

DISTRICT COURT COUNTY OF JEFFERSON Hall of Justice 100 Jefferson County Parkway Golden, Colorado 80419	
In re the Marriage of Petitioner: Christy Ryan, f/k/a Christy Harrington Respondent: Sean Lee Harrington	Δ COURT USE ONLY Δ
Law Office of Madeline Wilson Attorney for Petitioner 501 S. Cherry St. Suite 610 Denver, CO 80246 Phone: 303-321-6872 Fax: 303-321-3196 Atty. Reg. #24060	Case Number: 99 DR 3717 Division: P/3 Courtroom:
PETITIONER'S RESPONSE TO TELEPHONE TESTIMONY AND OBJECTION TO ALLEGED CONTEMPT HEARING AND MOTION FOR ATTORNEY FEES, IN THE ALTERNATIVE, MOTION FOR TELEPHONE TESTIMONY BY PETITIONER	

COMES NOW the Petitioner, Christy Ryan ("mother,") by and through her undersigned counsel, Madeline Wilson, for the purpose of responding to the pleading of the Respondent Sean Lee Harrington ("father") and requesting the alleged Contempt hearing be set aside and/or the Motion for Telephone Testimony by the father be denied and requesting attorney fees for frivolous filing, in the alternative, the mother requests that she be allowed to testify by telephone in the event the hearing is not set aside. The mother states as follows:

1. The mother's attorney has requested over and over that any and all correspondence between she and the father be handled by facsimile only. However, the father refuses to honor the mother's counsel reasonable requests. The father has left a number of lengthy, rambling messages on the mother's counsel's voice mail wherein he alleges that a Show Cause hearing has been set for February 1, 2005. The father also sent an e-mail to the mother's counsel, despite repeated requests that he not contact her at her personal e-mail address. The mother's counsel never recalls giving this e-mail address to the father or authorizing its use. She can only assume the father "lifted" it

from e-mails between she and the mother that may have been used in evidence in a previous matter in this case. The mother is not aware of any such Show Cause hearing. The mother believes the father has failed to confer with the mother's counsel regarding this alleged hearing. The mother's counsel of record was never contacted for the purpose of clearing any dates on her calendar. The father failed to send counsel of record a copy of the alleged Motion or Citation. The mother reminds this Court that that an appeal has been perfected by the father in this matter and as per Hylton v. City of Colorado Springs, 505 p.2d 26, 27 (Colo. App. 1973) the Court has lost jurisdiction over this matter. The Honorable Jane A. Tidball entered an order on August 30, 2004 that the Court would not rule on any Motions until the Court is re-vested with jurisdiction. The mother believes the alleged Show Cause Motion would fall under this ruling.

2. The mother is without sufficient knowledge regarding the allegation contained in Paragraph 2 of the father's Motion and therefore, she denies same. No such hearing has been cleared on counsel for mother's calendar and this Court does not currently have jurisdiction to hear this matter.
3. The mother is without sufficient knowledge regarding the allegations contained in Paragraph 3 of the father's Motion and therefore, she denies same.
4. The mother is without sufficient knowledge regarding the allegation contained in Paragraph 4 of the father's Motion and therefore, she denies same. Based on the father's ramblings, it appears that the father may have filed a Motion for Contempt. If this is the case, the mother has a right in this quasi-criminal proceeding, to face her accuser. The mother has been protected by Sheriffs (including a female Sheriff who escorted she and her counsel to the rest room) in the past in the Courtroom and the mother is confident that she will be protected by Sheriffs while in the Courtroom. Therefore, the mother believes it is imperative that the father's request for telephone testimony be denied. The mother will be out of town on February 1, 2005 and, in the event her request is denied regarding setting the hearing aside, the mother requests that she be allowed to testify by telephone, but that the father be required to be in the Courtroom in Colorado where her attorney may face her accuser.
5. The mother is without sufficient knowledge regarding the allegations contained in Paragraph 5 of the father's Motion and therefore, she denies same. In one pleading the father claims he is mentally ill, in another pleading he claims he is not. The mother is not sure what disability the father is claiming that he alleges qualifies him under the Americans with Disabilities Act.

The mother is without sufficient knowledge regarding the allegations contained in Paragraph 6 of the father's Motion and therefore, she denies same.

7. The mother is without sufficient knowledge regarding the allegations contained in Paragraph 7 of the father's Motion and therefore, she denies same. .

8. Based on the father's ramblings, it appears that the father may have filed a Motion for Contempt. If this is the case, the mother has a right in this quasi-criminal proceeding, to face her accuser. The mother has been protected by Sheriffs (including a female Sheriff who escorted she and her counsel to the rest room) in the and the mother is confident that the mother will be protected by Sheriffs while in the Courtroom Therefore, the mother believes it is imperative that the father's request for telephone testimony be denied. **The mother will be out of town on February 1, 2005** and asks that, in the event her request to set the hearing aside is denied, the mother be allowed to testify by telephone, but that the father be required to be in the Courtroom in Colorado to face cross-examination by the mother's attorney. The mother believes she would be greatly prejudiced if the Court does not have the ability to physically see the father's presentation of evidence and cross-examination.
9. The mother is without sufficient knowledge regarding the allegations contained in Paragraph 9 of the father's Motion and therefore, she denies same. The mother's counsel has yet to receive ANY documentation regarding this alleged hearing, as a result the mother is not confident the *father* shall provide any other documents to her counsel. The mother's counsel will be in the Courtroom if the mother's request for telephone testimony is granted, so all documents will be available to the Court and to the father.
10. The mother believes that this matter cannot be heard based on the Court's loss of jurisdiction based on the appeal filed by the father. The mother believes the Court is without jurisdiction regarding ANY issues the father may bring before this Court relating to his appeal. In his appeal, he requested that the Court deal with the issues of tax exemptions and a class he claims the mother should have taken, As a direct result of the father's actions, these issues simply cannot be heard by this Court until the Appellate Court has ruled upon these issues.
11. The father is well aware that the Court does not have jurisdiction in this matter. Therefore, this motion was completely without cause except to vex and harass the mother and cause her to incur attorney fees for the defense of the father's frivolous Motion. The father is on a campaign to flood this Honorable Court with vexatious pleading after vexatious pleading. The father has engaged in this campaign for well over four years, filing well over 100 non-responsive pleadings. It is obvious the father will stop at nothing to bankrupt the mother and harass her continually. The saddest part is that this is not about the child that father has (by his own action and inaction) failed to see for approximately 18 months, but about vengeance and winning.
12. The mother believes that this father's Show Cause Motion (if it truly exists) is frivolous and vexatious. She believes the filing of the alleged Show Cause Motion along with the Motion for Telephone Testimony is simply to cause the mother to incur more attorney fees.

