the Governor's issuance of proclamations declaring a "Colorado Day of Prayer" give the appearance of religious endorsement by the government. Such endorsement is emphasized in the proclamations issued in 2004-2008, by including an annual theme and/or scriptural reference chosen by the National Day of Prayer Task Force, an openly evangelical Christian organization. The government violates the Colorado Constitution by engaging in such endorsement of religion, which is permissible only by private parties, but impermissible when done by the government.

INTERROGATORY 37: Identify and specify in detail any and all actions by the governor that could prohibit Colorado citizens from engaging in celebrations and

commemorations with regard to days of prayer.

RESPONSE: Object on the basis that the Interrogatory is vague and ambiguous. Without waiving the objection, the plaintiff is not aware of any actions by the Governor prohibiting Colorado citizens from engaging in celebrations and commemorations with regard to Days of Prayer. The plaintiff also is not seeking to compel the Governor to prohibit private citizens from engaging in religious celebrations. The plaintiff, however, does seek an end to the Governor's declaration of a state-created religious holiday, such as by declarations of a Day of Prayer. The annual Day of Prayer is not an existing occasion merely recognized by the government, but rather it is an occasion declared to exist in the first instance by the government.

INTERROGATORY 38: Identify and state all facts and evidence supporting the allegation that the governor initiated or organized any celebrations and commemorations with regard to days of prayer.

RESPONSE: Celebrations and commemorations with regard to the annual Day of Prayer do not coincidentally occur on the designated Day of Prayer. Such celebrations, instead, spring forth because the government declares a Day of Prayer as to which citizens are encouraged to participate in prayer activities.

REQUESTS FOR PRODUCTION

REQUEST 1: Produce the text of the 2007 HP.

RESPONSE: The text of prayer proclamations for 2004-2009 will be produced.

REQUEST 2: Produce the complete text of the governor's statement at the 2007 NDP event.

RESPONSE: The plaintiff does not have the complete text of the Governor's

statement at the 2007 NDP event.

REQUEST 3: Produce any and all references to this lawsuit on FFRF's website.

RESPONSE: The plaintiff FFRF will produce requested documents.

REQUEST 4: Produce any and all written communications of plaintiffs or other FFRF members that refer to this lawsuit.

RESPONSE: Responsive documents that FFRF has in its possession will be produced.

Dated: January _____, 2010.

As to objections:

/s/ Richard L. Bolton
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Annie Laurie Gaylor, Co-President
Freedom From Religion Foundation, Inc.

Subscribed and sworn to before me
this _____ day of January, 2010.

Notary Public, State of Colorado
My commission: _____