

District Court, Boulder County, State of Colorado 1777 Sixth Street, Boulder, Colorado 80302 (303) 441-3750	
CHARLES BELL <i>Petitioner</i> and ALYSON VARVEL (f/k/a ALYSON BELL) <i>Co-Petitioner</i>	DATE FILED December 14, 2025 6:36 PM CASE NUMBER: 2022DR30458 ▲ COURT USE ONLY ▲
Attorney for Petitioner: Pro Se Attorney for Respondent: Carol Glassman	Case Number: 2022DR30458 Division: 14 Courtroom: I
ORDER RE: ATTORNEY FEES	

On October 7, 2025, this matter came before the Court for a hearing on attorney fees awarded at permanent orders, following a partial remand by the Court of Appeals on that issue. See 24CA141. The proceeding was recorded on the FTR. Prior to the hearing, the Court also received briefing and exhibits from Co-Petitioner, Alyson Varvel, in support of her request for an award of attorney fees incurred on appeal and remand. Having considered the evidence and testimony presented, the Court enters the following oral findings and ORDERS:

APPEARANCES:

1. Petitioner, Charles Bell (“Mr. Bell”), appeared in person on his own behalf.
2. Carol Glassman, Esq., appeared in person on behalf of Co-Petitioner, Alyson Varvel (f/k/a/ Alyson Bell, hereinafter “Ms. Varvel”), who also appeared in person.

SWORN WITNESSES:

1. Lee Strickler (expert witness)
2. Alyson Bell

EXHIBITS ADMITTED:¹

- Petitioner’s (Mr. Bell’s):
 - No objection: None
 - Over objection: None
- Co-Petitioner’s (Ms. Varvel’s):
 - No objection: C, D, E, F, O, P, DD, EE

¹ The Court does not maintain or file any physical exhibits in domestic relations cases. Counsel is directed to e-file any exhibits offered or admitted at the hearing in accordance with Chief Justice Directive 11-01 and Local Administrative Order 11-102. Pro se parties’ admitted exhibits will be scanned and uploaded into the electronic file by court staff.

- Over objection: B, S
- The Court took judicial notice of its file, including the full trial transcript from the hearing on permanent orders.

I. BACKGROUND

1. On August 23, 2023, the Court held a Permanent Orders Hearing regarding the dissolution of marriage of the parties.
2. The Court issued Permanent Orders as to the division of marital property, spousal maintenance, and child support, and ordered Mr. Bell to pay \$15,000 of Ms. Varvel's attorney fees incurred during the litigation of the case. The Court did not specify under which legal authority the fees were awarded.
3. Mr. Bell appealed the District Court's Permanent Orders concerning the division of marital property, maintenance, child support, and attorney fees to the Colorado Court of Appeals (COA No. 24CA0141).
4. On May 1, 2025, the Court of Appeals issued an Opinion affirming the District Court's judgment and orders as to property division, maintenance, and child support. The Court of Appeals remanded the case to the District Court to conduct further proceedings concerning the \$15,000 award of attorney fees, and to address Ms. Varvel's request for appellate attorney fees.
5. The Court of Appeals issued its Mandate on June 20, 2025, and remanded the question of attorney fees to this Court for further proceedings consistent with the Opinion.

II. ATTORNEY FEES AND COSTS

a. Legal Standards

Under C.R.S. § 14-10-119, the court may, after considering the financial resources of both parties, order one party to pay a reasonable amount for the cost, including attorney fees, to the other party "of maintaining or defending any proceeding under this article." C.R.S. § 14-10-119. The purpose of an award of attorney fees under the statute is to apportion equitably the costs of the proceedings based on the current resources of the parties in order to equalize their status and to ensure that neither party suffers undue economic hardship as a result of the proceedings. *In re Marriage of Page*, 70 P.3d 579, 584 (Colo. App. 2003). The statute gives courts great latitude to craft attorney fee orders appropriate to the circumstances in a given case. *In re Marriage of Davis*, 252 P.3d 530, 538 (Colo. App. 2011).

