

<p>COURT OF APPEALS, STATE OF COLORADO 2 E. 14th Ave., Denver CO 80203</p> <hr/> <p>Hon. Jack Berryhill, First Judicial District N^o 99 DR 3717 Div. 9 of the First Judicial District</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p style="text-align: center;">Case No. 09 CA _____</p>
<p>In re the Marriage of:</p> <p>CHRISTY RYAN, Petitioner-Appellee and SEAN HARRINGTON, Respondent-Appellant.</p>	
<p>Sean L. Harrington P.O. Box 351855 Westminster, CO 80035 (508) 361-2018 e-mail: esoxlucios@hotmail.com</p>	
<p>NOTICE OF APPEAL</p>	

The judgment, order or parts being appealed and a statement indicating the basis for the appellate court's jurisdiction:

February 24th 2009 "Order after Remand," resolving a Motion for summary judgment, resolving miscellaneous post-dissolution motions, denying all relief sought by father, and granting all relief sought by father's nonparty opponents. The Order, attached hereto and marked as Attachment A, disposes of all issues as to all parties and is final, as contemplated by C.A.R. 1(a)(1).

Whether the judgment or order resolved all issues pending before the trial court including attorneys' fees and costs. Not as to attorney fees.

Whether the judgment was made final for purposes of appeal pursuant to C.R.C.P. 54(b): Yes

The date the judgment or order was entered (if there is a question of the date, set forth the details) and the date of mailing to counsel: *February 24, 2009, served via U.S.P.S. by LexisNexis File-and-Serve.*

Whether there were any extensions granted to file any motion(s) for post-trial relief. If so, the date of the request, whether the request was granted and date to which filing was extended: *No extensions were sought or granted.*

The date any motion for post-trial relief was filed: *A C.R.C.P. 59 Motion, attached hereto and marked as [Attachment B](#), was filed on March 7, 2009 challenging the propriety of an award of attorney fees for assertion of a frivolous claim.*

The date any motion for post-trial relief was denied or deemed denied under C.R.C.P. 59(j): *The Motion has not yet been decided and the 60 days have not yet run. However, because the supreme court in Baldwin v. Bright Mortgage Co., 757 P.2d 1072 (Colo.1988) held that the question of the propriety of an award of attorney fees was sufficiently separate from any underlying judgment that an unresolved question of attorney fees does not prevent a judgment on the merits from being final for purposes of appeal, this Notice of Appeal is proper.*

Whether there were any extensions granted to file any notice(s) of appeal. If so, the date of the request, whether the request was granted and the date to which filing was extended: *No extensions were sought or granted.*

An advisory listing of the issues to be raised on appeal:

1. Whether the trial court erred as a matter of law by permitting non-parties —including counsel-of-record— to retain counsel to enter appearances, seek affirmative relief, submit argument, and be awarded relief without filing a Motion to Intervene under Rule 24, despite father’s timely objections.
2. Whether the trial court failed to comply with the Mandate Rule by declining to implement the remand instructions from this Court of Appeals.

3. Whether the trial court erred, as a matter of law, in concluding that it has no authority over a psychologist child and family investigator and that such oversight is provided by the State Board of Psychologist Examiners.

4. Whether the trial court erred, as a matter of law, in holding that father had no right to seek declaratory judgment over a contract issue in dispute or to report attorney misconduct that prejudiced father's rights.

Whether the transcript of any evidence taken before the trial court or any administrative agency is necessary to resolve the issues raised on appeal, the name of the court reporter, and the approximate length of any transcript of testimony anticipated to be filed in this action: *No transcript is necessary.*

As to filing in the Court of Appeals only, state whether or not a preargument conference is requested: *No preargument conference is requested.*

The names of counsel for the parties, their addresses, telephone numbers, and registration numbers:

The following are the only parties to the case, as recognized by the Rules of Civil Procedure.

1. *Appellant, Sean Harrington*

2. *Appellee, Christy C. Ryan*

Non-parties, who may seek intervention in this appeal include, the former court-appointed child-and-family-investigator, Bill J. Fyfe, represented by David A. Yun (JAUDON & AVERY, LLP) and Appellee's now-withdrawn attorney, Madeline E. Wilson, represented by Brett N. Huff (HUFF & LESLIE, LLP).

Respectfully submitted this 6th day of April, 2009.



Sean L Harrington

CERTIFICATE OF MAILING

I hereby certify that on the 6th day of April 2007, I mailed a true and accurate copy of the foregoing NOTICE OF APPEAL, *via* pre-paid first class mail to the clerk of the Appeals Court and also as addressed hereto:

Jefferson County District Court
100 Jefferson County Parkway
Golden, CO 80401

and by electronic mail (with parties' consent) to:

David H. Yun (DYun@jalegal.com);
Brett N. Huff (bhuff@huffandleslie.com); and
Christy C. Ryan (cryan72@msn.com).

