

<b>DISTRICT COURT, JEFFERSON COUNTY, COLORADO</b> 100 Jefferson County Parkway Golden, Colorado 80401 Telephone: (303) 271-6190	<hr/> <b>▲ COURT USE ONLY ▲</b> <hr/> trial court case No. 99 DR 3717  Div. 9 / Hon. Jack Berryhill
In re the Marriage of: <b>Petitioner:</b> CHRISTY RYAN and <b>Respondent:</b> SEAN HARRINGTON	
Sean L Harrington P.O. Box 351855 Westminster, CO 80035	
<b>C.R.C.P. 16.2(e), 26(a)(2)(B) and C.R.E. 404(b) Disclosures</b>	

Father, above-captioned as Respondent, does hereby file his disclosures and in support thereof states as follows:

**I. NON-EXPERT WITNESSES LIKELY TO HAVE DISCOVERABLE INFORMATION (RULE 16.2(2))**

1. Bill J. Fyfe, Ed.D., 710 Kipling Street, Lakewood, Colorado — (303) 232-6972 — Dr. Fyfe will be called to testify regarding his knowledge of all matters addressed in the father’s allegations against and concerning Dr. Fyfe, all knowledge of any pleadings filed herein, all knowledge of any information that he has concerning any affirmative defenses proffered, and all matters concerning the facts and circumstances that give rise to the claims at issue in this litigation.
  
2. Madeline Wilson, Esq. 501 S. Cherry St., Ste. 610 Denver, Colorado — (303) 321-6872 — Ms. Wilson will testify regarding her knowledge of all matters addressed in the father’s allegations against and concerning Dr. Fyfe, all knowledge of any pleadings filed herein, all knowledge of any information that he has concerning any affirmative defenses proffered, and all matters concerning the facts and circumstances that give rise to the claims at issue in this litigation.
  
3. Maria Garder, c/o Columbine Counseling Center, 710 Kipling Street, Lakewood, Colorado — (303) 232-6972 — Ms. Gardner will testify regarding her knowledge of all matters addressed in the father’s allegations against and concerning Dr. Fyfe, all knowledge of any pleadings filed

herein, all knowledge of any information that he has concerning any affirmative defenses proffered, and all matters concerning the facts and circumstances that give rise to the claims at issue in this litigation.

4. Christy Ryan, 3109 N. Northridge in Sherman, Texas — (903) 815-7190 — Ms. Ryan will testify regarding her knowledge of all matters addressed in the father’s allegations against and concerning Dr. Fyfe, all knowledge of any pleadings filed herein, all knowledge of any information that he has concerning any affirmative defenses proffered, and all matters concerning the facts and circumstances that give rise to the claims at issue in this litigation.
  
5. Hon. Jane A. Tidball, 1<sup>st</sup> Judicial District Court, Golden, CO — (303) 271-6130 — Judge Tidball will testify regarding her knowledge of all matters addressed in the father’s allegations against and concerning Dr. Fyfe, all knowledge of any pleadings filed herein, all knowledge of any information that he has concerning any affirmative defenses proffered, and all matters concerning the facts and circumstances that give rise to the claims at issue in this litigation.
  
6. All witnesses identified by Petitioner, Christy Ryan.
  
7. Any witnesses necessary for rebuttal or impeachment
  
8. All witnesses identified by the court’s appointee, Bill J. Fyfe, if such identification is permitted by the Court.
  
9. Any witnesses disclosed by Petitioner, Christy Ryan, or by the court’s appointee, Bill J. Fyfe, if such disclosure is permitted by the Court.

## II. EXPERT WITNESSES (RULE 26(a)(2)(B))

8. Hon. Lyle E. Montgomery, Twentieth Judicial District, 1777 6th Street, Boulder, Colorado — (303) 441-3750 — Judge Montgomery is the current chair of the Colorado Supreme Court standing Committee on Family Issues and has co-authored *Child and Family Investigator Standards in Colorado*, 35 Colo.Law. 8 (August, 2006) and presented at the 2008 Family Law Institute (Colorado CLE, Inc.) on the topic of the trial courts' oversight of CFIs, *inter alia*. Judge Montgomery will be asked to testify regarding her knowledge of Chief Justice Directive 04-08 ("The CFI Guidelines"), generally accepted practices of CFIs in Colorado and the role of the trial court's plenary review over CFIs.<sup>1</sup>

9. Dana Cogan, M.D., 4643 S. Ulster Street, Suite 1220, Denver, Colorado — (303) 221-2602.

Dr. Cogan, M.D. is a forensic psychiatrist who is in his 32nd year of private practice and his 27th year working in the divorce field. He specializes in high-conflict divorce, working as a CFI, parenting coordinator/decision-maker, Rule 32 evaluator, rebuttal expert, and parental responsibility evaluator.