In awarding fees and costs under section 14-10-119, the court must consider the parties' relative financial status by making findings concerning their relative incomes, assets, and liabilities. *In re Marriage of Aldrich*, 945 P.2d 1370, 1378 (Colo. 1997). Then, the court must apportion fees based on the statute's equitable purpose, explaining how and why it arrived at the specific amount of the award. *Id.*

b. Findings of Fact and Conclusions of Law

Ms. Varvel seeks an award of \$15,000 for attorney fees incurred at the permanent orders stage, as well as attorney fees and costs incurred on appeal and remand. Given the lapse of time since permanent orders, the Court must assess the parties relative financial situations at the time of permanent orders for the first request, as well as their current financial situations for the present request.

i. Financial Circumstances at Permanent Orders

On appeal, the Court of Appeals did not disturb the District Court's findings as to the parties' incomes, division of property and debts, maintenance, and child support. As such, this Court adopts those findings, summarized below, for purposes of determining the parties' relative financial circumstances at the time of permanent orders.

1. Ms. Varvel

At permanent orders, the Court found that Ms. Varvel's gross monthly income was \$4,166.00 from full-time employment. Permanent Orders: Dissolution of Marriage ("Permanent Orders") at 13. The Court did not include income from additional jobs resulting in more than full-time employment. *Id.* at 14. Additionally, the Court ordered Mr. Bell to pay Ms. Varvel \$1,283.00 per month for child support, and \$3,000.00 per month in spousal maintenance. *Id.* at 15-17. Ms. Varvel was also awarded the marital home, with an equity value of approximately \$470,103.00 and a total value of \$990,000.00, additional marital assets with a total value of \$44,243.32, and \$12,044.32 of the marital debt. *Id.* at 6-10. Due to the unequal distribution of property, Ms. Varvel was ordered to pay Mr. Bell \$82,592.00 as an equalization payment, subject to offset by the amount Mr. Bell withdrew from the parties' home equity line of credit. *Id.* at 10-11.

2. Mr. Bell

At permanent orders, the Court determined that Mr. Bell was the sole officer and shareholder in Tool Studios. Permanent Orders at 4. The Court valued Tool Studios at \$305,000.00 based on the credible testimony and expert report provided by Co-Petitioner's expert witness, Mr. Freedberg. *Id.* at 5. The Court awarded the business to Mr. Bell. *Id.* at 8. The Court further found that Mr. Bell's monthly income was \$16,433.00, again based on Mr. Freedberg's testimony and report. *Id.* at 13. Mr. Bell was awarded additional marital assets with a total value of \$55,626.44,

100,000 optioned shares in Nobo Inc., and \$24,647.88 in marital debt. *Id.* at 6-10. As referenced above, the Court also ordered Ms. Varvel to pay Mr. Bell an equalization payment of \$82,592. *Id.* at 10-11.

In consideration of these factors, particularly the parties' disparate incomes, and in light of the equitable purpose of the statute, the Court FINDS that it is fair and equitable for Mr. Bell to pay \$15,000 of Ms. Varvel's attorney fees, representing seventeen percent of Ms. Varvel's reasonable attorney's fees and costs incurred prior to the issuance of permanent orders. In arriving at this percentage, the Court considered the fact that Ms. Varvel's attorney fees prior to permanent orders were paid using marital funds, and the fact that parties have a right to a contested hearing in dissolution of marriage actions. However, given the significant disparity between the parties' incomes as well as additional marital funds Ms. Varvel needed to expend to address Mr. Bell's "history of prolonged litigation..." the Court finds that it is equitable to order Mr. Bell to pay a portion of Ms. Varvel's reasonable attorney fees and costs. Permanent Order at 18.

ii. Current Financial Circumstances

1. *Ms. Varvel*

Ms. Varvel testified that she is currently employed by Lumenarea, a lighting company in Longmont, CO. Ms. Varvel testified that her gross monthly wages are \$4,766.00. *See* Ex. C. Ms. Varvel testified that she also earns variable commissions at work and estimates that these commissions are about \$1,395.00 per month on average. *See also* Ex. D. Based on the testimony and evidence presented, the Court FINDS that Ms. Varvel's gross monthly income from employment is \$6,161.00. The Court notes that beyond her full-time work, Ms. Varvel works additional part-time jobs. *See* Ex. E, F. The Court also notes that Ms. Varvel receives \$1,283.00 per month for child support, and \$3,000.00 per month in spousal maintenance.

