

DISTRICT COURT, JEFFERSON COUNTY, COLORADO 100 Jefferson County Parkway Golden, Colorado 80401 Telephone: (303) 271-6130	
In re the Marriage of: Petitioner: CHRISTY HARRINGTON, n/k/a CHRISTY RYAN and Respondent: SEAN L. HARRINGTON	
Sean Harrington, <i>Pro Se</i> 197M Boston Post Road, West Suite #151 Marlborough, MA 01752	↑ COURT USE ONLY ↑ Case Number: 99DR3717 Jefferson County Case No. 30-192795-44-8A
REPLY TO PETITIONER’S “RESPONSE TO RESPONDENT’S MOTION TO DETERMINE [SIC] CHILD SUPPORT ARREARS DUE”	

COMES NOW, Sean Harrington, to submit the within REPLY TO PETITIONER’S “RESPONSE TO RESPONDENT’S MOTION TO DETERMINE [SIC] CHILD SUPPORT ARREARS DUE” and in support thereof, states as follows:

Ryan’s Response is not to Respondent’s Motion

1. Ryan’s Response is denominated as a response to Respondent’s Motion. The Respondent filed no such motion. The motion that Ryan refers to was filed by the “Intervener,” the Jefferson County CSEU.

This Court’s Oct. 29th Order requires the Parties to Mediate if they Disagree with Arrearage Calculation of CSEU.

2. This court entered an order on the 29th of October, 2003. The Respondent requests this court to take **judicial notice** of its Oct. 29th 2003 order.

3. The October 29th Order states, in part:

“Since the restraining order has been vacated, the Court will order the parties to mediate the disputed issues of child support arrears, travel, and day care expenses. This matter shall not be set for a hearing until there have been at least three sessions with the mediator and the mediator files a statement with the Court indicating that the parties attempted mediation but were unsuccessful at resolving the issues. Before any future hearing is set before the Court, a copy of the mediator’s certificate and a copy of this order shall be attached to the notice to set.”

4. The Respondent does not disagree with the findings of the CSEU. However, the Petitioner’s response indicates her disagreement with CSEU’s findings because her calculation of interest is based on the exclusion of several items. Paragraph 2 of the CSEU’s original motion noted that the Petitioner’s schedule differs:

“Exhibit D: Petitioner’s arrears calculation dated February 23, 2004...Petitioner does not include payments received in February 2004 forward, the March 10, 2000 check; credit for the months of July 2000 through October 2000, which were credited by CSEU pursuant to the Court [sic] Court’s Order of November 6, 2001; and a payment of June 11, 2001 for \$550.00.”

5. Therefore, if the Petitioner desires to dispute the CSEU findings, she must submit the matter to mediation first, pursuant the October 29th order of this court.

No nexus exists between the Petitioner’s calculations of interest and the actual amounts paid and credited.

6. The Respondent denies the allegations of Paragraph 1 of the Petitioner’s Response. Respondent does not believe that Petitioner is entitled to statutory interest in the amount set forth by her.
7. The Respondent denies the allegations of Paragraph 3 of the Petitioner’s Response. He does not believe the Petitioner has made her case that she is entitled to the interest set forth in Paragraph 1 of her Response.
8. The Respondent denies the allegations of Paragraph 4. The Petitioner has not, in fact, given all of the appropriate credits to the Respondent and her “schedule of payments (that was attached to the CSEU pleading)” does not, “properly reflect that the father owed her \$894.73 as of April 2, 2004,” for reasons more fully set forth hereinbelow.

9. The Petitioner’s schedule of payments contains significant disparities when compared to the actual and official Record of payments maintained by the Jefferson County CSEU. The Petitioner’s schedule of payments does not contain:

<u>Description</u>	<u>Amount</u>	<u>Date period(s)</u>	<u>Court Order</u>
Check No. 1397	\$475.00	March 10 th , 2000	May 31 st 2000 (retroactive)
Check No. 1136	\$550.00	June 11 th , 2001	May 31 st 2000
4-month retroactive credit	\$3,295.26	Jul/Aug/Sep/Oct 2000	Nov. 6 th 2001
monthly payments	\$3,464.00	Feb. ’04 to date	Nov. 6 th 2001

These disparities are easily identified in comparing “Exhibit A.” and “Exhibit D,” of the CSEU’s recent motion to adopt child support arrearage calculation.

10. Although, the Petitioner states in Paragraph 1 of her Response that she now “agrees with the amounts paid,” she has failed to explain how she calculated an statutory interest entitlement of \$894.73. Rather, she directs the court to her schedule in “Exhibit D,” of the CSEU motion as reflecting that she is owed this amount –yet, this is the schedule which does not contain the payments described in Paragraph 9, hereinabove, thus skewing the entire schedule, and which is in significant dispute with the CSEU’s calculations.

11. The CSEU, including Kerin Dyer of Jefferson County and Leslie McGrue of the State office, have invested a great deal of time (18 months) in sorting out the payment records and court orders and presenting an accurate record before this court. Ryan’s counsel, on the other hand, has presented in incomplete and erroneous record before this court in support of her argument that she entitled to interest on monies that her client received. Further, Ryan has failed to articulate under which statutory authority that she relies in order to collect statutory interest. See Westrac, Inc. v. Walker Field, 812 P.2d 714 (Colo. App. 1991) (counsel must inform the court as to legal authority supporting claims).

12. The Respondent requests that this court adopt the calculation of the Jefferson County CSEU.

13. The Respondent requests that, if the Petitioner wishes to dispute the CSEU findings, that she comply with the court’s order requiring mediation.

WHEREFORE, the Respondent requests the court find that the child support arrears balance is zero and that the Respondent/Obligor is in overpayment in the amount of \$181.53 as of April 30, 2004, or, if deemed necessary, require the Petitioner to comply with the mediation order of this court and, subsequently, set the matter for hearing consistent with that order.

Respondent, *in pro per*

CERTIFICATE OF MAILING

I hereby certify that on the ___ day of May, 2004, I mailed a true and accurate copy of the foregoing document via pre-paid first class mail addressed as follows:

Jefferson County District Court

100 Jefferson County Pkwy.
Golden, CO 80401

Law Office of Madeline Wilson

501 S. Cherry Street, Suite 610
Denver, CO 80206

Jefferson County D.S.S.

Attn: Kerin Dyer / Human Services Facility
900 Jefferson County Parkway
Golden, Colorado 80401-6010
