DISTRICT COURT, BOULDER COUNTY, COLORADO Court Address: 1777 SIXTH STREET P.O. BOX 4249, BOULDER, CO, 80306-4249	
Petitioner(s) CHARLES BELL and **Co-Petitioner(s)** ALYSON BELL	DATE FILED November 13, 2025 7:19 PM CASE NUMBER: 2022DR30458 ⚠ **COURT USE ONLY** ⚠ Case Number: 2022DR30458 Division: 14 Courtroom:

Order re: Petitioner's Motion to Correct and Clarify the Record and for Relief Under C.R.C.P. 60(a) and 60(b) (Final Paragraph - No Time Bar)

The motion/proposed order attached hereto: ACTION TAKEN.

This matter comes before the Court on Petitioner's Motion Under C.R.C.P. 60(a) and 60(b) filed on November 10, 2025. The Court also received a letter from Mr. Bell at the same time. No responsive pleading is requested.

Letter:

Mr. Bell wrote a two page letter to the Court. The Court is being asked to "exercise its inherent and continuing authority to correct the record where verified fraud has affected the integrity of the tribunal." In reliance on this request, Mr. Bell cites to the following cases:

Baker v. Young, 72 Colo. 561, 212 P. 837 (1923) - the case of *Baker v. Young* does not appear at this citation. This citation belongs to a case called *People ex rel. Arkansas Valley Sugar Beet & Irrigated Land Co. v. Burke*. This case has nothing to do with issues of fraud and the Court notes it predates the Rules of Civil Procedure. The case of *Baker v. Young* is found at 798 P.2d 889 (Colo.1990). This is a diversity action arising out of a Colorado automobile accident case. This case has nothing to do about fraud.

People v. Buckley, 848 P.2d 353 (Colo.1993) - this case has been cited to by Petitioner on numerous occasions. This case is about an attorney who received a public censure because he stole an item worth less than $50. It has nothing to do with what Petitioner has repeatedly stated in his prior motions as well as this Motion. It does not say anywhere in the opinion that the Court's have an ongoing duty to correct judgments. Despite the Court's repeated corrections and admonitions, Petitioner continues to cite to this case.

In re Marriage of Gance, 36 P.3d 114 (Colo.App.2001) - this case addresses the difference between intrinsic and extrinsic fraud and whether it is appropriate to file a collateral action or to try to obtain relief in the underlying case. Petitioner claims the opinion stands for the proposition that "relief for fraud upon the court may be granted at any time." This concept does not appear within the opinion. The opinion discusses the use of an independent equitable action based upon fraud committed by a party. The Court of Appeals actually reversed the trial court's finding about "fraud upon the Court" indicating what the party had done was fraudulently disclosed his assets. That was not fraud upon the court, but rather fraud between the parties. Petitioner's statement as to what this case stands for is not supported by any of the text within the opinion.

People ex rel. Lackey v. District Court, 764 P.2d 125 (Colo.1988) - this case does not appear at this citation. This citation is part of *State v. Alger*, 764 P.2d 119 (Idaho Ct.App.1988). This case is about pre-trial identification, a defendant's waiver of right against self-incrimination, and admissibility of a learned treatise in a criminal case. It is not relevant to what Petitioner has stated. The Court found a case called *People ex rel. Lackey v. District Court of the Second Judicial District*, 69 P. 597 (Colo.1902). This case addressed venue and a motion to change venue. The Colorado Supreme Court held the denial of the change of venue was error and the place of trial lacked jurisdiction to award alimony or to hear the petition to dissolve the marriage. There were no allegations of fraud raised in the case.

The Court is disappointed Petitioner continues to file letters with the Court with supposed authority to support his arguments regarding allegations of fraud. The Court must hold Petitioner to the same level as it would an attorney when the Petitioner knowingly misrepresents what legal cases hold and how they apply to the issues in his case. **The Court is uncertain whether Petitioner is just using 100% generative AI to write to the Court or if someone else is writing for him, but Petitioner is now ORDERED to review all case law citations at the law school library or a paid subscription to**

Westlaw or Lexis/Nexis and to attach a physical copy of all case law authorities he relies upon. The number of incorrect citations is unacceptable and would garner a licensed attorney a referral to the Office of Attorney Regulation Council.

