

<b>DISTRICT COURT, JEFFERSON COUNTY, COLORADO</b> 100 Jefferson County Parkway Golden, Colorado 80401 Telephone: (303) 271-6190	<b>▲ COURT USE ONLY ▲</b> <hr/> trial court case No. 99 DR 3717  Chief Judge's Division
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>FATHER'S REPLY IN SUPPORT OF HIS MOTION FOR SUBSTITUTION OF JUDGE AND VENUE</b>	

Sean L. Harrington submits the within *REPLY IN SUPPORT OF HIS MOTION PURSUANT TO RULES 97 & 98* and, as grounds therefor, states as follows:

1. Non-party Wilson has argued that father has failed to confer prior to filing his Motions. This material misrepresentation of fact, which the undersigned assumes is attributable to an inadvertent oversight on the part opposing counsel. Because father's and opposing counsel's prior dealings have been almost exclusively by email—which conclusively establishes their course-of-dealing and course-of-performance—the undersigned conferred with opposing counsel by email concerning the instant Motion. A copy of the email sent to opposing counsel is attached hereto and marked as "**Exhibit A.**"

2. Non-party Madeline Wilson has also urged, "*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.*" Response at 2. For the following reason, this statement only **disproves** opposing-counsel's belief and demonstrates that his client's claims are all based on fiction:

The "Request for Expanded Media Coverage" was filed by yet another non-party, Suzanne Shell on behalf an organization calling itself "People for Equal Protection." Father is not affiliated with and has never heard of People for Equal Protection and Wilson has presented no evidence to suggest that he is. Rather, it appears that opposing counsel has failed to exercised due diligence to familiarize herself with this case despite the fact that he is seeking exorbitant fees for purportedly becoming familiar with the case and, doubtless, will ask the court for his fees in making unfounded allegations without de minimus due diligence.

3. In addition, opposing counsel claims that the conferences with and memoranda from the "*Attorney General representing the judicial defendants regarding . . . defense strategy,*" were all arising out of his belief that father would subpoena "*the judicial defendants.*" First, there are no "judicial defendants." Second, opposing counsel offers no proof other than his unverified and unsupported allegations and, therefore, has failed to refute the veracity of

father's Verified Motion. For example, Huff did not include a copy of whatever memoranda he received from "*the judicial defendants*" attorneys, apparently believing that he or Wilson is in privity with "*the judicial defendants*" and has an attorney-client relationship or work-product privilege.<sup>1</sup> The assertion of such a privilege only adds to the appearance of this improper relationship requiring recusal and removal of this case.

4. Another example underscoring father's legitimate concerns about the unavailability of a fair hearing in this district concern opposing counsel's citation<sup>2</sup> to Judge James Zimmerman's statements in a collateral matter (*Harrington v. Wilson*, No. 01CV1376), where Zimmerman wrote:

This lawsuit arises out of a bitterly contested divorce during the first part of the year 2000 between the Plaintiff and the Defendant Christy Ryan. Plaintiff's conduct in - court and out-of-court during the domestic proceedings became exceedingly erratic, unpredictable, angry, and out-of-control.

March 22, 2002 Order of Dismissal at 1. Because that civil case was dismissed for **lack of jurisdiction** and father never had an opportunity to present evidence, call witnesses or even appear (to be observed by Judge Zimmerman), the only source of information that Zimmerman could have had about father or father's alleged conduct in the "bitterly contested divorce" was from some extrinsic source — Judge Jane Tidball. And yet, "*Every person who appears in court expects to receive a determination of his case based on the merits of the case and not on extrinsic circumstances, and the right to a fair trial includes the right to be tried by an impartial and unbiased judge.*" Flamm, Richard E., § 15.1 Judicial Disqualification (Little, Brown & Co. 1996)

5. In addition, father has communicated on behalf of *KnowYourCourts.com* with R. Brooke Jackson, Chief Judge of this district in June 2006, expressing disappointment that Judge Jackson issued an administrative order restricting access to public records in a manner that was not prescribed by the Supreme Court's Chief Justice Directive 05-01. Chief Judge Jackson replied on July 15, 2006, disagreeing with father's interpretation. One year later, the CJD was amended in response to the fact that some district courts had indeed gone too far.

6. Under the appearance standard, a reasonable person would believe that it is highly improbable that any judge in the First Judicial District would not harbor strong resentment towards father that would impact his or her duty to preside over the case fairly based on these foregoing transactions, as well as those outlined in father's Motion for Substitution of Judge and Change of Venue.

---

<sup>1</sup> Yet, Wilson is seeking fees from Harrington for receipt and review of the apparently privileged memoranda.

<sup>2</sup> Cited in Wilson's December 8, 2008 Motion to Strike at 2.

7. Under the actual bias standard, the fact that Judge Tidball was reversed (in whole or in part) four consecutive times in a row (Nos. 03CA1825, 04CA1161, 04CA1986, and 07CA0379) for abusing her discretion or exceeding her jurisdiction is circumstantial evidence of actual bias. It is a violation of litigants' substantive and procedural due process rights and a tremendous waste of judicial resources for this case to be repeatedly appealed and repeatedly remanded by the Court of Appeals because certain judges in this district are determined to exercise their will rather than their judgment. In fact, such behavior is judicial misconduct.

