

DISTRICT COURT, JEFFERSON COUNTY, COLORADO  Address: 100 Jefferson County Parkway Golden, Colorado	<b>COURT USE ONLY</b>
In re the Marriage of:  Petitioner: CHRISTY RYAN  and  Respondent: SEAN HARRINGTON	Case No.: 99 DR 3717 Division 9
Attorneys for Madeline Wilson, Esq.:  <b>HUFF &amp; LESLIE, LLP</b> Brett N. Huff, #32071 2480 Gray Street Denver, Colorado 80214 (303) 232-3622 <a href="mailto:bhuff@huffandleslie.com">bhuff@huffandleslie.com</a>	
<b>PETITIONER'S ATTORNEY-OF-RECORD, MADELINE WILSON'S, RESPONSE          TO FATHER'S MOTION FOR SANCTIONS AGAINST ATTORNEY CFI          MADELINE WILSON AND MOTION TO STRIKE</b>	

Madeline Wilson, through her attorney, Brett N. Huff of the law firm of Huff & Leslie, LLP, respectfully submits her Response to Father's Motions for Sanctions and her Motion to Strike. In support thereof, Madeline Wilson states as follows:

### INTRODUCTION

This matter is before the Court on remand from the Court of Appeals. The sole remaining issue to be decided is how the fees for Dr. Fyfe should be apportioned, if there is still a need to apportion them or whether sanctions need to be imposed upon him. Notwithstanding the limited scope of this remand, Respondent Sean Harrington ("Harrington") has filed numerous motions, responses and reply briefs with the Court aimed at attacking Madeline Wilson, impugning her character and requesting sanctions. Harrington's filings in this regard are inappropriate attempts to expand the scope of the remand. Harrington's filings are impertinent, vexatious and scandalous and as such they should be stricken. The specific filings that should be stricken are Harrington's: (1) Motion for Declaratory Judgment and for Case Management Order; (2) Motion for Leave to Undertake Formal Discovery; (3) Father's Supplement to Motion for Declaratory Judgment and Protective Order; and (4) Father's Reply in Support of Motion for Declaratory Judgment and Protective Order and Motion for Sanctions Against Attorney CFI Madeline Wilson.

## COURSE OF PROCEEDINGS

The Court is well aware that this case arises out of a bitterly contested divorce and custody dispute during the first part of the year 2000 between Harrington and Christy Ryan, his former wife. Ms. Ryan retained Madeline Wilson, a licensed attorney in Colorado, to represent her in connection in with this divorce case.

During this divorce case, Harrington was unhappy because the case was not going his way, so in spiteful attempt to try and gain leverage against his ex-wife and her attorney, he filed a lawsuit against Ms. Wilson in Jefferson County Court, on June 16, 2000. That case was captioned Harrington v. Wilson, Case No. 2000C007880, and Harrington asserted claims against Wilson for slander and libel. He subsequently filed an Amended [*sic*] Complaint, which included a cause of action for outrageous conduct. The case was transferred to this court and known as Harrington v. Wilson, Jefferson County District Court, Case No. 01CV1377. On November 29, 2001, Harrington filed a Motion to Dismiss, asking the court to dismiss the matter with prejudice. On December 3, 2001, the court granted Harrington's motion, dismissing the case *with prejudice*.

Also during the divorce litigation and Harrington's lawsuit against Wilson, Harrington was committed to the Colorado Mental Health Institute at Fort Logan for three months, undergoing psychiatric evaluation. Upon his release, Harrington filed another lawsuit in Colorado state court against Ms. Ryan, Ms. Wilson, and city and state officials, alleging various state and federal claims and requesting exemplary, compensatory, economic and non-economic damages. Harrington hatched a Complaint on an outlandish theory that the Jefferson Center for Mental Health, State of Colorado Mental Health Institute at Fort Morgan, a city official, Ms. Ryan, Ms. Wilson and others all conspired together to deprive Harrington of his constitutional rights, including parental rights, and so forth. On May 31, 2001, Harrington filed a Complaint in Jefferson County District Court, captioned Harrington v. Christy Ryan, Jefferson Center for Mental Health, Tom Olbrich, LCSW, Madeline Wilson, Esq., and State of Colorado Colorado Mental Health Institute at Fort Logan, and Aaron Townsend, PH.D., Case No. 01CV1376. Harrington specifically asserted claims against the defendants, including Wilson, for libel, slander, extreme and civil rights violations, outrageous conduct, and civil conspiracy. Harrington amended his pleadings on three more occasions, to include the following claims against Wilson: Libel; Slander; Extreme and outrageous conduct; Civil rights violations under Sections 42 U.S.C. 1983, C.R.S. 18-8-403 & 18-3-204, Title II of the Americans with Disabilities Act, Section 504 of the 1973 Rehabilitative Act; Negligence within Official Capacity; Loss of Contact with Daughter / Parental Consortium; Civil Conspiracy; Theft. (Harrington's 01AUG01 New Amended Complaint).

