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06-1418

IN THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

Sean Harrington,

Plaintiff-Appellant,

v.

Madeline Wilson, et al.,

Defendants-Appellees.

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

The Honorable Edward W. Nottingham  
District Judge

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

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**DEFENDANT-APPELLEES JOINT MOTION FOR EXTENSION OF TIME  
TO FILE SINGLE ANSWER BRIEF**

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Defendant-Appellees Madeline Wilson, Christy Ryan, Bill J. Fyfe and Columbine Counseling Center, P.C., Laura Arcilise, Louise Culberson-Smith, John Gleason, Wendell Pryor, Robert Evans, Jefferson County Combined Court and Colorado Attorney General John Suthers, (hereinafter collectively referred to as the “State Defendants”), by and through Assistant Attorney General, Amy Colony, move for an extension of time to file their Single Answer Brief, and in support thereof, state the following:

1. On behalf of the collective Defendant-Appellees in above-entitled action, the undersigned is authorized to file this Motion on their behalf.

2. Plaintiff-Appellant Sean Harrington filed his Notice of Appeal on September 26, 2006.

3. Per letter from the Clerk of Court dated October 16, 2006, Plaintiff-Appellant’s opening brief was due on November 27, 2006.

4. On October 23, 2006, Plaintiff-Appellant filed a motion seeking to extend the time to file his opening brief. On October 24, 2006, the clerk granted Plaintiff-Appellant an additional 30 days to file his opening brief.

5. On or about December 27, 2006, Plaintiff-Appellant filed a 49 page brief identifying twelve separate issues for review stemming from the District

Court's adoption of the Magistrate's Recommendations on Motions to Dismiss and Plaintiff's Emergency Forthwith Motion for Preliminary Injunction and for Sanctions. Plaintiff-Appellant also included 14 attachments to his opening brief.

6. Pursuant to 10<sup>th</sup> Cir. R. 31.3 (A), the collective Defendants intend to file a single brief. This brief is due to the Court on January 29, 2006. F.R.A.P. 26, 31.

7. Defendant-Appellees require additional time to coordinate the preparation and filing of a single brief. See 10<sup>th</sup> Cir. R. 31.3(C). Moreover, the Defendants require additional time to address Plaintiff's prolix and confounding 49 page opening brief.

8. Defendant-Appellees request an additional thirty (30) days, or up to and including February 28, 2007, in which to file their single Answer Brief.

9. The undersigned contacted Plaintiff regarding his position on this motion and he has advised that he objects to the same.

10. Granting of this motion to extend time to file the collective Defendant-Appellees' Answer Brief will not prejudice any party to this appeal.

WHEREFORE, Defendant-Appellees respectfully request that they be granted an additional thirty (30) days, up to and including, February 28, 2007, to file their single Answer Brief.

Respectfully submitted this 12th day of January, 2007.

JOHN SUTHERS,  
Attorney General

s/ AMY C. COLONY

AMY C. COLONY

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### **CERTIFICATE OF SERVICE**

I hereby certify that on **January 16, 2007**, I electronically filed the within DEFENDANT APPELLEES' JOINT MOTION FOR EXTENSION OF TIME TO FILE SINGLE ANSWER BRIEF with the Clerk of the Court *via e-submission* to the following e-mail addresses:

[esubmission@ca10.uscourts.gov](mailto:esubmission@ca10.uscourts.gov)

[DYun@jalegal.com](mailto:DYun@jalegal.com)

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I hereby certify that I have mailed or served the within DEFENDANT APPELLEES' JOINT MOTION FOR EXTENSION OF TIME TO FILE SINGLE ANSWER BRIEF by depositing the same in the United States, first-class postage prepaid, this 12<sup>th</sup> day of January, 2007, addressed as follows:

Sean Harrington  
P.O. Box 351855  
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s/ AMY C. COLONY  
AMY C. COLONY

AG ALPHA: JD JD HCIGL  
AG File: DOCUMENT3