

COURT OF APPEALS, STATE OF COLORADO Colorado State Judicial Building 2 East 14 th Avenue Denver, Colorado 80203 Telephone: (303) 837-3785	
Appellant: SEAN HARRINGTON and Appellee: CHRISTY RYAN	
Sean Harrington 197M Boston Post Road, West Suite #151 Marlborough, MA 01752	↑ COURT USE ONLY ↑ Case Number:
APPEAL FROM THE DISTRICT COURT, JEFFERSON COUNTY, STATE OF COLORADO Trial Court Case No.: 99DR3717, Division 3, Judge Jane A. Tidball presiding Party Initiating Appeal: Sean Harrington (Respondent)	
NOTICE OF APPEAL	

The Respondent above named, hereinafter referred to as Appellant or Harrington, submits his NOTICE OF APPEAL as follows:

I. DESCRIPTION OF NATURE OF CASE AND DISPOSITION IN TRIAL COURT:

This is a domestic relations action brought before Judge Jane A. Tidball, District Court Judge, pertinent to the petition for Marriage Resolution brought against the Appellant by Christy Ryan (heretofore referred to as, “*Appellee,*” or *Ryan*) and her attorney, also in the role of co-plaintiff and complaining witness, Madeline Wilson-Hollis (heretofore referred to as, “*Wilson*”). The case has persisted for three, almost four years, to date. Recently, Ryan and Wilson petitioned

the District Court, just three weeks after Harrington's counsel of several years withdrew, to end all parental contact between Harrington and his daughter (heretofore referred to as, "Shelby") An immediate hearing was schedule pursuant to Ryan and Wilson's "Emergency forthwith," petition. Harrington was given the essence of no notice and did not see the petition stating the charges against him until the hearing commenced. At the hearing, which was conducted by telephone from Minnesota, Harrington was unable to present all of his witnesses and was denied a reasonable opportunity to present exhibits and evidence. Judge Tidball rushed the hearing along, *sua sponte* interrupted and admonished Harrington, repeatedly, afforded Harrington minimal time to present his case in chief, suppressed the evidence of the Special Advocate and held two *ex parte* conferences with the opposing counsel. Judge Tidball accepted all of Ryan and Wilson's speculative statements from Colorado about what was happening in Minnesota as true, disregarded Harrington's testimony and that of his two witnesses, severed all parental contact between Harrington and Shelby and ordered him into psychiatric treatment and to provide proof of medication at the behest of Ryan and Wilson. No expert witness testimony was heard or presented by either party. Subsequent to the hearing, Judge Tidball denied each and every one of Harrington's post trial *pro se* motions, which has always been axiomatic, including a motion for substitution of judge. She also *sua sponte* "denied" Harrington's only Request for a Production of Documents to the opposing party.

JUDGMENT OR ORDER BEING APPEALED: Order of July 2nd, 2003, denying parental contact (parenting time); denial of post-trial motions; denial of perfunctory discovery .

WHETHER THE JUDGMENT OR ORDER RESOLVED ALL ISSUES BEFORE THE TRIAL COURT: Yes

WHETHER JUDGMENT WAS FINAL IN ACCORDANCE WITH C.R.C.P. 54(B): Yes

DATE JUDGMENT WAS ENTERED: Judgment was entered on July 2nd, 2003. Harrington was not present at the time the Order was signed (the court informed Harrington that the court would hang up on him, thus dismissed him, but then asked Wilson what else she wanted in the Order. Harrington was not on the phone for their subsequent *ex parte* discussion and signing of the Order). District Court clerk did not mail a copy of the Order pursuant to Rule 58 (b). Harrington has been disallowed to contact the Court's Clerk and the Court's Clerk was not cooperative in providing information about the Order or its date of entry in the register to other callers (on Harrington's behalf), which is more fully set forth in their affidavits, as part of the record on appeal. Opposing party refused

repeated requests for a copy of the Order and did not mail a copy of the Order, but did finally fax a copy of the Order on August 8th, 2003.

