

DISTRICT COURT, BOULDER COUNTY, COLORADO 1777 6 <sup>th</sup> Street Boulder, Colorado 80302	<div data-bbox="1019 304 1357 420"> DATE FILED  September 2, 2025 11:14 AM  FILING ID: 86A2D95026726  CASE NUMBER: 2025CV80 </div> <div data-bbox="1063 667 1351 703"> <b>COURT USE ONLY</b> </div>	
CHARLES R. BELL,  Plaintiff,  v.  JAY E. FREEDBERG, CPA/ABV/CFF; CAROL GLASSMAN, ESQ; and NELISSA MILFELD, ESQ.  Defendants.		<div data-bbox="1057 779 1357 814"> Case No.: <b>2025 CV 80</b> </div> <div data-bbox="1151 852 1302 888"> Division: <b>2</b> </div>
Attorneys for Defendant: Carol Glassman <b>GORDON &amp; REES LLP</b> John M. Palmeri, #14252 William G. Dewey, #55930 555 Seventeenth Street, Ste. 3400 Denver, Colorado 80202 (303) 534-5160 <a href="mailto:jpalmeri@grsm.com">jpalmeri@grsm.com</a> <a href="mailto:wdewey@grsm.com">wdewey@grsm.com</a>		
<b>DEFENDANT CAROL GLASSMAN'S MOTION FOR ATTORNEY FEES AND COSTS</b>		

Defendant Carol Glassman, through counsel, Gordon & Rees LLP, moves the Court for an award of attorney fees and costs pursuant to C.R.S. § 13-17-201.

**CERTIFICATE OF CONFERRAL**

Undersigned counsel conferred with Plaintiff pursuant to C.R.C.P. 121 § 1-15(8) by email before filing this motion. Plaintiff opposes the motion.

**MOTION**

Plaintiff asserted four claims for relief against Ms. Glassman in this action, including for fraudulent misrepresentation, civil conspiracy, abuse of process, and unjust enrichment. The

Court dismissed these claims on August 11, 2025, and instructed any defendants seeking an award of attorney fees to file a motion within 21 days stating the basis for the fees.

**A. Basis upon which fees are sought.**

An award of attorney fees under Section 13-17-201 is mandatory when a trial court dismisses a tort action under C.R.C.P. 12(b). *Crow v. Penrose-St. Francis Healthcare Sys.*, 262 P.3d 991, 995 (Colo. App. 2011). There were no non-tort claims pleaded in this action, so there is no dispute that the essence of Plaintiff's action was one in tort, and Section 13-17-201 applies. *Gagne v. Gagne*, 338 P.3d 1152, 1168 (Colo. App. 2014). Under Section 13-17-201, Defendants are not limited to recovering only the attorney fees incurred in preparing the motion to dismiss, but are entitled to recover all "attorney fees in defending the action." *Dubray v. Intertribal Bison Coop.*, 192 P.3d 604, 607 (Colo. App. 2008).

**B. Amount of fees requested and method of calculation**

Pursuant to C.R.C.P. 121 § 1-22(2)(c), Ms. Glassman submits with this motion and incorporate herein the accompanying Affidavit of John M. Palmeri, which establishes the amount of fees sought and the method by which those fees were calculated, with supporting documentation under Section 1-22(2)(c). The amount of reasonable attorney fees requested to be awarded is \$15,862.00. *See* Affidavit of John M. Palmeri attached as **Exhibit A**.

**C. Bill of Costs**

Pursuant to C.R.S. § 13-16-113(2), "In all actions brought as a result of a death or an injury to person or property occasioned by the tort of any other person, where any such action is dismissed prior to trial under rule 12(b) of the Colorado rules of civil procedure, the defendant shall have judgment for his costs." Because this action was dismissed pursuant to C.R.C.P. 12(b), Defendants are entitled to their costs under § 13-16-113(2).

Ms. Glassman seeks an award for costs incurred in this action in the amount of \$115.64. Exhibit A. Under Section 13-16-122(1)(a), these items are allowable as costs. *See McCormick v. Bradley*, 870 P.2d 599 (Colo. App. 1993) (“The trial court has no discretion to deny an award of actual costs under this statute, so long as it determines that those costs are reasonable.”).

WHEREFORE, Defendants Mark Anthony Law, Mark Anthony Barrionuevo, and Melonie Deis request that the Court enter judgment in their favor and against the Plaintiff for attorney fees in the amount of \$15,862.00, and for costs in the amount \$115.64.<sup>1</sup>

Dated this 2<sup>nd</sup> day of September 2025.

**GORDON & REES LLP**

/s/ John M. Palmeri

John M. Palmeri, #14252

William G. Dewey, #55930

ATTORNEYS FOR DEFENDANT  
CAROL GLASSMAN

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the above and foregoing was filed and served via the CO-Courts electronic filing and service system this 2nd day of September 2025, with service upon pro se plaintiff by electronic mail.

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/s/ Linda J. Bustos

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<sup>1</sup> This amount reflects attorney fees and costs incurred through August 27, 2025. Ms. Glassman reserves the right to supplement this motion to reflect additional fees and costs incurred through counsel’s next quarterly billing cycle.