Background Regarding Allegations of Fraud

Over the past several months, Petitioner has alleged fraud within this case and has accused the Co-Petitioner, her counsel, and an expert witness of fraud and collaborating to commit fraud upon the Court. Petitioner presented considerable paperwork to the Court in support of these theories. This paperwork was examined by the Court. On October 2, 2025, Judge Collins issued an Order re: Petitioners Motion for Relief from Judgment Pursuant to C.R.C.P. 60(b)(2), 60(b)(3), and the Final Paragraph of Rule 60 for Fraud upon the Court.

In that Order, Judge Collins wrote, "the Court finds that Petitioner has failed to substantiate any claim that the Court relied on fraudulent or improper evidence. The Court further finds that Petitioner has failed to prove that [Co-Petitioner] engaged in concealing evidence or in any conduct that would warrant relief from judgment." Order, October 2, 2025 p.1

The Court DENIED Petitioner's Motion asking for relief based upon allegations of fraud.

Petitioner's Motion to Correct and Clarify the Record and for Relief Under C.R.C.P. 60(a) and 60(b) (final paragraph).

Petitioner has submitted a 22 page motion. This violates C.R.C.P. 121, sec 1-15(1). **The Court ORDERS Petitioner to comply with all Court Rules regarding the length of any filing submitted to the Court.**

Petitioner relies on *Baker v. Young* and repeats the fabricated case citation. He cites to language within the opinion which simply does not exist. Petitioner builds a foundation of legal principles which are devoid of any merit ant not based upon the case law he has cited to. He then attempt to build a structure upon that faulty foundation to convince the Court of continued fraud targeting him. Petitioner attempts to relitigate the information which is found in his numerous Motions filed for the purpose of the Rule 60(b) relief he requested and was denied on October 2, 2025. Petitioner returns his focus to events from July 2023 that he disputes and alleges are fraudulent, despite the fact those events were subject to appeal to the Court of Appeals and later affirmed in case 24CA141.

Petitioner shifts to the June 11, 2025 Hearing held in the magistrate's division. Petitioner has filed a notice of appeal in this case on October 10, 2025 appealing the District Court's adoption of the order from the magistrate's division. As that matter is currently subject to an appeal in case 25CA2070, the District Court lacks jurisdiction to address this part of Petitioner's Motion (see pages 9-10)

Petitioner then begins a section claiming there has been a mischaracterization of his income. A closer examination of this section which begins on page 12 of the motion again addresses the magistrate division's June 2025 hearing and order which is subject to the new appeal by Petitioner. As such, this Court lacks any jurisdiction to address Petitioner's claims.

On page 14 of the Motion, Petitioner argues about the alleged use of Exhibit III during the October 7, 2025 hearing which addressed the remand from the Court of Appeals. There has not been a written order issued in that case so any request of relief at this point is premature. The Court will therefore not address the arguments on pages 14-15 of the Motion.

Next in section VIII of the Motion, Petitioner argues as to a perceived pattern of concealment and misrepresentation. Petitioner relies on facts which are not in the record and creates an argument which he believes supports his theories. Upon closer examination by this Court in prior motions and by the Court of Appeals in its original opinion, nothing he has alleged is grounded in the facts in the record. Petitioner continues to create false narratives about "manipulated filings" or "misstated authorship" and "concealed unredacted billing data" to reach a conclusion of a grand scheme of fraud involving several attorneys and experts. He then discusses how his evidence meets the "Baker v. Young criteria for fraud upon the court." There is no "Baker v. Young criteria." *Baker v. Young* again is an appeal to the Colorado Supreme Court which answers a question certified from the 10th Circuit Court of Appeals in a diversity action stemming from a Colorado automobile accident. The Colorado Supreme Court held that the insurer's obligation to indemnify and defend the nonresident insured under an automobile liability policy was nonexempt property interest subject to prejudgment attachment for the purpose of quasi in rem jurisdiction. There is not a single mention of fraud within that opinion.

