

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

SEAN HARRINGTON,

Plaintiff-Appellant,

vs.

MADELINE WILSON, *et al.*

Defendants-Appellees.

Case No. 06-1418

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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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**OBJECTION TO APPELLANT'S BILL OF COSTS**

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Defendants-Appellees Bill J. Fyfe and Columbine Counseling Center, P.C.,  
through counsel, objects to the Appellant's bill of costs, as follows:

1. The Appellant is not entitled to costs on appeal because he is not the prevailing party.
2. Under FED. R. APP. P. 39(a), if judgment is affirmed, costs are taxed against the appellant. Nowhere in the final Order and Judgment of this court, enter-

ed July 18, 2007, does the word “Reversed” appeal. Rather the judgment of the United States District Court for the District of Colorado was affirmed in all respects, save for instructions to modify the judgment on remand to reflect that the dismissal of Plaintiff-Appellant’s claims is without prejudice.

3. The opinion expressed in the Order and Judgment, from beginning to end, shows that Appellant Sean Harrington has abused and continues to abuse the adjudicatory system. On that point, the opening paragraph of the Tenth Circuit’s opinion states:

To say that Sean Harrington began this action on September 23, 2005, would be at once perfectly accurate and highly misleading. That is the day Mr. Harrington filed suit in federal district court, listing ten defendants and twenty-eight claims for relief. But in fact, Mr. Harrington’s federal suit is only the latest installment in a long-running custody battle for Mr. Harrington’s only child, a battle waged largely in Jefferson County, Colorado, District Court over a span of six years. In that time, Mr. Harrington has launched a barrage of motions, actions, and petitions aimed at regaining access to, if not custody of, his daughter, Shelby, which he lost upon his divorce in May 2000. Frustrated by his lack of success in state court, Mr. Harrington brought his campaign to the federal court system nearly two years ago, and has named in his action here defendants ranging from his former wife to the Colorado Attorney General. Most of his claims do not belong in federal court. The rest are without merit.

4. Defendant-Appellees Bill J. Fyfe and Columbine Counseling Center, P.C. respectfully request that Appellant’s bill of costs be summarily rejected.

Dated this 6<sup>th</sup> day of August, 2007.



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### **CERTIFICATE OF MAILING**

I hereby certify that I served the foregoing OBJECTION TO APPELLANT'S BILL OF COSTS by depositing true copies thereof in the United States mail, postage pre-paid, addressed to the following this 6<sup>th</sup> day of August, 2007:

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