

DISTRICT COURT, JEFFERSON COUNTY, COLORADO 100 Jefferson County Parkway Golden, Colorado 80401 Telephone: (303) 271-6190	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> trial court case No. 99 DR 3717 Div. 9 / Hon. Jack Berryhill
In re the Marriage of: Petitioner: CHRISTY RYAN and Respondent: SEAN HARRINGTON	
Sean L Harrington P.O. Box 351855 Westminster, CO 80035	
MOTION FOR LEAVE TO UNDERTAKE FORMAL DISCOVERY	

COMES NOW, Respondent Sean L. Harrington (“father”), pursuant to C.R.C.P. 16.2(f)(4) and submits the within Motion and as grounds therefor, states as follows:

1. Father has conferred with counsel for the child and family investigator, who has indicated that he objects to any discovery in this matter. Father has **not** conferred with mother’s counsel, who yesterday contacted the Clerk of the Court to claim that father is disallowed from contacting her for any purpose.

2. Pending before this Court is a Motion for Summary Judgment, which — if granted— would dispose of the matter now before the Court. If, however, the child and family investigator or mother were to come forward with specific facts showing that there is a genuine issue for trial, father seeks leave to undertake formal discovery in preparation for trial.

3. Rule 16.2(f)(4) of the Colorado Rules of Civil Procedure provides that, “The parties shall not undertake additional formal discovery except as authorized by the court or as agreed in a Stipulated Case Management Plan . . . The court shall grant all reasonable requests for additional discovery for good cause as defined in C.R.C.P. 26(b)(2)(F).” Colo.R.Civ.P. 16.2(f)(4)

4. The discovery that father seeks is: non-pattern interrogatories to further ascertain the nature and scope of relationships, agreements and transactions between and concerning the CFI and the court and opposing party; request for admissions “to enforce the opposing party to formally admit the truth of certain facts, thus allowing the requesting party to avoid potential problems of proof;”¹ and production of documents and things that would be necessary to prove or disprove father’s claims.

5. Because father’s summary judgment Motion is not yet ripe and he does not know when the Court will rule, it would be both imprudent and inconsiderate for father to delay seeking leave to undertake discovery pending the determination of the summary judgment Motion.

WHEREFORE, based on the foregoing reasons, father requests leave to undertake formal discovery concerning the issues that are presently before the Court.

Dated this 10th day of October, 2008



Sean L. Harrington

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of October, 2008, I served a true and accurate copy of the foregoing *MOTION FOR LEAVE TO UNDERTAKE FORMAL DISCOVERY* by placing the same in the U.S. Mail, postage prepaid, and affixed hereto to the following:

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

- and by facsimile to: Law Office of Madeline Wilson at: 303-321-3196
- and by electronic mail to: David H. Yun (DYun@jalegal.com)


¹ *Aspen Petroleum Prods., Inc. v. Zedan*, 113 P.3d 1290, 1292 (Colo. App. 2005)