Ms. Varvel testified that her *Sworn Financial Statement*, Exhibit B, accurately reflects her assets, liabilities, and expenses. She further testified that her monthly expenses include insurance, activity fees, and psychotherapy and therapy costs for the parties' child, and that Mr. Bell does not assist with these expenses. The Court did not hear any testimony challenging the reasonableness of Ms. Varvel's monthly expenses. After striking the double-counted expense for attorney fees (which is listed as both an expense and a minimum payment), the Court FINDS that Ms. Varvel's monthly budget shortfall is \$1,775.60. The Court further FINDS that Ms. Varvel's unsecured debt balance is \$193,656.78, and the value of her assets is \$425,148.05 (with her home comprising 88% of that total value).

2. *Mr. Bell*

Mr. Bell failed to present any evidence of his current income, business performance, business valuation, debts, or assets. Ms. Varvel testified that she believes Mr. Bell's relentless litigation in this case has likely distracted him from his work. The only document in evidence that addresses Mr. Bell's current financial situation is his untimely *Sworn Financial Statement*, filed on September 23, 2025. In that *Sworn Financial Statement*, Mr. Bell claims that his monthly income is merely \$1,500.00 per month; however, as noted, Mr. Bell has not provided this Court with any evidence to support such a drastic change in circumstances.

The Court also notes that at the June 11, 2025, hearing on Mr. Bell's *Motion to Modify Maintenance and Child Support*, Mr. Bell testified that he made up his income using "darts." See Minute Order Regarding Motion to Modify Maintenance and Child Support (June 12, 2025) at 3. At the same hearing, the Court found that Mr. Bell had not demonstrated a substantial and continuing change in his financial circumstances since the entry of permanent orders. *Id.* at 5. The Court also heard testimony that Mr. Bell had recently inherited \$100,000.00 and determined that Mr. Bell had more cash on hand than he did at permanent orders. *Id.*

Based on the minimal evidence available and the negative inference drawn as a result of Mr. Bell's failure to comply with financial disclosure deadlines², the Court shall rely on Mr. Bell's income and business valuation determined at permanent orders. As such, the Court FINDS that Mr. Bell's gross monthly income is \$16,433.00, and the value of his business is \$305,000.00.

Regarding additional assets and liabilities, the Court must again rely on what was allocated at permanent orders due to Mr. Bell's failure to present updated and substantiated asset/debt information. At permanent orders, Mr. Bell was awarded marital assets with a total value of \$360,626.44 (including Tool Studios), 100,000 optioned shares in Nobo Inc., and \$24,647.88 in marital debt. The Court also ordered Ms. Varvel to pay Mr. Bell an equalization payment of \$82,592.00.

In consideration of these factors, with particular weight given to the disparity between the parties' incomes, and in light of the equitable purpose of the statute, the Court FINDS that it is fair and equitable for Mr. Bell to pay Petitioner/Respondent's reasonable attorney's fees and costs incurred on appeal and remand.

² See the Court's July 25, 2025, Order requiring the parties to update their sworn financial statements and provide updated disclosures.

III. LODESTAR ANALYSIS

a. *Legal Standards*

Having found that an award of attorney fees is equitable under the circumstances, the Court now completes a lodestar analysis to determine the amount of attorney fees to be awarded. *See, In re Marriage of Aragon*, 444 P.3d 837 (Colo. App. 2019) (when assessing the reasonableness of the attorney fees a party seeks to recover, the court must generally calculate a lodestar amount, which represents the number of hours reasonably expended on the case multiplied by a reasonable hourly rate).

