

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 Hollis 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:
RESPONSE TO FORTHWITH MOTION FOR CONTINUANCE & ALIAS CITATION, MOTION TO COMPEL & MOTION FOR ATTORNEY FEES PER CRS 13-17-102(2)	

COMES NOW the Petitioner, Christy Ryan ("mother,") by and through her undersigned counsel, Madeline Wilson, for the purpose of responding to and requesting that the Motion for Forthwith Motion for Continuance of Contempt Hearing & Alias Citation and Motion to Compel Compliance with Discovery filed by Respondent Sean Lee Harrington ("father") be denied and to move for an award of attorney fees for a frivolous motion as per **CRS 13-17-102(2)** and to request that this Honorable Court disallow the father from having her address and telephone number for the child's safety and states as follows:

First and foremost the mother believes it is inappropriate for this matter to go forward as the District Court does not currently have jurisdiction in this matter as this matter is in the Appellate Court. Judge Tidball has ruled that all matters in this case are stayed until the Court is re-vested with jurisdiction and has ordered that it will not rule on any Motions. (See August 30, 2004 Order.)

1. The mother agrees with the statement contained in Paragraph 1 of the father's Motion.

2. The mother is without sufficient information regarding the father's allegations and therefore denies same.
3. The mother desires to follow the Special Advocate's recommendations that the father take certain steps before obtaining the mother's address or phone number. Specifically, Dr_ Fyfe recommended: *Christy and Sean should reveal addresses, employment and telephone access once the PC is retained. Sean should commence telephone contact with Shelby's teachers and daycare providers, only after he has resumed local contact with Shelby and established a working relationship with the PC.* (See Dr. Fyfe's Report.) The father's obtaining the mother's address from the Special Advocate's billing information without the mother's knowledge concerns her greatly. She believes the father is capable of kidnapping Shelby despite the "no parenting time order" that is currently in effect. The mother is very concerned what the father may say to Shelby if a parenting coordinator/special advocate is not involved in this matter as recommended by Dr. Fyfe.
4. The mother denies the allegations in Paragraph 4.
5. The mother denies the allegations in Paragraph 5.
6. The mother was not required to respond to the discovery by virtue of Judge Tidball's Order of August 18, 2003.
7. The mother was not required to respond to the discovery by virtue of Judge Tidball's Order of August 18, 2003.
8. The mother believes she has a duty to protect the child above all else. The mother is greatly concerned about the father's behavior before and since the Order of July 2003 wherein he currently has no parenting time with Shelby. The mother is simply terrified by the prospect of the father having her address and telephone number.
9. The mother does not believe it is in the child's best interests to give her address to the father until and unless he follows the recommendations of the Special Advcoate or unless ordered to do so by this Honorable Court. The mother is in no way attempting to avoid service of process, but is simply attempting to protect Shelby to the very best of her ability.
10. The mother respectfully requests that the Court deny the father's request for her address and phone number. The mother fears the father as his anger with her, her attorney and this Court is evident in his pleadings. The mother would request a restraining order if she had a physical address with which to serve the father. Currently, the mother only has a fax number and an address that she believes is a "Mail Boxes, Etc." type address where the father picks up mail, rather than a home address for the father. The mother believes it would be in Shelby's best interests that

she not be required to give her address to the father.