WHETHER ANY MOTIONS FOR POST TRIAL RELIEF WERE FILED AND, IF SO, THE RELIEF SOUGHT: Yes. The following Motions were filed:

1. Motion for Enlargement of Time for All Responsive Pleadings
2. Forthwith Motion for Confirmation of Special Advocate
3. "Emergency," Forthwith Combined Verified Motion for "Normal" Evidentiary Hearing for Restoration of Stipulated Parenting Time, Relief from Judgment, Reconsideration of Order, Setting Aside of Findings of Fact and other Closely Related Matters, Incorporating Memorandum of Law and Legal Authorities.
4. Respondent's [contemporaneous] Disclosure of Exhibits
5. Motion for Forthwith Ruling on Previously Submitted Joint Motion for Dismissal of Restraining Order
6. Motion for Forthwith Ruling on *Another* Previously Submitted Joint Motion for Dismissal of Restraining Order
7. Motion for Forthwith Disqualification of Madeline Elizabeth Wilson Hollis from Harrington v.s Harrington (99DR3717) *per* Rule 3.7
8. Verified Motion for Judge to Recuse Herself
9. Respondent's Supplementary Disclosure of Exhibits
10. Motion for Court to Order Investigation into Complaint of Perjury on the Part of Officer of the Court in the Nature of *Mandamus*
11. Motion to Compel Petitioner to Reimburse Expenses as *per* Court Order of November, 2001
12. Motion to Compel Petitioner to Complete CoParenting After Divorce Classes or Therapy as *per* Order of Trial Court Entered Nov. 6th, 2001
13. Motion for Explicit Order Vacating Civil Restraining Order of Plaintiff Ryan Against Defendant Harrington

DATE MOTIONS FOR POST TRIAL RELIEF WERE FILED: The primary Rule 59 / Rule 60 Motion for post trial relief was received and docketed by the court on the 13th of August, 2003, five days after the opposing party's counsel provided a copy of the Order to Harrington.

DATE OF POST TRIAL MOTIONS RULING : The first round of post trial motions, including the primary Rule 59 / Rule 60 motion for post trial relief was denied on the 18th of August, 2003, five days after it was docketed by the court's clerk.

WHETHER EXTENSION WAS GRANTED TO FILE NOTICE OF APPEAL: No

II. ISSUES PROPOSED TO BE RAISED ON APPEAL

Issues on appeal may include, but are not limited to:

- Whether any of Harrington’s claims on appeal from case No. 00CA1354 may be raised, included or referenced, herein, on the basis of:
 - Relevance -a pattern of behaviour that has been demonstrated over three years and has continued well into the periods of jurisdictional coverage and subject matter defined by this action. This includes issues that have been raised in the applicable Rule 59 / Rule 60 post trial relief motions of Harrington.
 - Issues that cannot not barred by jurisdictional defects, *res judicata* or *estoppel* because Ryan and Wilson have failed to substantially comply with the Stipulated Agreement, which was a basis and considerations for the dismissal of the appeal, 00CAA1354 by Harrington.

- For the instant case, a new appeal: whether the trial court erred as a matter of law and/or abused its discretion when it:
 - a. Found that Harrington had subjected his daughter to conditions as described by the Endangerment Standard of Colorado
 - b. Found that Harrington had substantially failed to comply with the Stipulated Agreement to take Shelby to weekly therapy, “In the State of Massachusetts,” during the time that he was in Minnesota
 - c. Found that Harrington was not properly feeding his daughter
 - d. Found that Harrington had failed to provide structured activities for his daughter
 - e. Found that Harrington had failed to provide toys or games for his daughter
 - f. Found that Harrington had unacceptable and irresponsible spending priorities, including supporting his fiancée
 - g. Ordered that Harrington’s parenting time was completely severed until further order of the court
 - h. Ordered Harrington into psychiatric treatment and proof of taking medication as a condition of parenting time without hearing or requiring expert witness testimony and solely at the behest of Ryan and Wilson
 - i. Ordered that the definition of Harrington’s Joint Parental Responsibility includes that he must seek Ryan’s approval of major decision, daycare arrangements, daily activities, daily plans and other details during the time that Shelby is with Harrington, and that compliance with this is a condition of future parenting time, but made no such requirement of Ryan.
 - j. Determined that the Special Advocate’s appointment had terminated at Permanent Orders (May 31st, 2000), approximately one year *before* she was actually appointed
 - k. Suppressed all evidence and mention of the Special Advocate on the basis of item j, *supra*.
 - l. Limited Harrington’s testimony and questioning, but did not limit Ryan and Wilson’s
 - m. *Sua sponte* admonished and interrupted Harrington during the trial
 - n. Declined to afford Harrington a reasonable opportunity to present exhibits at trial
 - o. Declined to afford Harrington a reasonable opportunity to present his other witnesses
 - p. Declined to admit relevant evidence based on erroneous rules-of-evidence objections by the opposing party
 - q. Declined to interview the child in chambers or otherwise give any regard to the child’s wishes

