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27 January 2009

First Judicial District Court - Division 9
Attn: Law Clerk for Judge Berryhill
100 Jefferson County Parkway
Golden, CO 80401

RE: No. 99DR3717 (*Marriage of Harrington*)

Dear Allie:

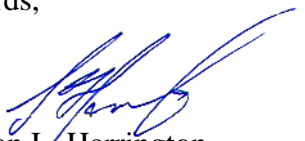
I write today to inquire whether you could provide the CFI, Bill Fyfe, and me with any insight as to Judge Berryhill's inclination on ruling on the several pending motions prior to the hearing scheduled for February 25, 2009. The reason for my inquiry is to help preserve the resources of both the parties and the Court.

Specifically, both myself and the attorney for Mr. Fyfe have argued —albeit for different reasons— that the issues to be resolved at the hearing could, instead, be resolved by summary judgment, because there are few or no contested facts and only issues of law to be applied.

As for myself, attending the hearing involves scheduling time off from work, purchasing air tickets, hotel and rental car in advance, and advancing \$1900 to my expert witness, Dr. Cogan.¹ Similarly, Mr. Fyfe will need to reserve that day on his calendar, during which time he cannot schedule patients and earn fees.

I would be very grateful if you would confer with the judge and apprise us of his intent (if he wishes it to be known at this time). I will use the feedback to decide whether or not to make travel arrangements, refundable or non-refundable tickets, and send the retainer to my expert witness; I assume Mr. Fyfe will benefit from the information to plan his schedule.

. . . with kind regards,


Sean L. Harrington
(508) 361-2018

cc: **David H. Yun**, (attorney for **Bill J. Fyfe**) *via* email
Brett N. Huff (attorney for **Madeline Wilson**) *via* email

¹ If Dr. Cogan begins preparing for trial, some of this retainer will not be refunded, even if the trial is vacated. If I prevail (either at the hearing or on summary judgment), I will apply to the Court for a reimbursement of those additional costs, which thusly could increase the adverse party's potential liability.