“An award of attorney fees must be reasonable.” *Tallitsch v. Child Support Services, Inc.*, 926 P.2d 143, 147 (Colo. App. 1996). Generally, a court’s initial estimate of reasonable attorney fees is determined by calculation of the “lodestar” amount. *Id.* The lodestar amount “represents the number of hours reasonably expended multiplied by a reasonable hourly rate and carries a strong presumption of reasonableness.” *Id.* The Court further “should exclude from [the] initial [lodestar] calculation hours that were not ‘reasonably expended[.]’” *Payan v. Nash Finch Co.*, 310 P.3d 212, 218 (Colo. App. 2012) (quoting *Hensley v. Eckerhart*, 461 U.S. 424, 434 (1983) (alterations in original) (superseded by statute on other grounds)). These deductions include “deductions for overstaffing and for hours that are ‘excessive, redundant, or otherwise unnecessary.’” *Id.* (quoting *Hensley*, 461 U.S. at 434).

A reasonable hourly rate is determined by the market rate charged in the community for similar services by lawyers of reasonable comparable skill, experience, and reputation. *Anderson v. Pursell*, 244 P.3d 1188, 1197 (Colo. 2010). The burden is on the fee applicant to present satisfactory evidence, including the attorney’s affidavit, establishing the reasonableness of the hourly rates. *See Crow v. Penrose-St. Francis Healthcare System*, 262 P.3d 991, 999 (Colo. App. 2011).

“A party seeking attorney fees bears the burden of proving by a preponderance of the evidence its entitlement to such an award.” *Id.* at 998. A “district court is obliged to make findings that will permit meaningful appellate review of an attorney fees award.” *Id.*

“Counsel is not required ‘to record in great detail how each minute of [their] time was expended. But at least counsel should identify the general subject matter of [their] time expenditure.’” *Farmers Reservoir and Irr. Co. v. City of Golden*, 113 P.3d 119, 126 (Colo. 2005), quoting *Hensley*, 461 U.S. at 437, n.12.

Upon determination of the lodestar amount, that amount may be adjusted upward or downward by application of the factors set forth in Rule 1.5 of the Colorado Rules of Professional Conduct. *Tallitsch*, 926 P.2d at 147; *People v. Shifrin*, 342 P.3d 506, 525 (Colo. App. 2014). Rule 1.5 provides the following factors in considering the reasonableness of a fee:

(1) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly; (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer; (3) the fee customarily charged in the locality for similar legal services; (4) the amount involved and the results obtained; (5) the time limitations imposed by the client or by the circumstances; (6) the nature and length of the professional relationship with the client; (7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and (8) whether the fee is fixed or contingent.

C.R.P.C. 1.5.

b. Findings of Fact and Conclusions of Law

i. Attorney Fees for Permanent Orders (Carol Glassman, P.C. and Milfeld Law LLC)

For permanent orders, Ms. Varvel was represented by Carol Glassman (CO Attorney Registration No. 11321) of Carol Glassman, P.C., and Nelissa Milfeld (CO Attorney Registration No. 40753) of Milfeld Law LLC. Ms. Varvel was billed the following hourly rates for each professional that worked on her case:

- Ms. Glassman billed \$400.00 per hour
- Ms. Milfeld billed \$350.00 per hour
- Paralegal time was billed at \$175.00 per hour
- Secretarial time was billed at \$75.00 per hour

Ex. P, *Co-Petitioner's Counsel's Affidavit for Attorney Fees and Costs* (dated August 21, 2023). From November 29, 2022, through July 31, 2023, Ms. Varvel incurred \$79,750.00 in attorney fees, including paralegal and secretarial time. *Id.*

At the October 7, 2025, hearing on attorney fees, this Court certified Lee Strickler, Esq., as an expert in family law and the reasonableness and necessity of attorney fees in family law. Ms. Strickler testified that she has been practicing law for 24 years and that she practices family law exclusively. She further testified that she has addressed attorney fee issues in litigation and mediation. Ms. Strickler confirmed that in forming her expert opinion regarding attorney's fees in this case, she reviewed the dissolution petition, permanent orders, transcript from the permanent orders hearing, Court of Appeals opinion and mandate, secondary source articles, caselaw, and Exhibit P.