Past page 16 of the Motion, Petitioner continues to follow facts he has identified as odd or unusual in an attempt to bolster his theory of a conspiracy to commit fraud upon the Court. All of this was addressed in the Court's October 2, 2025 Order,

but Petitioner continues to advance these unsupported and unproven theories. In section IX of his motion, Petitioner continues to be fixated upon Counselor Milfeld and her status in the case.

Finally at pages 21 and 22, Petitioner lists 9 claims of relief. The first 4 are under C.R.C.P. 60(a) which allow the Court to correct clerical errors. Petitioner's arguments, however, are not that these are clerical errors (such as using the number 67 instead of 76 or mixing up the "Petitioner" and "Respondent"), but they are substantive errors allegedly made by the Court. As to each of the requests, the Court makes the following ruling:

1. Regarding the minute order from June 12, 2025, this matter is under appeal to the Colorado Supreme Court. As such the District Court does not have jurisdiction over this request.

2. Regarding the second request, Petitioner wants a "clarification" regarding his income from 2023. This again is contained in the June 12, 2025 order. This Court does not have jurisdiction over this request as it is subject to the 2025 appeal.

3. Regarding Petitioner's request to strike Exhibit III from the remand record due to lack of authentication, the Court DENIES this request as the Court properly admitted Exhibit III at permanent order which is found in both the written Permanent Orders and in the transcript of the Permanent Orders hearing. The Court has cited to both of these sources in prior orders. The Court has previously denied this request about Exhibit III and will do so again here.

4. Regarding Petitioner's request to "update related financial findings in accordance with Exhibit 20" this request is regarding the June 12, 2025 minute order (see page 12 of the Motion). As that is the subject of the current appeal, the Court does not have jurisdiction to address Petitioner's request for relief.

The Court, therefore, DENIES Petitioner's request for relief under C.R.C.P. 60(a) noting three of the four requests are not subject to the jurisdiction of this Court due to the pending appeal and the last request has been addressed previously and DENIED by the Court.

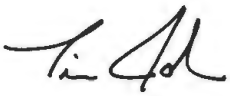
Next, Petitioner is seeking relief pursuant to C.R.C.P. 60(b). This has already been addressed in the Court's October 2, 2025 Order. The Court has previously DENIED Petitioner's request for relief pursuant to C.R.C.P. 60(b) and that order does not change. Petitioner next requests the Court "issue a record integrity memorandum unifying the record across divisions 13, 14, and M." The Court does not understand this request. Petitioner has failed to identify the authority the Court would have to issue such a memorandum or where such a memorandum is authorized by statute or case law. This request is DENIED.

Petitioner repeats his prior requests to have this matter referred to the Chief Judge of the district for "coordinated review and record certification" pursuant to C.A.R. 10. The Colorado Appellate Rules do not charge the Chief Judge of the district to do the administerial duties of compiling the record for an appeal. Petitioner has failed to cite to any authority which would require the relief requested. This request is DENIED.

Finally, Petitioner is requesting a stay of the proceedings as relief under C.R.C.P. 60. This is not a form of relief under C.R.C.P. 60 and Petitioner has failed to cite to any authority for a stay. Petitioner has failed to establish the necessary evidence to grant his request for a stay pursuant to C.R.C.P. 62(b). A stay under that rule is discretionary. The Court DENIES Petitioner's request for a stay.

The Court will not accept any further filings by Petitioner that allege fraud or relief sough under C.R.C.P. 60 unless it is filed by an attorney who signs their name pursuant to C.R.C.P. 11. Upon review of Petitioner's letter to the Court requesting leave to file this Motion, the Court notes that Petitioner requested leave to file a "short motion to correct and clarify the record." This 22-page Motion was anything but what Petitioner was asking to submit. He cited to C.R.C.P. 60(a) to correct clerical errors, C.R.C.P. 16.2(e) (which appears on page 5 but there is no argument associated with that rule), and C.R.C.P. 121, sec 1-18 (which does not even appear in the 22 page document). Petitioner failed to make any arguments as to those sections but chose to relitigate his fraud claims. Petitioner's letter misled the Court. This is unacceptable.

