

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 05-cv-01858-EWN-MJW

SEAN HARRINGTON,

Plaintiff,

v.

MADELINE WILSON, et al.,

Defendants.

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**DEFENDANT CHRISTY RYAN'S MOTION TO STAY  
DISCLOSURES AND DISCOVERY**

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Defendant Christy Ryan requests that the Court stay disclosures and discovery until the resolution of her motion to dismiss. As grounds, Defendant Ryan states:

1. Undersigned counsel certifies that he conferred with Plaintiff and the other Defendants' attorneys about the relief requested in accordance with D.C. COLO. LCivR 7.1A. The correspondence was by e-mail and undersigned counsel was advised that the relief requested is not opposed by the other Defendants, but that Plaintiff does not consent to the relief requested.
2. Defendant Ryan has filed a motion to dismiss the various federal civil rights and state common law claims asserted by Plaintiff, which motion asserts lack of subject matter jurisdiction, abstention, and failure to state claims. Given that this Court may not have jurisdiction to hear this case, the Court may abstain from hearing the case, and the Plaintiff may not have asserted federal civil rights claims, it would be appropriate to suspend all disclosures and discovery until the resolution of those issues.

3. A planning and scheduling conference is up-coming in this case, at which time deadlines for disclosures and discovery may be imposed by the Court. Various rules militate against the need for early disclosures and discovery under the circumstances of this case, as follows: (a) Fed. R. Civ. P. 16(a)(3) concerning pretrial conferences to discourage wasteful pretrial activities; (b) Fed. R. Civ. P. 16(b)(4) providing for modifications of the times for disclosures and of the extent of discovery to be permitted; (c) Fed. R. Civ. P. 26(a)(1)(last para.) providing for a court order altering the time for disclosures; (d) Fed. R. Civ. P. 26(d) providing for a court order altering the timing and sequence of discovery; and (f) Fed. R. Civ. P. 26(f) providing for proposals concerning the timing of disclosures and discovery.

4. The Plaintiff is here suing almost every person involved in state court custody and parenting time proceedings, including his ex-wife Defendant Ryan. This case involves a collateral attack upon those proceedings, including the conduct of all of the Defendants in and related to those proceedings. Disclosures and discovery with respect to the merits (or demerits) of Plaintiff's purported claims are immaterial to the Court's analysis of Ms. Ryan's motion to dismiss. Moreover, immediate and unlimited disclosures and discovery could be costly, unnecessary, and a waste of time and resources of the parties (and the Court if it becomes involved in disputes over disclosures and/or discovery).

5. In further support of this motion, Defendant Ryan adopts and incorporates by reference "The Fyfe Defendants' Motion to Stay Discovery" filed on November 28, 2005. Although that Motion is based primarily upon the policy of staying discovery until issues of immunity have been resolved by the Court, Defendant Ryan submits that the reasoning in said Motion is applicable to the instant motion.

6. It is submitted that the foregoing is good cause for a stay of disclosures and discovery, and neither the parties nor the Court would be prejudiced.

**WHEREFORE**, Defendant Christy Ryan requests that the Court grant this motion and enter an Order staying all disclosures and discovery until the resolution of her motion to dismiss.

Dated this 29<sup>th</sup> day of November, 2005.

Respectfully submitted,

s/ Randolph S. Dement  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 29<sup>th</sup>, 2005, I electronically filed the foregoing **MOTION** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses: [esoxlucios@msn.com](mailto:esoxlucios@msn.com); [bhuff@wsteele.com](mailto:bhuff@wsteele.com); [dyun@jalegal.com](mailto:dyun@jalegal.com); [ck.wilkinson@state.co.us](mailto:ck.wilkinson@state.co.us); and I hereby certify that I have served the document to the following non-CM/ECF participants in the manner indicated by the non-participant's name:

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