13. The mother continues to incur attorney fees for required responses to the father's never-ending stream of unnecessary pleadings sent to the District Court and to her counsel.
14. The mother believes that the father is purposely drafting inept pleadings to cause hardship to this Honorable Court and the mother, and to boost his false claim that "every motion he files is denied by the court."
15. The mother respectfully requests that the father be required to pay her attorney fees as per **CRS 13-17-102 (2) and (4)** for bringing actions that are frivolous, vexatious and for no other purpose than to harass the mother. Attached hereto as **Exhibit 1** is Petitioner's Attorney Fee Affidavit for the preparation of this Response.

WHEREFORE, Petitioner respectfully requests that prays that this court a) Set aside the Contempt hearing set for February I, 2005, b) Deny the Respondent's Motion c) Order the Respondent to pay the Petitioner's attorney fees for defense of the Respondent's constant stream of vexatious motions as per CRS 13-17-102 (2) and, in the alternative, for testimony by telephone if a hearing actually exists on February 1, 2005 and the mother is properly served as required by law for such further relief as the Court deems appropriate.

Respectfully submitted December 8, 2004.

LAW OFFICE OF MADELINE WILSON

By:  Madeline Wilson, #24060

CERTIFICATE OF SERVICE

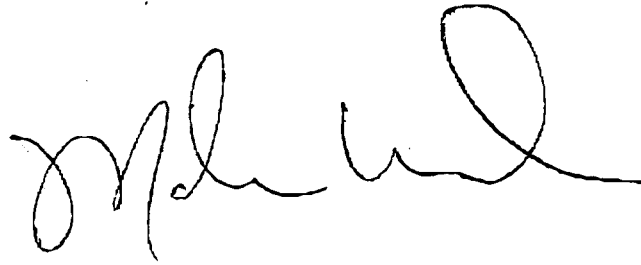
I hereby certify that on December 8, 2004, I served a true and correct copy of the foregoing **RESPONSE & PETITIONER'S REQUEST FOR ATTORNEY FEES AS PER CRS 13-17-102(2)**) by placing same in the U.S. Mail, postage pre-paid and addressed to or by sending by facsimile to:

Jefferson County District Court

VIA FACSIMILE: 508-460-7080

Sean Lee Harrington
197-M Boston Post Road West #151
Marlborough, MA 01752

Christy Ryan

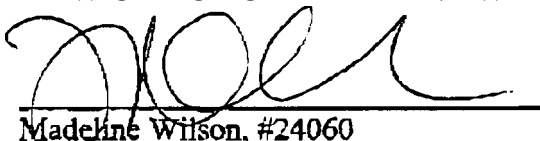
A handwritten signature in black ink, appearing to read 'Christy Ryan', written in a cursive style.

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Law Office of Madeline Wilson Attorney for Petitioner 501 S. Cherry St. Suite 610 Denver, CO 80246 Phone: 303-321-6872 Fax; 303-321-3196 Atty. Reg. #24060	Case Number: 99 DR 3717 Division: P/3 Courtroom:
ATTORNEY FEE AFFIDAVIT	

I, Madeline Wilson Hollis, duly licensed in the State of Colorado to practice law, do state that the attached billing statement represents the true and correct hours in the case of In Re the Marriage of Harrington, 99 DR 3717, Division P/3 and that these fees are reasonable and necessary for the attached Response in the above captioned matter..

Respectfully submitted December 7, 2004,

LAW OFFICE OF MADELINE WILSON




 Madeline Wilson, #24060
 Attorney for Petitioner

STATE OF COLORADO

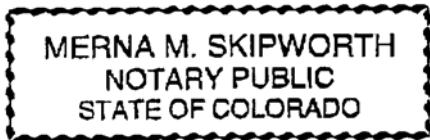
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)ss.

CITY AND COUNTY OF DENVER)

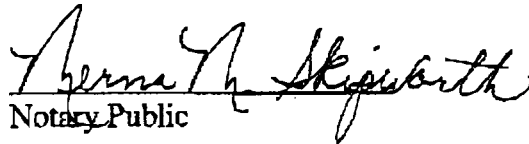
The undersigned, of lawful age, being first duly sworn upon her oath, deposes and states as follows; that she has read the foregoing Affidavit for Attorneys' Fees and knows the contents therein, and that the matters and things contained therein are true to the best of her information, knowledge and belief.


Madeline Wilson

Subscribed and sworn to before me on December 7, 2004.



My Commission Expires 04/21/2008


Notary Public

My commission expires: 4/21/08

CHRISTY RYAN

12/7/04 Review Motion, prepare draft Response 1 .5 @ 165 per hour

\$247.50