Issue Date: 11/13/2025



TIMOTHY LEE JOHNSON
District Court Judge

DISTRICT COURT, BOULDER COUNTY, STATE OF COLORADO 1777 6th Street, Boulder, Colorado 80302 303-441-3750	
In re the Marriage of: CHARLES BELL, Petitioner, v. Alyson G. Varvel, f/k/a Alyson Bell., Co-Petitioner,	
Charles R. Bell Pro Se 210 Emery Street Unit 12 Longmont, Co 80544 bell@partnersandbell.com 303-931-6101	▲ COURT USE ONLY ▲ Case No: 2022DR30458 Division: 14

PETITIONER'S MOTION TO CORRECT AND CLARIFY THE RECORD AND FOR RELIEF UNDER C.R.C.P. 60(a) AND 60(B) (FINAL PARAGRAPH)

Pursuant to C.R.C.P. 60(a) and C.R.C.P. 60(b) (final paragraph)
(Filed November 9, 2025 pursuant to the Court's October 28, 2025 Order Granting Leave to File)

Petitioner respectfully moves under ***C.R.C.P. 60(a)*** and the final paragraph of ***C.R.C.P. 60(b)*** to correct and clarify the record based on verified misconduct directed at the tribunal and to ensure that all divisions operate from a single, accurate record consistent with the January 31, 2023 Joint Expert Order.

> *To: Division 14 (Primary) CC: Division M (Fee Proceedings); Division 13 (Chief Judge Salomone); Division 2 (Supervisory Jurisdiction) CC: Division M (Fee Proceedings); Division 13 (Chief Judge Salomone); Division 2 (Supervisory Jurisdiction)*

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I. INTRODUCTION, AUTHORITY, AND FOUNDATION

Since April 2025, Petitioner has sought to correct procedural confusion and restore judicial integrity following verified misconduct that impaired the fairness of proceedings across multiple divisions. The issues documented here include misrepresentation of expert authorship, concealment of unredacted billing data, and the reuse of unauthenticated exhibits, all of which constitute fraud upon the court under ***C.R.C.P. 60(b) (final paragraph).***

This motion is remedial, not punitive. Its purpose is to ensure that Divisions M, 14, 13, and 2 operate from a unified, verified record consistent with ***People v. Buckley,*** 848 P.2d 353 (Colo. 1993), and ***Baker v. Young,*** 72 Colo. 561 (1923). (See Exhibit **FP-3)** The verified evidence supporting this motion is currently under review by the Office of Attorney Regulation Counsel (OARC Case No. 25-472).

Petitioner proceeds under approved ADA accommodations and has acted in good faith to correct procedural inaccuracies without duplicating matters on appeal. The misconduct identified in Exhibits **FP-15** through **FP-23,** and corroborated by the appellate mandate in Bell v. Varvel, 24CA0141, is not an isolated mistake but a sustained pattern of misrepresentation and concealment that directly undermined the Court's decision-making function.

Petitioner therefore requests that the Court exercise its inherent authority under ***C.R.C.P. 60(a) and C.R.C.P. 60(b) (final paragraph)*** to correct the record, align the divisions, and reaffirm the integrity of these proceedings.

The verified record now before the Court provides the factual and procedural foundation necessary to distinguish ordinary error from fraud upon the tribunal. Each verified act detailed in Exhibits **FP-15** through **FP-23** satisfies one or more of the elements articulated in ***Baker v. Young***, 72 Colo. 561 (1923): an intentional misrepresentation, by an officer of the court, directed at the tribunal itself, which defiles the integrity of the judicial process and is not curable through ordinary means.

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The following section sets forth the legal framework governing the Court's authority to act under ***C.R.C.P. 60(b) (final paragraph)*** and the precedent confirming that such relief is both continuing and mandatory where verified fraud is established.