8. Opposing counsel has cited no authority or provided any legal analysis of either the actual bias standard or the appearance standard and how these standards apply to recusal motions in Colorado. His only legal contention is a purported violation of the Duty to Confer (which, as it turns out, was groundless). The mere citation of a rule of civil procedure is not a "recitation of legal authority" as required by Rule 121. *Box v. Wickham*, 713 P.2d 415 (Colo. App. 1985).

9. In addition, opposing counsel has again failed to serve the only other real party to this action, Christy Ryan, as required by Rule 5. Attorneys licensed to practice in the courts of this state are bound by the same rules of evidence and procedures as *pro se* litigants. *Yadon v. Southward*, 64 P.3d 909, 912 (Colo. App. 2002); *Loomis v. Seely*, 677 P.2d 400, 402 (Colo. App. 1983).

**WHEREFORE**, for the foregoing reasons and based on the foregoing authorities, father requests the substitution of the trial judge under Rule 97 and reassignment to another judicial district under Rule 98.

Submitted this 1<sup>st</sup> day of April, 2009.

  
Sean L. Harrington

**CERTIFICATE OF MAILING**

I hereby certify that on the 1<sup>st</sup> day of April, 2009, a true and accurate copy of the foregoing *Reply in Support of MOTION FOR SUBSTITUTION OF JUDGE AND REASSIGNMENT TO ANOTHER Judicial DISTRICT* has been mailed, first class postage prepaid, to the following:

**First Judicial District Court**  
**Attn: Chief Judge R. Brooke Jackson**  
100 Jefferson County Parkway  
Golden, CO 80401

and by electronic mail to:

David H. Yun ([DYun@jalegal.com](mailto:DYun@jalegal.com));  
Brett N. Huff ([bhuff@huffandleslie.com](mailto:bhuff@huffandleslie.com)); and  
Christy C. Ryan ([cryan72@msn.com](mailto:cryan72@msn.com)).

## RE: Marriage of Harrington

From: **Sean Harrington** (esoxlucios@msn.com)

Sent: Wed 3/25/09 11:55 AM

To: Brett Huff (bhuff@huffandleslie.com)

Cc: David Yun (dyun@jalegal.com)

Attachments:

[image001.jpg \(3.3 KB\)](#)



Brett:

I will be drafting an objection and request for hearing. However, I am also filing a recusal motion under Rules 97 **and** 98 and asking that the attorney fees & hearing matter be held in abeyance pending the determination of the recusal motion and decided by a judge in a different district court. The reason for the recusal motion is that your billing records reflect that you engaged in conferences with representatives of "the judicial defendants." Because there were no judicial defendants (I never sued any judges, but only sought to call certain judges as lay and expert witnesses), the appearance of impropriety is so grave that no reasonable person could have expected an impartial decision from this court under these circumstances (and, which explains why the February 24, 2009 order departed so significantly from the well-settled law and legal principles).

Although I have not heard whether you and Tom have communicated yet, please understand that I am disinterested in dismissing either my Texas cases, the Colorado matter or any future Colorado matter under the remedial revival statute in exchange for your client's waiver of \$6,200 and I do not intend to put up my Web site for consideration.

I'm already working on my appeal brief. The Court of Appeals will have the opportunity to consider your client's conduct, including her kidnapping-threat scheme (*see* March 14, 2009 entry, [here](#)), her personal vendetta scheme *vis-a-vis* her contempt motion, her false sworn statements, her bogus motions, and the obscene statements in all her many emails. Regardless of the outcome of the appeal, whatever panel is assigned to the case that reads those emails will surely remember her name when she argues appeals on behalf of her clients in the future.

Please let me know your position on my proposed motions.

Sean

---

From: bhuff@huffandleslie.com

To: esoxlucios@msn.com

Subject: RE: Marriage of Harrington

Date: Wed, 25 Mar 2009 10:11:10 -0600



Sean,

Please see attached.

**EXHIBIT A**

Brett N. Huff

Huff & Leslie, LLP

2480 Gray Street

Edgewater, Colorado 80214

(303) 232-3622

(303) 274-0638 facsimile

(866) 599-2470 toll free

[www.huffandleslie.com](http://www.huffandleslie.com)

**CONFIDENTIAL**

The information contained in this email is confidential and meant only for the person or persons to whom it is addressed. If you are not the person to whom this email is addressed, please do not read, contact the sender and delete this email immediately.

---

**From:** Sean Harrington [mailto:esoxlucios@msn.com]

**Sent:** Wednesday, March 25, 2009 9:32 AM

**To:** Brett Huff

**Subject:** Marriage of Harrington

Brett:

I did not receive your response by email. Aside from your prior agreement to provide it via email as a courtesy, I understand that the Rules don't require it. However, because I can't access File-and-Serve (see March 23 story [here](#)), I would be very grateful if you'd continue to send them via email.

A copy of my *Reply to Wilson's Response to Father's Rule 59 Motion* is attached hereto.

thanks muchly,