This Court noted that Harrington's conduct, in and out of court in the divorce proceeding was "erratic, unpredictable, angry, and out-of control." This Court further dismissed the city and state defendants on immunity and jurisdictional grounds and it awarded attorneys fees against Harrington. As that matter progressed, Harrington negotiated an agreement with Ryan regarding their parental responsibility and parenting time. This agreement is contained in the Stipulated Agreement Modifying Parental Responsibilities, Parenting Time and Resolution of All Outstanding Issues. Harrington then filed a Motion to Dismiss all Claims Against Defendants

Ryan and Wilson. On March 22, 2002, the court granted Harrington's motion, dismissing Harrington's claims *with prejudice*.

Even though Harrington's two prior lawsuits were dismissed, he continued to grind old axes with his ex-wife and her attorney. He filed a Complaint on September 23, 2005 in the United States District Court for the State of Colorado, Civil Action No. 05-CV-01858-EWN-MJW. In that action, Harrington railed on and on, his Complaint woefully prolix, containing approximately 150 pages including multiple appendices, 439 paragraphs of allegations, and 28 claims for relief. He alleged thirteen claims for relief against Wilson: Reckless and Intentional Infliction of Emotional Distress; Civil Conspiracy to Conceal The Minor Child; Negligent Infliction of Emotional Distress; Civil Conspiracy to Deny Access to the Courts; Extreme and Outrageous Conduct; Breach of Contract; Breach of Covenant of Good Faith and Fair Dealing; Abuse of Process; Malicious Prosecution; Aiding and Abetting; Pursuant to Section 1983 for Violation of First Amendment Exercise of Petitioning, Equal Protection, Due Process and Meaningful Access to the Court; Violation of Section 1985(3); and Violation of the Equal Protection Clause, First Amendment Exercise of Petitioning, Section 1983 and 1985(3). The United States District Court found Harrington's action to be frivolous and it dismissed his case.

Harrington would not be denied, and so he appealed to Tenth Circuit Court of Appeals. In May of 2008, the Tenth Circuit, having reviewed a voluminous record, upheld the district court's dismissal of Harrington's case.

Harrington, obsessed with carrying out his vendetta, then went to Texas and filed a lawsuit against Wilson in the Texas District Court, alleging essentially the same claims that were dismissed with prejudice in the Colorado courts. In October of 2008, the District Court also dismissed Harrington's complaint.

Not only had Harrington sued Wilson four times and lost, he also filed multiple grievances with the Colorado and Texas Attorney Regulation Counsel. When the Colorado Attorney Regulation Counsel denied Harrington's many grievances as frivolous, he sued the Attorney Regulation Counsel.

Harrington then resorted to filing a grievance against Wilson's attorney, the undersigned, in the United States District Court in Colorado. That grievance was also dismissed.

In this case, Harrington appealed to the Colorado Supreme Court. He was successful in only two issues of his appeal and the case was remanded to this Court to decide those issues. The scope of the remand is limited to William Fyfe's fees in connection with his work and a reconsideration of Harrington's motion to disqualify Fyfe. However, Harrington is now running again with scissors after Wilson, trying to expand the scope of the remand so that he can continue to his tirade, his personal vendetta, and his obsession to beat Wilson. Harrington's attempt to expand this remand is inappropriate, his allegations against Wilson are impertinent and scandalous, and his recent filings are interposed for the improper purpose of harassment and to multiply this litigation.