II. C.R.C.P. 60(B) (FINAL PARAGRAPH): LEGAL AUTHORITY AND NEED FOR CLARIFICATION

Systemic Impact on Judicial Function and Due Process

The final paragraph of ***C.R.C.P. 60(b)*** often called the "savings clause" preserves the Court's inherent authority to set aside judgments procured through fraud upon the tribunal. The 182-day limitation in subsections (1) and (2) ***does not apply*** to the final paragraph, which exists to protect the integrity of the judicial process itself rather than to reopen ordinary disputes.

Colorado appellate courts have confirmed that this power is continuing and not subject to waiver or time bar. See ***People ex rel. Lackey v. Dist. Ct.,*** 764 P.2d 125 (Colo. 1988) (courts must correct judgments when the process's integrity is compromised); ***People v. Buckley,*** 848 P.2d 353 (Colo. 1993) (the duty to maintain judicial integrity is non-discretionary and ongoing); and In re ***Marriage of Gance***, 36 P.3d 114 (Colo. App. 2001) (misconduct affecting the tribunal may be addressed at any time).

Although the 20th Judicial District has not yet ruled substantively on the scope of the rule's final paragraph, Division 2 has recognized its distinction from time-limited relief and treated it as an independent vehicle for addressing verified fraud upon the court. This motion follows that interpretation to ensure consistent treatment across divisions.

Two misinterpretations now require correction:

1. **October 2, 2025 –** Division 5 Order. The order denied relief under ***Rule 60(b)(2)–(3)*** and, without reaching the merits, declared all fraud allegations resolved.
2. **October 7, 2025** – Division 14 Remand Hearing. Relying on that order, the Court implied that prior fraud allegations had been adjudicated when, in fact, none of the

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verified acts presented here including those substantiated in Exhibits **FP-15** through **FP-23** had been reviewed.

These rulings created a jurisdictional defect that now prevents uniform application of the rule. Clarifying the reach of ***C.R.C.P. 60(b)'s final paragraph*** restores the Court's authority to act on verified fraud, aligns divisions under a single interpretation consistent with appellate precedent, and prevents unexamined misconduct from being insulated by procedural error.

Each verified act and exhibit identified below satisfies one or more of the five elements of fraud upon the tribunal recognized in ***Baker v. Young***, 72 Colo. 561 (1923), as summarized in Exhibit **FP-3** (Fraud-Upon-the-Court Framework).

III. VERIFIED FINDINGS AND RECORD CORRECTIONS

*The Court limited both parties to a single joint expert, Jeremy Harkness, CPA/ABV of Causey Demgen & Moore P.C., and one valuation report, unless leave of Court was granted. No such leave was ever sought or obtained. The limitation was entered under **C.R.C.P. 16.2(g)** and remains the controlling framework for expert testimony in this matter.*

January 31 2023 – Joint Expert Order (Foundational Order)

(Filing ID D9F074CCD0FFD)

The Court limited both parties to one joint expert, Jeremy Harkness, CPA/ABV (Causey Demgen & Moore P.C.), and one report, absent leave of Court. No such leave was ever granted.

June 13–16 2023 – Unauthorized Disclosure and Concealment Sequence

- **June 13, 2023 (12:33 p.m.)** – Entry of Appearance
- Kathryn J. Goff, Esq., enters her appearance (Filing ID DECA13F3B8AD4).

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June 15, 2023 – Billing Entry (Exhibit III-UR, p. 29; File ID 1445DAA19E770):

> *"Telephone conference with J. Freedberg; revise witness disclosures; review changes to discovery requests; instructions to paralegal – 1.0 hour."*

🔍 *This contemporaneous record links counsel's direct contact with Freedberg to the false disclosure filed the following day.*

⚠ June 16, 2023 (5:00 p.m.) – False Disclosure:

On June 16, 2023, Co-Petitioner filed a disclosure naming Jay E. Freedberg, CPA/ABV/CFF, as her "rebuttal expert" (Filing ID 12E14E22975AD). This filing directly violated the January 31, 2023 Joint Expert Order (Filing ID D9F074CCD0FFD), which limited both parties to a single neutral expert, Jeremy Harkness, absent leave of Court. No motion for additional expert testimony was ever filed.