In her expert report, Ms. Strickler stated, "Ms. Glassman has been a practicing attorney in the area of domestic relations law, primarily in Boulder courts, for forty-four years and is a highly

regarded member of the bar. Ms. Milfeld has been practicing for more than sixteen years. Ms. LaPlume, Ms. Glassman's paralegal, has been employed as her paralegal for more than eight years." Ex. O at 5. Ms. Strickler testified that the rates charged by Ms. Varvel's legal team are reasonable, and further stated that in her experience, the average attorney billing rate in Boulder, Colorado is between \$300 and \$500. Ms. Strickler further opined that Ms. Milfeld's hourly rate is likely low compared to attorneys with similar experience. The Court FINDS Ms. Strickler's testimony to be credible and helpful to the Court in its determination of reasonable attorney fees.

Having considered the expert testimony, *Affidavit of Attorney Fees and Costs* (dated August 21, 2023), and billing statements, the Court FINDS that these rates represent the prevailing market rates for attorneys with similar experience in Boulder, Colorado. The Court finds that these rates are reasonable, given the specialized experience of the attorneys, the necessity for those specialized skills given the circumstances of this action, and the prevailing market rates for attorneys of similar experience in Boulder.

Ms. Varvel was billed for 166.20 hours of Ms. Glassman's time, 24.20 hours of Ms. Milfeld's time, 29.55 hours of paralegal time, and 3.60 hours of administrative time. Ex. P at 33. Ms. Strickler testified that the total hours expended in the eight months leading up to permanent orders were reasonable based on the facts and circumstances of the case. In her expert report, however, Ms. Strickler suggested that it may be appropriate to strike some billing due to heavy redaction. Ex. O at 8. These redactions are discussed in further detail below.

Ms. Glassman and Ms. Milfeld have generally identified, with specificity, the number of hours spent on the case by attorneys, paralegal, and administrative staff. The Court has considered the *Affidavit*, supporting billing statement, and expert testimony, and FINDS that the entries and record are specific enough to support the fee award requested, with the exception of the following substantially redacted entries:

- 4/4/23 entry by ML; .1 hours billed at \$175 per hour = \$17.50
- 4/19/23 entry by CEG; .2 hours billed at \$400 per hour = \$80.00
- 5/8/23 entry by CEG; .4 hours billed at \$400 per hour = \$160.00
- 6/5/23 entries by NM; .6 hours billed at \$350 per hour = \$210.00
- 6/8/23 entry by NM; 1.4 hours billed at \$350 per hour = \$490.00
- 6/14/23 entry by NM; .4 hours billed at \$350 per hour = \$140.00
- 6/21/23 entry by CEG; .35 hours billed at \$400 per hour = \$140.00
- 7/25/25 entry by MAL; 1.0 hour billed at \$75 per hour = \$75.00
- 7/26/25 entry by MAL; .4 hours billed at \$75 per hour = \$30.00

See Ex. P.

The redacted entries total \$1,342.50. Because these entries are heavily redacted, the Court cannot assess the reasonableness of the time expended. Accordingly, the Court shall reduce the

reasonable fees by \$1,342.50. The Court finds that the remaining hours recorded in the billing statements, Ex. P, were reasonably expended.

In addition to attorney fees, Ms. Varvel incurred \$12,647.00 in costs throughout the dissolution action. Ex. P. Specifically, Ms. Varvel was charged \$1,531.43 for Mr. Bell's deposition transcript, and \$9,459.00 for expert fees. Ms. Strickler testified that these costs were reasonable and necessary. The Court agrees that an expert was necessary to provide the Court with reliable information regarding business valuation and Mr. Bell's income. However, upon review of Ms. Varvel's billing statement, the Court deducts \$2,770.50 for entries that were fully redacted because the Court lacks sufficient information to assess the reasonableness of those entries. Accordingly, the Court FINDS that Ms. Varvel incurred \$9,876.50 in reasonable costs.

