

**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.

**REPLY IN SUPPORT OF DEFENDANT CHRISTY RYAN'S
MOTION TO STAY DISCLOSURES AND DISCOVERY**

Pursuant to D.C.COLO.LCivR 7.1C, Defendant Christy Ryan respectfully submits this reply in support of her motion to stay disclosures and discovery (Doc. 34):

1. In his Response (Doc. 36-1), the Plaintiff does not dispute the various rules of procedure providing authority for the proposition that disclosures and discovery may be stayed by the Court. (Mtn., ¶3). Ms. Ryan would also note that she incorporated her objection to disclosures and discovery into the Proposed Scheduling Order (Doc. 46 at §5) in accordance with Fed. R. Civ. P. 26(a)(1), last paragraph.
2. Plaintiff instead contends that early discovery is necessary to ascertain “collusion” between Ms. Ryan, her divorce lawyer Defendant Wilson, and the other Defendants, so that Plaintiff may “perfect his Complaint.” (Resp., ¶4). Plaintiff also contends that early discovery would be appropriate because if he learned that a “civil conspiracy” does not exist among the several Defendants, he could withdraw that claim(s). (Id.). It appears that Plaintiff is acknowledging there was no basis to assert such claim(s) in the first place.

3. Plaintiff's argument puts the proverbial cart before the horse and would place Ms. Ryan and the other Defendants in the middle of a fishing expedition led by the Plaintiff. He would be casting for information covered by the attorney-client privileges and other privileges in an attempt to seek support for his claims that should already have had a legal and factual basis. Plaintiff's argument also presupposes that Ms. Ryan's motion to dismiss is not well taken, i.e., that the Court has jurisdiction over the subject matter of this action, or that the Court will not abstain from hearing this case, or that he has stated claims upon which relief may be granted. Ms. Ryan submits that her motion to dismiss is well taken and under the circumstances of this case, disclosures and discovery should be stayed until the motion is determined.

4. Plaintiff objects to the fact that Ms. Ryan adopted and incorporated by reference the Fyfe Defendants' motion to stay discovery filed November 28, 2005 (Doc. 28). (Resp. ¶5). Ms. Ryan does not presently rely upon Defendant Fyfe's assertion of qualified immunity and does not so argue in her motion. (Mtn., ¶5). However, the reasoning in Fyfe's motion is applicable to Ms. Ryan's motion because a stay of disclosures and discovery is appropriate where the Court may not have jurisdiction to hear the case.

5. In further support of this reply, Defendant Ryan adopts and incorporates by reference "Defendant Wilson's Joinder in Motions to Stay Discovery" filed on November 30, 2005. (Doc. 37). Defendant further adopts and incorporates by reference the "State Defendants' Motion to Stay Discovery and Disclosures Pending Determination of Motion to Dismiss Based on Immunity from Suit" filed on December 1, 2005. (Doc. 43). Although that motion is based primarily upon the policy of staying discovery until issues of immunity are resolved, the reasoning in said motion is applicable to the instant motion.

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

Dated this 6th day of December, 2005.

Respectfully submitted,

s/ Randolph S. Dement
Randolph S. Dement
7720 E. Belleview Avenue, Suite 350
Greenwood Village, Colorado 80111
Telephone: 303-721-7271
Facsimile: 303-779-6006
E-mail: rdement@dementlaw.com
Attorney for Defendant Christy Ryan

CERTIFICATE OF SERVICE

I hereby certify that on December 6th, 2005, I electronically filed the foregoing **REPLY** 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; bhuff@wsteele.com; dyun@jalegal.com; 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:

Christy Ryan (mail)
P.O. Box 707
Decatur, Texas 76234

s/ Randolph S. Dement
Randolph S. Dement
7720 E. Belleview Ave., Suite 350
Greenwood Village, Colorado 80111
Telephone: 303-721-7271
Facsimile: 303-779-6006
E-mail: rdement@dementlaw.com
Attorney for Defendant Ryan