

**IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

SEAN HARRINGTON

Plaintiff-Appellant,

v.

MADLINE WILSON and the “LAW OFFICE OF MADLINE WILSON”;
CHRISTY RYAN;
BILL J. FYFE and COLUMBINE COUNSELING CENTER, P.C.;
LAURA ARCILISE, in her personal capacity;
LOUISE CULBERSON-SMITH, in her personal capacity;
JOHN GLEASON in both his personal and official capacity;
WENDELL PRYOR in his official capacity;
ROBERT EVANS, in his official capacity; and
the JEFFERSON COUNTY COMBINED COURT (a/k/a “THE FIRST JUDICIAL DISTRICT”),
by and through the COLORADO ATTORNEY GENERAL, JOHN SUTHERS, in his official Capacity.

Defendants-Appellees

On Appeal from the United States District Court
for the District of Colorado

Honorable Edward W. Nottingham
District Judge

D.C. No. 05-cv-01858-EWN-MJW

APPELLANT’S MOTION FOR ENLARGEMENT OF TIME TO FILE OPENING BRIEF.

COMES NOW, the Plaintiff-Appellant, pursuant to 10th Cir. R. 27.4 to respectfully move the Court for an Enlargement of Time to submit his Opening Brief.

1. The Opening Brief in the above-captioned cause is due forty days from October 16th 2006. 10th Cir. R. 27.4(B)(1)

2. Pursuant to 10th Cir. R. 27.4(B)(2), the undersigned has contacted opposing counsel in a good faith effort to ascertain their position on the within Motion. None of the four opposing counsel has replied.

3. No prior request[s] for any enlargements of time have been filed by any party in the instant case. 10th Cir. R. 27.4(B)(3).

4. The undersigned has been engaged in an earnest effort to retain appellate counsel since even before the Notice of Appeal was filed. He has also taken out a classified advertisement in the Colorado Lawyer soliciting appellate advocacy, which is scheduled to run in the November issue.

5. The undersigned has received correspondence Erwin Chemerinsky, Professor at Duke Law and, who is a member of the bar of this Court. Professor Chemerinsky indicated an interest in becoming involved in this matter. The undersigned has not yet ascertained whether Professor Chemerinsky proposes representation as appellate counsel, what his fee will be, if any, and whether the undersigned has the financial resources to afford the fee that the Professor may charge. If he becomes appellate counsel, he would need time to familiarize himself with the case.

6. The undersigned has also contacted the Department of Justice requesting *amicus curiae* or special intervention regarding the ADA Title II issues and pursuant to Fed.R.Civ.P. 24 and Fed.R.App.P. Rule 29(a). *See, e.g., Guttman v. Khalsa*, 401 F.3d 1170 (10th Cir. 2005); *Guttman v. Khalsa*, 446 F.3d 1027 (10th Cir. 2006). A modest enlargement of time would facilitate a response and an opportunity for the Special Intervener or *amicus curiae*.

WHEREFORE, for the reasons more fully set forth hereinabove, Plaintiff-appellant respectfully requests a modest enlargement of time to submit his Opening Brief.

Respectfully submitted this 20th day of October, 2006



Sean L. Harrington, appellant

CERTIFICATE OF SERVICE

I hereby certify that on *October 20th 2006* I sent a copy of the within Motion by way of United States mail (service provided by <http://www.usps.com/netpost/>) or by electronic means, as designated hereinbelow, and affixed hereto:

David H. Yun
JAUDON & AVERY LLP
1660 Wynkoop Street - suite 1010
Denver, CO 80202

Amy C. Colony
Ass't Attorney General
1525 Sherman Street – 5th Floor
Denver, CO 80203

Office of the Clerk
United States Court of Appeals, Tenth Circuit
Byron White U.S. Courthouse
1823 Stout Street
Denver, CO 80257

Randolph S. Dement
rdement@dementlaw.com*

Brett N. Huff
WHITE & STEELE, P.C.
950 Seventeenth Street, Suite 2100
Denver, CO 80202



* service by electronic means was expressly authorized by this recipient.