The Court thus FINDS that the lodestar amount for fees and costs incurred prior to permanent orders is \$88,284.00.

Having determined the lodestar amount, the Court considers the appropriateness of an upward or a downward adjustment to those amounts based on the factors set forth in Rule 1.5. Based on the circumstances of this case, the Court placed the most weight on the first Rule 1.5 factor: the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly. C.R.P.C. 1.5(a)(1). The Court finds the following facts relevant in its analysis of Rule 1.5(a)(1):

- Mr. Bell repeatedly changed attorneys leading up to permanent orders. The Court takes judicial notice of the Register of Actions in this case, which shows a Motion to Withdraw on 12/22/2022, an Entry of Appearance on 12/30/2022, another Motion to Withdraw on 05/23/2023, and another Entry of Appearance on 06/12/2023.
- Mr. Bell repeatedly changed his position on the disposition of the marital home, leading to redrafted agreements and legal fees. Permanent Orders Transcript ("Tr."), Vol. 1 181:17–25; 182:1–10.
- Mr. Bell frequently retracted agreements, causing repeated legal work and increased fees. Tr. Vol. 2 207:13–14, 20–25.
- Mr. Bell initially refused mediation, then challenged numbers without suggesting alternative numbers. Tr. Vol. 2 209:6–9.
- Mr. Bell endorsed witnesses and refused to withdraw them despite not intending to call them. Tr. Vol. 2 209:10–12.
- Agreements were drafted but not signed due to Mr. Bell changing his position. Tr. Vol. 1 182:14–22.
- Mr. Bell was inconsistent regarding his participation in and position on reunification therapy initially agreeing to a reunification therapist and then requesting a PRE. Tr. Vol. 2 209:1–3.

The Court FINDS that Mr. Bell's actions impacted the time and labor required in reaching permanent orders, the novelty and difficulty of the questions involved, and the skill requisite to represent Ms. Varvel. Although this award of attorney fees is not based on Mr. Bell's conduct, the Court FINDS that these factors support the reasonableness of the lodestar amount. The Court does not find any cause to deviate downward from the presumptively reasonable lodestar amount.

Accordingly, Mr. Bell SHALL pay an equitable portion of Ms. Varvel's reasonable attorney fees and costs, in the amount of \$15,000 directly to Carol Glassman, P.C.³

ii. *Appellate Attorney Fees (Carol Glassman, P.C., Milfeld Law LLC, Aitken Law LLC)*

On appeal, Ms. Varvel was represented by Carol Glassman, Nelissa Milfeld, and Sharlene Aitken (CO Attorney Registration No. 35396). Ms. Glassman and Ms. Milfeld's fees are addressed together. Ms. Aitken's fees are addressed separately. Ms. Varvel claims that she incurred total attorney fees and costs of \$15,089 related to the defense of the appeal. *Co-Petitioner's Brief in Support of an Award of Appellate Attorney Fees* ("Co-Pet'r Br.") at 3.

Carol Glassman, P.C., and Milfeld Law LLC billed Ms. Varvel at the following hourly rates:

- Ms. Glassman billed \$400.00 per hour;
- Ms. Milfeld billed \$325.00 per hour;
- Paralegal time was billed at \$175.00 per hour;
- Secretarial time was billed at \$65.00 per hour.

Co-Pet'r Br. Ex. 2, *Co-Petitioner's Counsel's Affidavit for Attorney Fees Related to Appeal*. From January 27, 2024, to May 14, 2025, Ms. Varvel incurred \$3,340 in fees for Ms. Glassman's time (8.35 hours), \$1,982.50 for Ms. Milfeld's time (6.10 hours), and \$87.50 for paralegal time (0.5 hours), totaling \$5,410 (14.95 hours). *Id.* at 5.