Dr. Cogan He was one of the initiators of the Parental Responsibility Act, has twice testified before the Colorado legislature, and currently serves on the CBA subcommittee that is looking at how to incorporate unified courts into the Colorado legal process.

For many years, Dr. Cogan co-chaired the annual Family Law Institute sponsored by the Colorado Bar Association and CLE, has had several articles published in *The Colorado Lawyer* and has twice presented at the Colorado Judicial Conference. Most recently, Dr. Cogan has developed a specialized mediation process known as Early Parenting Plan Mediation (EPPM) to help parents with the development of parenting plans during the early stages of a divorce.

Dr. Cogan will testify regarding his knowledge of all matters addressed in the father's allegations against and concerning Dr. Fyfe, all knowledge of any pleadings filed herein, all knowledge of any information that he has concerning any affirmative defenses proffered, and all matters

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<sup>1</sup> A more comprehensive qualifications, prior publications and prior testimony summary shall be provide as a supplement to this disclosure as soon as the same is made available or known to Respondent-movant.

concerning the facts and circumstances that give rise to the claims at issue in this litigation. Specifically, Dr. Cogan will be available for examination concerning his Affidavit and Report dated May 4<sup>th</sup> 2005, docketed and part of the record in the above-styled cause.<sup>2</sup>

**III. PERSONS LIKELY TO HAVE DISCOVERABLE INFORMATION ADMISSIBLE UNDER C.R.E. 404(b)**

10. Rhonda Rivenburg, 9262 W. Ontario Dr., Littleton, Colorado — (303) 932-9017 — Ms. Rivenburg will testify regarding her knowledge of all matters addressed in the father's allegations against and concerning Dr. Fyfe, all knowledge of any pleadings filed herein, all knowledge of any information that he has concerning any affirmative defenses proffered, and all matters concerning the facts and circumstances that give rise to the claims at issue in this litigation, including Dr. Fyfe's billing practices and information to prove or disprove motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.
11. David Desch, — Mr. Desch will testify regarding his knowledge of all matters addressed in the father's allegations against and concerning Dr. Fyfe, all knowledge of any pleadings filed herein, all knowledge of any information that he has concerning any affirmative defenses proffered, and all matters concerning the facts and circumstances that give rise to the claims at issue in this litigation, including Dr. Fyfe's billing and investigation practices and information to prove or disprove motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.
12. Levi Samora, 1133 Glen Creighton Dr., Dacono, Colorado — (303) 550-0769 — Mr. Samora will testify regarding his knowledge of all matters addressed in the father's allegations against and concerning Dr. Fyfe, all knowledge of any pleadings filed herein, all knowledge of any information that he has concerning any affirmative defenses proffered, and all matters concerning the facts and circumstances that give rise to the claims at issue in this litigation, including Dr. Fyfe's billing and investigation practices and

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<sup>2</sup> Dr. Cogan's Affidavit (ICON Event ID # 440, exhibit E) shall serve as a summary of his proposed testimony, pursuant to Colo.R.Civ.P. 26(a)(2)(B)(I). A copy of Dr. Cogan's *curriculum vitae*, summary of Dr. Cogan's prior publications and prior testimony in other cases shall be filed as a supplement to this disclosure.

information to prove or disprove motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

13. Troy Kramer, 3422 East County Line Rd., #23, Highlands Ranch, Colorado — (720) 333-4929 — Mr. Kramer will testify regarding his knowledge of all matters addressed in the father’s allegations against and concerning Dr. Fyfe, all knowledge of any pleadings filed herein, all knowledge of any information that he has concerning any affirmative defenses proffered, and all matters concerning the facts and circumstances that give rise to the claims at issue in this litigation, including Dr. Fyfe’s billing and investigation practices and information to prove or disprove motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

#### **IV. LISTING, DESCRIPTION AND LOCATION OF DOCUMENTS, DATA, COMPILATIONS AND TANGIBLE THINGS**

Documents denoted with an asterisk (\*) indicate documents already docketed, which the Court may take judicial notice of upon the request of either party.