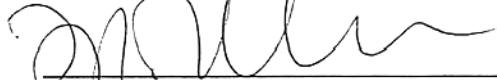
11. The father is attempting to obtain information regarding the mother concerning a Federal lawsuit he regularly threatens to file against the mother, Judge Tidball and the mother's counsel. This is not a matter the mother's domestic attorney is handling for her.
12. The mother's attorney has informed the father on numerous occasions that she does not accept e-mails from him. .
13. The mother is uncertain what the father is stating in this paragraph and therefore denies same.
14. a. The discovery request of the father was denied by this Court on August 18, 2003 by the Honorable Jane A. Tidball. It is improper, frivolous and vexatious for the father to request that this Motion be compelled. b_ the mother continues to believe that the father's contempt motion is vexatious and *frivolous as* the father was not allowed to take the 2003 income tax deduction by law as he had child support arrearages through December 31, 2003 and as there is no Court order requiring the mother to sign the income tax form he requests. Further, the mother has complied with the recommendation of the Special Advocate and has attended therapy as Ordered by the Court, therefore, the mother continues to request that the father's Motion be denied. c. the mother respectfully prays that this Honorable Court deny the father's requests. The father's request toward the mother's attorney is improper, frivolous and vexatious as well. The Court specifically denied the father's Request for Discovery on August 18, 2003. The harassment by the father in this matter supports the mother's request for attorney fees.
15. The mother denies the statements contained in Paragraph 15 of the father's Motion. The Motions are stayed while the case is on appeal as the trial court loses its jurisdiction once an appeal is perfected. *Hylton v. City of Colorado Springs*, 505 P.2d 26, 27 (Colo. App. 1973).
16. Not only has this Court denied the Motions for Judge Tidball's recusal, but the Court of Appeals has denied that any error has occurred in this denial. The issue is moot at this time and further evidence of the father's continuing harassment of the mother, her attorney and the District Court.
17. 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.
18. 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."

19. 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)** Deny the Respondent's Motion **b)** Order the Respondent to pay the Petitioner's attorney fees for defense of the Respondent's constant stream of vexatious motions and responses to Petitioner's responses to his vexations motions as per **CRS 13-17-102 (2) c)** that this Court issue an order disallowing the father access to the mother's telephone number and address for protection of Shelby and for such further relief as the Court deems appropriate.

Respectfully submitted January 24, 2005.

LAW OFFICE OF MADELINE WILSON



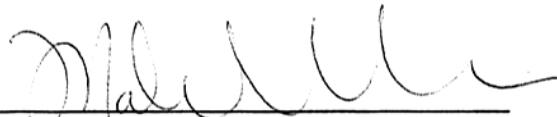
By: Madeline Wilson, #24060

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

I, Madeline Wilson, 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. January 24, 2005.

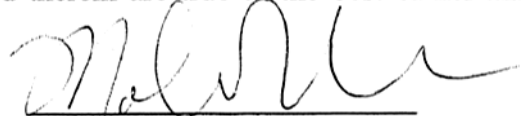
LAW OFFICE OF MADELINE WILSON



Madeline Wilson, #24060
Attorney for Petitioner

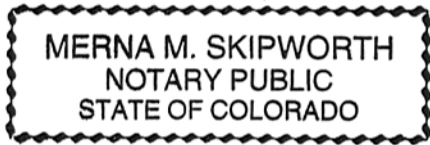
STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

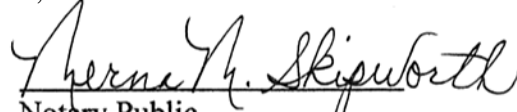
The undersigned, of lawful age, being first duly sworn upon her oath, deposes and states as follows: that she has read the foregoing Affidavit for Attorneys' Fees and knows the contents therein, and that the matters and things contained therein are true to the best of her information, knowledge and belief.



Madeline Wilson

Subscribed and sworn to before me on January 24, 2005.





Notary Public

My commission expires: 4/21/08

CHRISTY RYAN

1/24/05 Review Motion, prepare draft Response 1.5 @ 165 per hour \$247.50

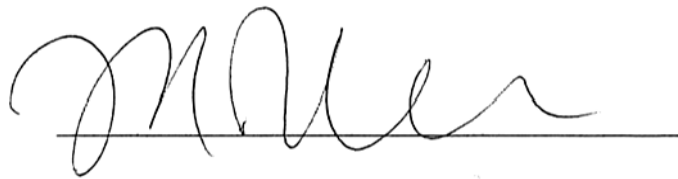
CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of JAN, 2005. I served a true and correct copy of the foregoing **RESPONSE TO FORTHWITH MOTION FOR CONTINUANCE & ALIAS CITATION, MOTION TO COMPEL & MOTION FOR ATTORNEY FEES PER CRS 13-17-102(2)** by placing same in the U.S. Mail, postage pre-paid and addressed to:

Jefferson County District Court

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

Christy Ryan

A handwritten signature in cursive script, appearing to read "M. Ryan", is written over a horizontal line.