The parties were ordered to proceed by written briefing regarding the reasonableness and necessity of attorney fees on appeal (and remand). *See Order Concerning Hearing on Determination of Permanent Orders Attorney Fees (Remand from COA) and Appellate Attorney Fees and Costs* (July 25, 2025). Ms. Varvel submitted a brief, along with supporting documentation, on September 9, 2025. Mr. Bell failed to respond. Pursuant to the Colorado Rules of Civil Procedure Rule 121, Section 1-5(3), "failure of a responding party to file a responsive brief may be considered a confession of the motion." Based on Mr. Bell's failure to respond or present competing evidence, in addition to Ms. Stricker's testimony, the attorney fee affidavit, and the supporting billing statements, the Court FINDS that these rates represent the prevailing market

³ The Court notes this attorney fee amount may have already been paid. The Court authorized Ms. Varvel to deduct the attorney fee award from the equalization payment. Permanent Orders at 18.

rates for attorneys with similar experience in Boulder, Colorado. The Court finds that these rates are reasonable given the specialized experience of the attorneys, the necessity for those specialized skills given the circumstances of this action, and the prevailing market rates for attorneys of similar experience in Boulder.

Sharlene J. Aitken, Aitken Law LLC, billed Ms. Varvel at the following hourly rates:

- Ms. Aitken billed \$325 to \$375 per hour;
- Paralegal time was billed at \$105 to \$125 per hour;
- Legal assistant/law clerk time was billed at \$85 per hour.

Co-Pet'r Br. Ex. 1, *Affidavit of Appellate Attorney Fees*. Ms. Aitken's affidavit states that she has practiced appellate law exclusively for 19 years. *Id.* Additionally, the affidavit states that Ms. Aitken is the immediate past Chair of the Appellate Law Subsection of the Colorado Bar Association, having previously served as the Vice-Chair of the Appellate Law subsection for 2023-24. *Id.* Ms. Aitken will be the Chair of the CLE Committee for the 2025-26 term, having been Chair previously from 2022-23 and Vice-Chair from 2021-22. *Id.* Ms. Aitken has also been a moderator and program chair for the Annual Appellate Law CLE and teaches CLE's on appellate law. *Id.*

According to Ms. Aitken's Affidavit, Ms. Varvel incurred \$8,812.50 for "billed" attorney fees, and \$259.00 in costs for various filings with the Colorado Court of Appeals and the District Court, totaling \$9,071.50.⁴

Based on Ms. Aitken's sworn affidavit and Mr. Bell's failure to present competing evidence or testimony, the Court FINDS that these rates represent the prevailing market rates for appellate attorneys with similar experience in Denver, Colorado. The Court FINDS that these rates are reasonable, given the specialized experience of the attorney, the necessity for those specialized skills given the circumstances of this action, and the prevailing market rates for attorneys of similar experience in Denver.

The Court further FINDS that Mr. Bell has not contested the reasonableness, necessity, or amount of Ms. Varvel's appellate attorney fees. **Accordingly, the Court FINDS that the lodestar amount for fees and costs incurred on appeal is \$14,481.50.** The lodestar amount is presumptively reasonable, and neither party presented arguments supporting an adjustment to the lodestar amount. Accordingly, the Court finds no reason to adjust the lodestar amount.

⁴ Ms. Aitken also noted \$607.50 for "unbilled" attorney fees in her affidavit. The Court excluded the "unbilled" fees from its calculation of attorney fees, finding that it would be unfair and inequitable to award unbilled attorney fees to Ms. Varvel.

Mr. Bell shall pay Ms. Varvel's reasonable appellate attorney fees and costs, in the amount of \$5,410.00 directly to Carol Glassman, P.C. and \$9,071.50 directly to Aitken Law, LLC.

iii. Attorney Fees on Remand

On remand, Ms. Varvel was represented by Carol Glassman and Nelissa Milfeld. Ms. Varvel claims that she incurred attorney fees and costs of \$22,110.25 on remand. Ex. EE.