1. \* Bill J. Fyfe’s Summer-1999 newsletter essay entitled, *The Special Advocate Experience* (ICON Event ID # 366, Exhibit B)
2. \* Bill J. Fyfe's Fall-2001 newsletter essay entitled, *Summer of Bias* (ICON Event ID # 366, Exhibit E)
3. Colorado Division of Registrations year-2003 “Sunset Review”
4. \* Signed Contract for Services, dated December 30<sup>th</sup> 2003 (ICON event ID #324)
5. \* First memorandum of Harrington to Fyfe dated April 21<sup>st</sup> 2004 (ICON event ID # 371, exhibit A)
6. Second memorandum of Harrington to Fyfe dated April 21<sup>st</sup> 2004
7. \* Memorandum of Fyfe to Judge Jane Tidball, dated April 22<sup>nd</sup> 2004 (ICON event ID # 322)
8. \* Fyfe invoice dated April 23<sup>rd</sup> 2004 (ICON event ID # 322)
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10. \* Memorandum of Harrington to Fyfe dated April 28<sup>th</sup> 2004 (ICON event ID # 323)
11. \* Affidavit of Harrington, dated May 26<sup>th</sup> 2004 (ICON event # 334)
12. \* transcript of voice-mail of Fyfe, dated May 28<sup>th</sup> 2004 (ICON event # 334)

13. untouched digital recording (in .wav format) of voice-mail of Fyfe, created May 28<sup>th</sup> 2004
14. Memorandum of Harrington to Fyfe, dated May 28<sup>th</sup> 2004
15. \* email of Harrington to Fyfe, dated June 9<sup>th</sup> 2004 (ICON event ID #374)
16. transcript of voice-mail of Fyfe, *circa* last week of June, 2004
17. untouched digital recording (in .wav format) of voice-mail of Fyfe, created *circa* last week of June, 2004
18. \* Sealed special advocate report of Fyfe, dated June 11<sup>th</sup> 2004 (ICON event ID #336)
19. \* Archived Internet Web page *circa* 2004 of Colorado State Interdisciplinary Committee (CIDC) Board of Governors (ICON Event ID # 440, Exhibit B)
20. \* Fyfe invoice dated January 19, 2005 (ICON Event ID # 398)
21. \* *ex parte* memorandum of Fyfe to district judge dated January 20<sup>th</sup> 2005 (ICON Event ID # 398)
22. \* Affidavit and peer-critique of Fyfe by Dr. Cogan, dated May 4<sup>th</sup> 2005 (ICON Event ID # 440, Exhibit E)
23. Affidavit and peer-critique of Fyfe by Dr. Cogan, amended to correct typographical error, dated May 11<sup>th</sup> 2005
24. Chief Justice Directive 04-08, as amended and in effect during 2004
25. \* Archived Web page of CIDC stating organization's purpose. (ICON Event ID # 440, Exhibit A)
26. July 14, 2006 memorandum of Colorado Division of Regulatory Agencies (D.o.R.A.) Executive Director concerning oversight of CFIs
27. October 17, 2006 memorandum of Chief Justice Mary J. Mullarkey concerning oversight of CFIs
28. \* February 5<sup>th</sup> 2007 Affidavit of Attorney Fees, Karen Renne, Ph.D. (ICON Event ID # 441, Exhibit A)
29. \* February 9<sup>th</sup> 2007 Affidavit of Expert Costs, Dana Cogan, M.D. (ICON Event ID # 441, Exhibit B)
30. *The Role of the Child and Family Investigator and the Child's Legal Representative in Colorado*, First Ed. (Robert M. Smith ed., CLE in Colo., Inc., Supp. 2008).
31. August 6, 2008 Colorado D.o.R.A. letter of admonition to Robert LaCrosse for "Making custody recommendations without doing complete evaluation/interviewing all parties"

Dated this 1<sup>st</sup> day of October, 2008.

Respectfully submitted,

  
Sean L. Harrington

## CERTIFICATE OF MAILING

I hereby certify that on the 1<sup>st</sup> day of October, 2008, a true and accurate copy of the foregoing *Disclosures* has been delivered First Class Mail to the following:

**Jefferson County District Court**  
Division 9  
100 Jefferson County Parkway  
Golden, CO 80401

and by facsimile to: Law Office of Madeline Wilson at: 303-321-3196

