

Sean Harrington, MCSE
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31 August 2004

Jefferson County District Court
Attn: Laura Arcilise
100 Jefferson County Parkway
Golden, Colorado 80401

CC: Shirley Williams (for redirection to management, if any, other than Tidball); State Court Administrator (Denver, CO)

Ms. Arcilise:

I have been informed, by my wife, that you have again taken to unwarranted rudeness. My wife, who is affable by everyone's account, rarely elicits hostility from anyone. By her report, you informed her in a most lascivious manner that you, "would really appreciate it," if my wife would not call you to ask any further questions again because you are far too, "busy to answer so many questions." On the prior occasion, you told her, after not providing the information sought, "Mr. Harrington knows how this process works," which left her with the impression that she had been asked to ask a question to which I already had the answer. At the outset, I note that your indecorum has been previously documented by Affidavit of Tracey Koch (dated 11 Aug 2003) in this case (N^o 99DR3717) as Exhibit V6 of a Disclosure of Exhibits made in August 2003, in which you refused to acknowledge if an order (being appealed) had actually been entered in the Register of Actions or mailed pursuant to §58(b).

For the record, because a 4-year-old order remains on the books which proscribes me from personally calling your office (which is as much a benefit to me as it may be to you), I have arranged to have other persons call on my behalf: On July 2nd, 2003, I arranged to have my wife call your office once. During the month of August, 2003, I arranged to have Tracey Koch call your office once. During the calendar year of 2004, I arranged for my wife to call your office a total of three times, including today.

All together, over the past 14 calendar months, your office has been contacted directly by my agents exactly five times. Said differently, you have been "bothered," no more than .38 times per month (please note the decimal point preceding the '38') and you have been asked to answer simple questions such as, "Good afternoon, can you tell me, has the Motion for [whatever] been decided, yet, to your knowledge?" or, "Hello. I'm calling to find out if you've mailed out a copy of the Order dated [whatever], pursuant to Rule 58(b)?"

Based upon the conduct of your Division towards me, we understand that I am *persona non grata* –that I don't exist as a real person and that I am an outside spectator to my own litigation. We realize that, when a person, such as myself, whom you clearly loathe, has been deprived of substantial constitutionally protected liberties (such as the right to consort with my only child or the right to personal liberty or the right to refuse psychiatric medication), it would be fitting and convenient for you if I (and similarly situated "mentally ill," people) would simply accept the will of our oppressors, acknowledge our foregone rights and retreat quietly. That is not going to happen in this case. As long as the Constitution purports to protect rights that I [allegedly] have, I will pursue every means available to me to legitimately vindicate those rights, regardless of Judge Tidball's predisposition to eradicate the means and regardless of her personal opinion of me, which you share.

I call your attention to the fact that the website maintained for the Colorado Judicial System and, in particular, the "clerks of the court," page at: <http://www.courts.state.co.us/district/clerksofcourt.htm>, states, "Clerks

of Court are the custodians of the record of all court proceedings...[t]hey can be contacted about problems related to a court case and its paperwork." I feel that now is the appropriate time, Ms. Arcilise, to remind you that you are a public servant and such status does not acclimate or evolve depending on the person with whom you are dealing, regardless if he is an, "Ordinary citizen," or an attorney. You work for the Court, which belongs to the "People," and, which does not belong to Judge Tidball. The sense of "power" that you derive from your job, vicariously carrying out the duties of Judge Tidball, is patently apparent and needs to be stifled, forthwith.

"And the Court would note, and take judicial notice of the fact, that the respondent has also made numerous and lengthy telephone calls to the Court, left messages here, called over and over again, and taken a huge amount of time of the staff of the Court, which further supports the award of attorney fees in this case." Judge Jane A. Tidball 31-May-00

The foregoing adverse ruling from four years ago, amounting to \$7K, was a direct and proximate result of your wholesale misrepresentations and complaining to Tidball, who then retaliated against me on your behalf, within the context of a judicial proceeding –which falls outside the scope of judicial duties, and, for that reason, if repeated, will expose her to future tort liability. Notwithstanding deceptive or further venally motivated actions by Judge Tidball, I do not expect this will occur again. Rather, I expect her to find a different, perhaps, less obvious method of retaliation.

While the resources of the Court are a burden and consideration we all must be mindful of, your personal caprice and individual convenience is unimportant and not among my immediate concerns. In case you have not had the occasion to educate yourself on such matters, court clerks do not benefit from quasi-judicial immunity (see Maynard v. Casebolt, 221 F.3d 1352 (10th Cir. 2000) (court clerks are not afforded absolute immunity); Antoine v. Byers & Anderson, Inc., 508 U.S. 429, 436-37 (1993) (a court reporter, unlike a judge performing an adjudicative act, does not exercise discretion in the performance of that function)). Thus, if your conduct, in any way, further contributes towards a denial of access to the court or other torts or civil rights violations, I will hesitate only long enough as needed to draft a well-written Complaint before filing said Complaint in the U.S. Court for the District of Colorado naming you as defendant, immediately after filing my §24-10-106 Notice with the Attorney General's Office. (Do you think I'd be foolish enough to leave it in JeffCo without filing for removal?)

This letter and the opinions stated herein, are protected by the First Amendment. (See Barrett v. Harrington, 130 F.3d 246 (6th Cir. 1977) ("*Freedom to criticize public officials and expose their wrongdoing is at the core of First Amendment values, even if the conduct is motivated by personal pique or resentment. Furthermore, it is well-established that a public official's retaliation against an individual exercising his or her First Amendment rights is a violation of 42 U.S.C. § 1983*") If Tidball decides to take further retaliatory action against me, such as an order stating that no person, may call on my behalf to request information about this case, or if any other orders or actions, which may be perceived to be retaliatory for the content or inferences drawn from this letter, are taken against me, not only will such orders be immediately appealed, but I will take whatever action may be available to me to pursue civil rights claims under 42 U.S. §1983, *inter alia*, for the retaliation for the exercise of [legitimate] First Amendment petitioning rights and protected speech and such actions will be incorporated into the ADA claims that I am already preparing against the State of Colorado and Jefferson County.

Conclusion: As long as you continue to work as a Division clerk and so long as your role continues to be defined as a public servant, I will arrange to have persons call your office, as needed, to obtain relevant and necessary information, and you will answer their calls with courtesy and professionalism. I/we apologize, in advance, if such calls happen to exceed more than twice per *annum*, which appears to be inconvenient for you.