
**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 RESPONSE TO APPELLEES’ JOINT MOTION FOR EXTENSION OF TIME
TO FILE JOINT ANSWER BRIEF.**

COMES NOW, the Plaintiff-Appellant, in response to the Appellees’ Motion for an Extension of Time and, in support thereof, states as follows:

1. On December 27th 2006, Appellant Sean Harrington filed his Opening Brief, which consisted of forty-seven pages and attachments, which attachments consist of lower court dispositive findings & orders (10th Cir. R. 28.2(A)(1)), unpublished opinions (10th Cir. R. 36.3(C)); and statutes, rules, regulations, *etc.*(10th Cir. R. 28(f)).

2. Appellees' briefs are due January 29, 2007. Appellees assert that they require additional time, because 10th Cir.R.31.3(A) requires a joint brief.¹ In truth, appellees have squandered the last two weeks debating with the undersigned appellant about the length of his brief, rather than considering the legal arguments and coordinating a joint brief.² Appellees' sole apparent basis for requesting additional time is their assertion that Appellant's brief is "49-pages . . .prolix and confounding."

3. "Litigants owe an ethical obligation to avoid delay. The court disfavors motions for extensions of time to file briefs." Practitioner's Guide to the U.S. Court of Appeals for the Tenth Circuit (5th ed. 1998) at 53. (citing 10th Cir. R. 27.4(A) and 31.4). Appellees have not demonstrated good cause or excusable neglect for the proposed delay.

WHEREFORE, for the reasons more fully set forth hereinabove, Plaintiff-appellant respectfully requests Appellees' Motion for an Extension of Time be denied.

Respectfully submitted this 16th day of January, 2007



Sean L. Harrington, appellant

¹ In fact, 10th Cir.R. 31.3(D) exempts the State defendants from this provision. Thus, 10th Cir. R. 31.3(A) does not appear to be the rationale for appellees' request for additional time.

² First, they threatened to file a Motion to Strike, noting that the brief was more than thirty pages. Then, after realizing that a word-count provision applies for brief in excess of thirty-pages, appellees requested proof from Appellant of his word-count Certification.

CERTIFICATE OF SERVICE

I hereby certify that on *January 16th 2006*, I sent a copy of the within Response by way of United States mail or by electronic means, as designated hereinbelow, and affixed hereto:

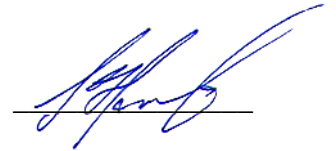
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