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<tr><td>DISTRICT COURT, JEFFERSON COUNTY, COLORADO

Address: 100 Jefferson County Parkway
Golden, Colorado</td><td rowspan="3">COURT USE ONLY

Case No.: 99 DR 3717
Division 9</td></tr>
<tr><td>In re the Marriage of:

Petitioner: CHRISTY RYAN

and

Respondent: SEAN HARRINGTON</td></tr>
<tr><td>Attorneys for Madeline Wilson, Esq.:

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PETITIONER'S ATTORNEY-OF-RECORD, MADELINE WILSON'S, RESPONSE TO SEAN HARRINGTON'S VERIFIED MOTION FOR SUBSTITUTION OF JUDGE AND VENUE PURSUANT TO C.R.C.P. RULES 97 AND 98

Petitioner's attorney-of-record Madeline Wilson, through her attorney, Brett N. Huff of the law firm of Huff & Leslie, LLP, respectfully submits her response to Respondent Sean Harrington's Verified Motion for Substitution of Judge and Venue Pursuant to C.R.C.P. Rules 97 and 98. In support thereof, Madeline Wilson states as follows:

PERTINENT COURSE OF PROCEEDINGS

This matter was before the Court on remand from the Court of Appeals. The sole remaining issue to be decided was how the fees for Dr. Fyfe should be apportioned, if there was 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" and also referred to as the "Father") took the opportunity to carry out his vendetta against Wilson by filing numerous motions, responses and reply briefs with the Court aimed at attacking Madeline Wilson, impugning her character and requesting sanctions. Harrington's filings against Wilson were inappropriate attempts to expand the scope of the remand, to require Wilson to retain counsel of her own, and increase the costs of this matter. Harrington filed the following: (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) Father's Reply in Support of Motion for Declaratory

Judgment and Protective Order and Motion for Sanctions Against Attorney CFI Madeline Wilson; and (5) Amended Motion for Punitive Contempt In Re Madeline Wilson.Harrington demanded a hearing to set on February 24, 2009.

Based on past experience with Harrington, the undersigned believed that Harrington would try to turn the remand hearing into a circus. Harrington later requested to have expanded media for the hearing, which confirmed the undersigned's beliefs. On October 22, 2008, the undersigned contacted counsel Amy Colony, who represents defendants in this case. Her clients, just like Ms. Wilson, were not within the scope of the remand hearing, and the undersigned asked Ms. Colony if she believed that their respective clients even had to appear at the hearing. The undersigned also inquired as to whether Ms. Colony's client had been subpoenaed by Harrington for the hearing. Ms. Colony's clients had not been subpoenaed and Ms. Wilson had not been subpoenaed, but the undersigned believed that Harrington would attempt to subpoena them, to carry out his Vendetta against Wilson. The undersigned concluded with Ms. Colony that in the event that Harrington did attempt to subpoena Wilson, that the defense strategy would simply be to move to quash the subpoena.

In the Court's Order After Remand, the Court ruled on the pending matters upon their briefs, and vacated the February 24, 2009 hearing. In the Court Order, the Court recognized Harrington's attempts to continue his baseless attacks on Wilson, and specifically, the Court stated, "having now thoroughly pursued the filings and counter filings, I find father's contentions vis-à-vis attorney Wilson to be devoid of merit" as they rely on allegations substantially predating the appeal issues that are the basis of the Court of Appeals' remand. The court further concluded that "**father's motions for sanctions and punitive contempt against attorney Wilson lack substantial justification** within the terms of C.R.S. § 13-17-102(2) **in that they are substantially frivolous, substantially groundless, and substantially vexatious**, *see* C.R.S. § 13-17-102(4), and father knew or reasonably should have known it, *see* C.R.S. § 13-17-102(6)." The court awarded Wilson reasonable attorney fees and related costs for having to respond to and defend against father's motions.

Harrington now moves to the Court for a substitution of judge and change of venue, based on the undersigned's billing entry of the October 22, 2008 telephone call to counsel Amy Colony. Harrington insinuates that the telephone call was inappropriate, that there was some type of conspiracy and the appearance of judicial impropriety. Harrington's motion, just like the others he filed in the remand phase, is a substantially frivolous, substantially groundless, and substantially vexatious filing, aimed at increasing the costs of litigation, continuing his vendetta, and smearing the character and reputation of the undersigned and the court.

ARGUMENT

1. Harrington's motion should be denied on procedural grounds based on his failure to confer with opposing counsel per C.R.C.P. 121 § 1-15(8).

Harrington should be denied his motion on procedural grounds for failure to confer per C.R.C.P. 121 § 1-15(8). That rule states,

> "Moving counsel shall confer with opposing counsel before filing a motion. The motion shall, at the beginning, contain a certification that the movant in good faith has conferred with opposing counsel about the motion. If the relief sought by the motion has been agreed to by the parties or will not be opposed, the court shall be so advised in the motion. If no conference has occurred, the reason why shall be stated."

While conferral is not required in all cases, the moving party nevertheless must state in the motion why no conference was attempted or held. C.R.C.P. 121 § 1-15, *Committee Notes*.

Not only did Harrington fail to confer with the undersigned counsel prior to filing his motion, but he does not even include a certificate of conferral on his motion to explain why he chose not to confer with counsel. This is in clear violation of Colorado court rules and Harrington's motion should be denied on these procedural grounds.

2. Harrington's motion is groundless, vexatious, and baseless.

Harrington believes that a billing entry detailing a telephone call with Amy Colony, the attorney general representing other parties in the case is suspicious. The undersigned's telephone call with Amy Colony was to discuss the following: (1) whether the defendants who were not within the scope of the Court of Appeals' remand would need to attend the hearings on remand, (2) whether Harrington served any subpoenas on her clients, and (3) whether defendants and Wilson, if served, should move to quash as a defense strategy. Harrington's scandalous, outlandish, and paranoid theories of judicial impropriety have no basis in reality. His motion is another frivolous, baseless, vexatious, and groundless filing. The Court's Order After Remand is based on sound legal authority and wherever Harrington files frivolous, baseless, vexatious, and groundless filings, they are likely to be stricken and attorney fees awarded against him.

WHEREFORE based on the foregoing, Ms. Wilson requests the Court deny Harrington's Verified Motion for Substitution of Judge and Venue Pursuant to C.R.C.P. Rules 97 and 98. 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 1st day of April, 2009.

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 April 1, 2009, a true and correct copy of the foregoing was electronically filed with LexisNexis and served upon the following by the same means and/or by email:

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/s/ Brett N. Huff