

4. Respondent retained Ms. Duckworth for personal counseling services for himself and for the daughter, [REDACTED] during the period January 14, 2002 to April 11, 2002. Respondent attended four counseling sessions for himself during the period January 14th to January 24th, attended four joint-counseling sessions for himself and the daughter, [REDACTED] during the period February 1st to February 26th, and attended three counseling sessions for the daughter, [REDACTED] during the period March 7th to April 11th. Respondent terminated the counseling services by Ms. Duckworth and Maria Droste Services for himself and the daughter on April 11, 2002.
5. Respondent signed consent forms for the release of personal counseling information on January 14, 2002 for Michael Thynne, Attorney and on May 22, 2002 for Roger Larsen, Attorney only. Both of the aforementioned Attorneys provided legal services for Respondent.
6. In the October 10th Hearing in Division V, Magistrate Erler accepted a Xerox copy of a fax copy of the January 14th signed consent form for Michael Thynne, Attorney into evidence from Ms. Duckworth and Maria Droste Services. The consent form unexplainably contained the additional name, address, and phone number of Petitioner's second Attorney, Dianna Harris. Respondent testified during said Hearing that while the printing appeared to be his, he did not recall ever adding the name of Ms. Harris to Mr. Thynne's consent form. Ms. Harris did not file a notice of appearance with the Court until February 11, 2002 and as of January 14th was unknown to Respondent. Respondent recalls writing the name, address, and phone number of Petitioner's second Attorney, Dianna Harris on a separate notepad in Ms. Duckworth's office in late February or early March of 2002 as Ms. Duckworth wanted this information for her records. It is Respondent's belief that Ms. Duckworth later copied or Xeroxed the printing of the aforementioned notepad onto the January 14th consent form for Michael Thynne. Ms. Duckworth should, therefore, be required to produce the original signed consent form for Mr. Thynne.
7. Contrary to Magistrate Erler's October 10th ruling, the aforementioned implied consent for the release of personal counseling information to Ms. Harris does not constitute a consent for the release of personal counseling information to El Paso County District Court. Similarly, the aforementioned implied consent does not constitute consent by the Respondent for an evaluation and report by Ms. Duckworth nor does said implied consent relieve the Court, Ms. Duckworth, or the Petitioner from the aforementioned Statutory and ethics requirements governing Ms. Duckworth appearance in this Civil Case.

Dated: November 18, 2002

Petitioner/Plaintiff OR Respondent/Defendant

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CERTIFICATE OF MAILING

I certify that on November 18, 2002 (date) the original of this Motion was filed with the Court; and a true and accurate copy of this **MOTION TO OBJECT TO THE APPEARANCE OF MS. CINDY DUCKWORTH, COUNSELOR** was served on the other party(ies) by placing it in the United States mail, postage pre-paid and addressed to the following:

Steven M. Werner, Attorney
Law Offices of Steven M. Werner, P.C.
301 S. Weber St.
Colorado Springs, Colorado 80903

 Petitioner/Plaintiff OR Respondent/Defendant