

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-03396-PAB-MEH

PAUL ALLEN,
SCOTT ARENDS,
WAYNE BETHURUM,
JEREMY LOYD, AND
GARY SKAGGS,
on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

TOM CLEMENTS, Executive Director, Colorado Department of Corrections,
BURL McCULLAR, Director of the Sex Offender Treatment and Management Program,
Colorado Department of Corrections, and
JANE/JOHN DOE(S), known to Defendants but presently unknown to Plaintiffs,

Defendants.

**DEFENDANTS TOM CLEMENTS AND BURL MCCULLAR'S RESPONSES TO
PLAINTIFFS' "SECOND REQUESTS FOR ADMISSION TO DEFENDANT
COLORADO DEPARTMENT OF CORRECTIONS"**

Defendants Tom Clements-Executive Director of the Colorado Department of Corrections and Burl McCullar-former Director of the Sex Offender Treatment and Monitoring Program,¹ through the Colorado Attorney General, hereby submit their responses to Plaintiffs' Requests for Admissions."

¹ Mr. McCullar has recently retired from the CDOC, and his position has not yet been officially filled. Because McCullar has been sued in his official capacity, his successor will automatically be substituted as a party. Fed. R. Civ. P. 25(d).

REQUESTS FOR ADMISSION

REQUEST 7: Please admit that no inmate sentenced under the LSA to an indeterminate sentence has been charged with a new sex crime while on parole.

RESPONSE: The request is Admitted. At this time, Defendants have no knowledge of any sex offenders sentenced under the Lifetime Supervision Act who have been released to parole and charged with a new sex crime.

JOHN W. SUTHERS
Attorney General

s/Nicole Gellar

NICOLE S. GELLAR*
Senior Assistant Attorney General
Telephone: 720-508-6614
E-Mail: nicole.gellar@state.co.us

KATHRYN A. STARNELLA*
Assistant Attorney General
Civil Litigation and Employment Law
Attorneys for Defendants
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 10th Floor
Denver, Colorado 80203
Telephone: 720-508-6613
FAX: 720-508-6032
E-Mail: kathryn.starnella@state.co.us
*Counsel of Record

CERTIFICATE OF SERVICE

This is to certify that Defendants Tom Clements and Burl McCullar's Responses to Plaintiffs' "Second Requests for Admission to Defendant Colorado Department of Corrections" was served upon all parties herein by either serving counsel electronically or by depositing copies of same in the United States mail, postage prepaid, at Denver, Colorado, this 23rd day of January, 2013, addressed as follows:

JOHN KENNETH PINEAU, P.C.
John Kenneth Pineau
Grill Mansion
2305 Broadway
Boulder, Colorado 80203
(303) 440-4444
Fax: 303.449.2198
john_pineau@yahoo.com

s/ Kathryn Starnella and Mariah Cruz-Nanio