Carol Glassman, P.C., and Milfeld Law LLC billed Ms. Varvel at the following hourly rates on remand:

- Ms. Glassman billed \$400.00 per hour;
- Ms. Milfeld billed \$325.00 per hour;
- Paralegal time was billed at \$175.00 per hour;
- Secretarial time was billed at \$65.00 per hour.

Ex. EE. From July 2, 2025, to October 7, 2025, Ms. Varvel incurred \$18,740 in fees for Ms. Glassman's time (46.85 hours), \$175 for administrative time (2.7 hours), and \$2,485 for paralegal time (14.2 hours), totaling \$21,400.50 (63.75 hours). Ex. EE at 7; Ex. 1 (attached to September 23, 2025, *Co-Petitioner's Counsel's Affidavit for Attorney Fees and Costs for October 7, 2025 Remand Hearing*) at 6. Ms. Varvel also incurred \$709.75 in costs, resulting in total attorney fees and costs of \$22,110.25 on remand.

Based on the expert testimony of Ms. Strickler, which is instructive in this context, as well as the affidavit and supporting billing statements, the Court FINDS that these rates represent the prevailing market rates for attorneys with similar experience in Boulder, Colorado. The Court FINDS that these rates are reasonable, given the specialized experience of the attorneys, the necessity for those specialized skills given the circumstances of this action, and the prevailing market rates for attorneys of similar experience in Boulder. The Court also finds that Mr. Bell failed to present arguments or evidence challenging these rates.

Accordingly, the Court thus FINDS that the lodestar amount for fees and costs incurred on appeal is \$14,481.50.

Having determined the lodestar amount, the Court considers the appropriateness of an upward or a downward adjustment to those amounts based on the factors set forth in Rule 1.5. Based on the circumstances of this case, the Court placed the most weight on the first factor: the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly. C.R.P.C. 1.5(a)(1).

In this case, the record demonstrates that on remand, Mr. Bell elected to proceed with a hearing on the issue of the permanent orders attorney fees and elected to proceed by written argument on the issue of appellate and remand attorney fees. As to the appellate and remand fees,

Mr. Bell did not file a timely written response to Ms. Varvel's opening brief. *See* Order Concerning Hearing on Determination of Permanent Orders Attorney Fees (Remand from COA) and Appellate Attorney Fees and Costs (July 25, 2025). Additionally, Mr. Bell failed to file an updated Sworn Financial Statement by the Court's deadline in advance of the remand hearing. *See id.* The Court finds that Ms. Varvel's legal team did what was reasonably required of them on remand despite a lack of reciprocal effort from Mr. Bell. As such, the Court finds no reason to adjust the attorney fee award downward, and Mr. Bell SHALL pay Ms. Varvel's reasonable remand attorney fees and costs, in the amount of \$22,110.25 directly to Carol Glassman, P.C.

IV. ORDERS

1. The Court GRANTS Ms. Varvel's Request for Attorney Fees and Costs and ORDERS:
 - a. Mr. Bell shall pay \$15,000.00 to Carol Glassman, P.C., for fees and costs incurred for permanent orders.⁵
 - b. Mr. Bell shall pay \$5,410.00 to Carol Glassman, P.C., for fees and costs incurred on appeal.
 - c. Mr. Bell shall pay \$9,071.50 to Aitken Law LLC for fees and costs incurred on appeal.
 - d. Mr. Bell shall pay \$22,110.25 to Carol Glassman, P.C., for fees and costs incurred on remand.
 - e. Mr. Bell shall pay the above-ordered attorney fees and costs **no later than Monday, January 12, 2026.**
2. The Court heard testimony about Ms. Stricker's expert fees, and reviewed the accounting pertaining to such fees in Ms. Strickler's expert report. Outside of Ms. Strickler's testimony and expert report, the Court finds that a request for an award for Ms. Strickler's fees is not properly before the Court.

⁵ Again, the Court notes this attorney fee payment may have already been paid. The Court authorized Ms. Varvel to deduct the attorney fee award from the equalization payment. Permanent Orders at 18.

SO ORDERED: December 14, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Tim Johnson', written in a cursive style.

Timothy L. Johnson
District Court Judge