## **ARGUMENT**

**I. Any issues beyond the determination of Dr. Fyfe's fees and disqualification are beyond the scope of this remand and are therefore not for this court to consider.**

Harrington makes numerous arguments and accusations in his motions against Dr. Fyfe and Petitioner's Attorney, Madeline Wilson, none of which are within the scope of this court's review. The May 29, 2008 order from the Court of Appeals remands this case back to this court with only two remaining issues: (1) The court must reconsider Harrington's motion to disqualify Dr. Fyfe, and (2) The court must determine whether the remand in *Harrington II* which deals with the apportionment of Dr. Fyfe's fees between Ms. Ryan and Harrington has been carried out or whether it is no longer necessary due to Dr. Fyfe waiving his fees. *See Order, p.8-9.* Regarding the first of the issues within the scope of this court, the Court of Appeals stated specifically,

"...we need not reach the substantive issues father asserts regarding whether the trial court complied with the mandate in *Harrington III*. Instead, the court to which this case is assigned must reconsider fathers' motion to disqualify under C.R.C.P. 60(b)(5) and enter orders consistent with that mandate." *Order, p.7.*

The court then goes on to address the second issue within the scope of this remand and states,

"Father also maintains that the trial court never complied with our mandate in *Harrington II* directing the special advocate fees to be allocated equally between the parties. We are unable to confirm whether a complying order was entered. We have also discovered some suggestion in the record that the special advocate may have waived the fees in question. On remand, the court should determine whether our remand in *Harrington II* has been carried out or whether it is no longer necessary, and enter any orders it deems necessary." *Order, p. 7-8.*

Nowhere does the court open the door for Harrington's allegations directed toward Ms. Wilson. Harrington's arguments relating to anything other than Dr. Fyfe's fees and disqualification are irrelevant as beyond the scope of this remand. There are no issues left to be decided that involve Ms. Wilson in any capacity.

**II. Harrington's motions and other filings are immaterial, impertinent, and scandalous, and as such, should be stricken under Rule 12(f).**

C.R.C.P. 12(f) allows a court to strike from any pleading, motion, or other paper portions that are immaterial, impertinent, and scandalous. Specifically, Rule 12(f) states:

Upon motion filed by a party before responding to a pleading or, if no responsive pleading is permitted by these rules, upon motion filed by a party within twenty days after the service of any pleading, motion, or other paper, or upon the court's own initiative at any time, the **court may order any redundant, immaterial, impertinent, or scandalous matter stricken from any pleading, motion, or**

**other paper.** The objection that a responsive pleading or separate defense therein fails to state a legal defense may be raised by motion filed under this section (f).

C.R.C.P. 12(f) (Emphasis added).

Harrington has filed numerous motions and documents arguing issues dealing with a no-contact order, abuse of process claims, and sanctions, among many others, against Ms. Wilson. These issues are beyond the scope of the remand and are thus immaterial and impertinent. It seems that Harrington files numerous pleadings on various immaterial issues to distract the court and expand the scope of the lawsuit beyond the limits imposed by the Court of Appeals in its May 29, 2008 ruling. Those portions of Harrington's pleadings which deal with irrelevant and scandalous issues should be stricken by the court under Rule 12(f).

WHEREFORE based on the foregoing, Ms. Wilson requests the Court strike Harrington's: (1) Motion for Declaratory Judgment and for Case Management Order; (2) Motion for Leave to Undertake Formal Discovery; (3) Father's Supplement to Motion for Declaratory Judgment and Protective Order; (4) and Father's Reply in Support of Motion for Declaratory Judgment and Protective Order and Motion for Sanctions Against Attorney CFI Madeline Wilson. Ms. Wilson further requests the Court to award her reasonable attorney fees against Harrington for having to respond to these impertinent, irrelevant, vexatious and scandalous filings.

Dated this 8<sup>th</sup> day of December, 2008.

Respectfully submitted,

*Original signature on file at the offices of  
Huff & Leslie, LLP per C.R.C.P. Rule 121 § 1-26(9)*

By: s/Brett N. Huff

Brett N. Huff, #32071

ATTORNEY FOR MADELINE WILSON, ESQ.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 8, 2008, a true and correct copy of the foregoing was sent by email as service upon the following:

Sean Harrington  
PO Box 351855  
Westminster, CO 80035-1855  
[esoxlucios@msn.com](mailto:esoxlucios@msn.com)

David H. Yun  
Jaudon & Avery, LLP  
1660 Wynkoop Street, #1010  
Denver, CO 80202  
[dyun@jalegal.com](mailto:dyun@jalegal.com)

*Original signature on file at the offices of  
Huff & Leslie, LLP per C.R.C.P. Rule 121 § 1-26(9)*

---

/s/ Brett N. Huff