

COURT OF APPEALS  
STATE OF COLORADO

Colorado Court of Appeals;  
Colorado State Judicial Building  
2 E 14<sup>th</sup> Ave.  
Denver, CO 80203  
(303) 837-3785

2005 MAR 24 P 4: 29

JOHN P. DOERNER  
CLERK  
COURT OF APPEALS

District Court, Douglas County, Colorado  
4000 Justice Way Ste 2009  
Castle Rock CO 80104  
(303) 663-7200  
Honorable Judge Kenneth Barnhill;  
Case No. 97 DR 0704

COPIES MAILED TO  
COUNSEL OF RECORD  
Tri. Ct. Judge - Tri. Ct. Clerk  
AND  
ON 5-13-05  
BY *AG*  
COLORADO COURT OF APPEALS

In re the Custody of:

▲ Court Use Only ▼

TWM,  
Impartial,

Upon the Petition of :

CAROLYN TAYLOR,  
Petitioner/Appellee,

And Concerning

GORDON STADNYCK,  
Respondent/Appellant.

Attorney for Respondent/Appellant  
The Law Offices of John W. McKendree  
John W. McKendree, #1209  
1244 Grant Street  
Denver, CO 80203  
Phone Number: (303) 861-8909  
FAX Number: (303) 861-7773  
E-mail: jwm@mckendree.com

ORDER  
GRANTED - DENIED  
5-13, 2005  
The Order to Show  
cause is  
DISCHARGED and  
the appeal shall  
proceed. Record  
received 5-4-05.  
is ACCEPTED. Copy  
Brief is due 4/30  
from this  
BY THE COURT  
pb/sa

04 CA 2318

D - DENIED  
\_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
the Court  
Court of Appeals

*order*

APPELLANT'S RESPONSE TO COURT'S ORDER TO SHOW CAUSE AND  
MOTION FOR EXTENSION OF TIME TO TRANSMIT THE RECORD

COMES NOW Appellant, Gordon Stadnyek, by and through his attorney of record, John W. McKendree of the Law Offices of John W. McKendree, LLC, and Robert L. Goodbinder, and hereby respectfully submits his response to the Court's order to show cause dated March 7, 2005 and his motion for extension of time to transmit the record and in support herein states as follows:

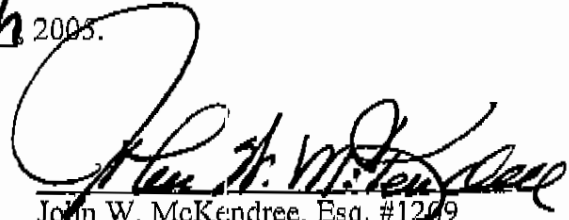
1. The Notice of Appeal in the above captioned case was filed on or about November 8, 2004.
2. The Designation of Record in the above captioned matter was filed on or about November 23, 2004.
3. On or about November 16, 2004 co-counsel Robert Goodbinder was notified by the Douglas County District Court that a \$250.00 cost bond was required and until it was paid no further action would be taken to transmit the record to the Colorado Court of Appeals.
4. Mr. McKendree was out of the country at the time his office received the fax from co-counsel Goodbinder. This was the extent of communication between the two offices regarding the payment of the \$250.00 appeal bond.
5. Consequently, because of the lack of communication between both counsel over the matter of the payment of the \$250.00 appeal bond was not paid until Ms. Dyche from Mr. McKendree's office called the Court of Appeals to confirm the record on appeals had been transmitted.
6. When Ms. Dyche discovered the record had not yet been transmitted, she called the Douglas County Combined Courts on to find out the reason for the delay. At that time she was told that the record had not been transmitted because the \$250.00 for an appeal bond had not been paid.
7. Once this oversight was discovered, on or about March 1, 2005, a check for

\$250.00 was mailed to the Douglas County Combined Courts, six days before the Court's order to show cause.

8. On March 16, 2005, Mr. Braddy contacted Cheryl Lane from the Douglas County Combined Courts who stated to Mr. Braddy that the record was complete with the exception of the transcript from the September 22, 2004 hearing, and was told to contact Shelly Westman regarding the transcript.
9. Mr. Braddy then contacted Shelly Westman who stated that the transcript was ready and all she required was payment for the transcript.
10. Upon receiving a faxed billing statement from Ms. Westman, a check was prepared and forwarded to Ms. Westman for payment.
11. Appellant requests that the court grant an extension of time to and including April 15, 2005 to allow time for the Douglas County Court to properly transmit the record on Appeal.
12. Appellant has made a good faith effort to process the record on Appeal. Therefore Appellant request that the court discharge the Motion to Show cause in order to allow the record to be delivered to the Appeal courts.

WHEREFORE, Appellant prays that due to the above mentioned, the court discharge the Order to Show Cause and to Grant Appellant an extension of time to transmit the record on Appeal, together with any further relief which this court may deem appropriate.

Respectfully Submitted this 24<sup>th</sup> day of March, 2005.



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D.C. Box 23  
303-861-8906  
303-861-7779(facsimile)  
jwm@mckendree.com

**CERTIFICATE OF SERVICE**

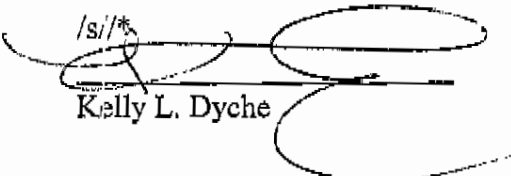
I hereby certify that on this 24<sup>th</sup> day of March 2005, a true and correct copy of the foregoing **APPELLANT'S RESPONSE TO COURT'S ORDER TO SHOW CAUSE AND MOTION FOR EXTENSION OF TIME TO TRANSMIT THE RECORD** was filed via hand delivery with the Colorado Court of Appeals. A true and correct copy of the foregoing was served by placing into the U.S. Mail, first class postage pre-paid and properly affixed, as indicated below:

Madeline Wilson  
501 S Cherry St, Ste 610  
Denver CO 80246

Clerk of the Court  
Douglas County Justice Center  
4000 Justice Way, Suite 2009  
Castle Rock CO 80104

Honorable Judge Barnhill  
10365 Red Man East  
Littleton CO 80127

Attorney Robert Goodbinder  
Via Hand Delivery

  
/s/ \*  
Kelly L. Dyche