- r. Indicated (by both record and statement) that forthwith, emergency motions for hearings will be honoured for Ryan and Wilson, but, perhaps, not for Harrington in similarly situated (or any) circumstances
- s. Declined to grant Harrington a continuance
- t. Engaged in *ex parte* meetings with Wilson during and after the trial, including during the drafting and signing of the Order
- u. Adopted Ryan and Wilson's findings as its own
- v. Issued findings that did not reflect any consideration of evidence other than Ryan's
- w. Failed to issue findings on other matters, leaving for one to guess
- x. Allowed Wilson to remain as *Lawyer as [Complaining] Witness*, and disregarded Harrington's objections to the same
- y. Failed to conduct an inquiry upon an objection on the basis of Conflict of Interest (same as item q, *supra*)
- z. axiomatically denied all of Harrington's *pro se* pleadings over the past three years, including the past three months, without reading them or waiting for responsive pleadings.
- aa. relieved itself of the role of factfinder, by ignoring all of Harrington's pleadings, in order to leave it to the Court of Appeals to be the trier of fact and adjudicate on the merits of the case, instead.
- bb. adopted a position of denying Harrington a right to meaningful participation in his own litigation (by ignoring his evidence and pleadings without reading them) and, because predicated on a perceived or alleged mental illness, as a violation of the Americans with Disabilities Act.
- cc. *Sua sponte* intervened and prevented Harrington's benign and perfunctory discovery request without the objection of the opposing party.
- dd. Ignored substantive and factual allegations of fraud on the court, which were supported by others' affidavits and voluminous case and statutory authority.
- ee. required strict compliance of the Stipulated Agreement by Harrington, but did not require even *de minimus* compliance by Ryan and Wilson
- ff. demonstrated partiality, bias, deep-seated favoritism and bent of mind.
- gg. Refused to rule on sufficiency of facts in motion to substitute judge
- hh. Refused to dismiss Restraining Orders upon Joint Motion, fulfilling its own previously ordered Stipulated Agreement
- ii. declined to grant a post-deprivation hearing
- jj. declined to grant a new trial on the basis of error, fraud and new probative, overwhelming evidence that directly contravenes the entirety of Ryan and Wilson's testimony
- kk. Refused to fulfill its own commitment to entertain Harrington's request for a hearing within, "A few weeks."

III. TRANSCRIPT INFORMATION

WHETHER A TRANSCRIPT OF EVIDENCE IS NECESSARY: Yes; the Court Reporter has indicated that they are 4 to 6 weeks in arrears. A deposit cheque was submitted to her on or about the 25th of August.

NAME OF THE COURT REPORTER: Gayle Becker

IV. PREARGUMENT CONFERENCE: Not requested

V. **ATTORNEY INFORMATION**

Attorney for Appellant:

None as of the time of this Notice

Attorney for Appellees:

Madeline Wilson, ESQ
Atty. Reg. # 24060
501 S. Cherry Street, Suite 610
Denver, CO 80206

Respectfully submitted,

Sean Harrington, Appellant

CERTIFICATE OF MAILING

I hereby certify that I did place, in the United States Mail, postage prepaid this _____ day of September, 2003, a true and correct copy of the foregoing instrument addressed hereto:

Madeline Wilson-Hollis, ESQ
501 S. Cherry Street, Suite 610
Denver, CO 80206

Colorado Court of Appeals
Colorado State Judicial Building
2 East 14th Avenue
Denver, CO 80203

Jefferson County District Court -Div. 3
100 Jefferson County Parkway
Denver, CO 80206
Golden, CO 80401