

Sean Harrington
P.O. Box #351855
Westminster, Colorado 80035
tipline@knowYourCourts.com

29 May 2009

First Judicial District Court – Div. 9
Attn: Division Clerk for Judge Berryhill
100 Jefferson County Pkwy., Golden, CO 80401

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

Dear Juliette:

I write concerning the [May 11th 2009 Order](#) that was issued by the court. I never received a copy. Instead, I *learned* of the Order from my ex-wife (who learned of it herself while contacting “the domestic line” at 303/271-6149, inquiring about how to pay the Bill of Costs ordered by the Court of Appeals in No. 07CA0379). The Order, as provided to me by opposing counsel yesterday,¹ does not indicate that it was mailed to me.

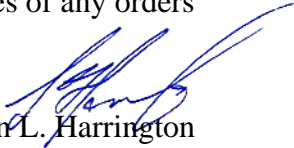
In my opinion, the fact that parties appearing without counsel are not permitted to use LexisNexis file-and-serve is a violation of the Equal Protection and Due Process clauses and this situation illustrates why: If I had not inadvertently learned of this Order, my opportunity to file a Rule 59 motion (within 15 days) or an appeal (within 45 days) would have been “forfeited” through no fault of my own, or I could have been subject to a contempt citation if the Order required me to act or refrain from acting.

By way of example, the state defendants in another JeffCo case (01CV1376) did not send a copy of a Motion to Dismiss to me via mail. Judge Zimmerman granted their Motion, stating that it was confessed because I “failed” to respond. When I sought reconsideration (*i.e.*, an opportunity to respond), my Motion was denied (without comment, of course). This is my “proof” that non-receipt of motions and orders is not only prejudicial, but can be fatal to a party’s rights.

In another example from this case, the Court (Div. 3) mailed Judge Tidball’s January 12, 2007 Order to my old (obsolete) address in Massachusetts,² rather than to my then-counsel-of-record, Karen Renne, Ph.D.

My mailing address is above-captioned until further notice. Please send copies of any orders issued by this court to my address on record.

. . . with kind regards,


Sean L. Harrington
(508) 361-2018

¹ I received the Order yesterday (May 28th) by requesting a copy of the same from opposing counsel.

² It is presumed that the court had my current address, because a notice regarding disposal of transcripts returned by the Appeals Court had been copied to me at my corrected address-of-record.