The Freedberg disclosure lacked the required ***Rule 26(a)(2)(B) expert packet,*** was not accompanied by foundational disclosures under ***C.R.C.P. 16.2(e)(1)–(5)***, and was filed outside the 21-day timeline set by the Joint Expert Stipulation. No authentication, authorship affidavit, or notice of intent to call Mr. Freedberg was ever submitted.

Despite this, counsel repeatedly relied on Freedberg's reports ***(Exhibits JJ, OO, and DD)*** throughout trial and remand, mischaracterizing him as a disclosed expert. These reports materially inflated Petitioner's income and valuation while concealing that the Court had never admitted them into evidence.

This pattern of concealment and procedural misrepresentation satisfies multiple Baker elements (See Exhibit **FP-3**) and supports relief under both ***C.R.C.P. 60(a)*** (to correct the record's expert disclosure history) and 60(b) (final paragraph), as fraud upon the tribunal.

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July 6, 2023 – Deposition: Direct Rebuttal Denial

(Exhibit QQQ pp. 77–80 | Filing ID 11CF90781D400)

During sworn testimony, Co-Petitioner's counsel asked whether Petitioner had retained or intended to retain a rebuttal expert. Petitioner testified:

> ***"No."***
>
> ***"I haven't even thought of it. I didn't even know you could."***
>
> (Exhibit QQQ, p. 79)

These questions were posed 20 days after Co-Petitioner filed the June 16, 2023 rebuttal expert disclosure naming Jay Freedberg as Petitioner's rebuttal expert (Filing ID 12E14E22975AD). Opposing counsel had actual knowledge of that filing when she asked whether Petitioner was planning to retain a rebuttal expert. At no point during the deposition did counsel clarify that Freedberg had already been disclosed purportedly on Petitioner's behalf.

This line of questioning created the false appearance that Petitioner was evasive, unprepared, or withholding information, when in fact Petitioner had no knowledge of the June 16 filing or that any expert had been disclosed in his name. The transcript shows he explicitly expressed confusion and lack of awareness:

> ***"I haven't even thought of it. I didn't even know you could."***

Counsel's decision to proceed with this questioning, despite knowing the June 16 filing existed, satisfies the ***Baker v. Young element of intent to mislead the tribunal***. (See Exhibit **FP-3**) This misrepresentation tainted both the deposition transcript and subsequent inferences made at trial and must be corrected under ***C.R.C.P. 60(a) and vacated under C.R.C.P. 60(b) (final paragraph) as a fraud upon the court.***

> *Note: Review of the redacted billing entries shows that all references to Attorney Milfeld's preparation for the July 6, 2023 deposition were removed—except for a single line item for the deposition day itself (8.0 hours). This raises a material question about*

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what Ms. Milfeld knew or was told regarding the June 16, 2023 filing that disclosed Mr. Freedberg as Petitioner's rebuttal expert. If she was directed on what to say without knowledge of that filing, her participation may reflect reliance on incomplete or misleading information. Ms. Glassman has claimed attorney-client privilege to block access to Ms. Milfeld since her March 2025 accident and has declined to confirm her involvement during key filings. Under these circumstances, the privilege claim warrants scrutiny, particularly if Ms. Milfeld was unaware of developments that occurred after the fraud allegations were first raised. Under the final paragraph of Rule 60(b), the Court has both the discretion and duty to make factual findings as to these omissions if it chooses to do so.

3. August 21, 2023 – Filing of Exhibit III (Redacted Billing Statement)

Exhibit III (Filing ID FED53E8356F6C) was filed less than 46 hours before trial. As documented in **FP-23** § V, this version selectively removed all references to "Freedberg," "Eric Six," "Six Consulting," and related entries present in the unredacted version (**Exhibit III-UR** File ID 1445DAA19E770), while leaving unrelated entries intact. These redactions were targeted to conceal the true authorship and timing of work on the July valuation reports.

The Permanent Orders, filed November 7, 2023 (p. 2 n.2), expressly state that such billing materials were admitted "as demonstrative exhibits only." No foundation or authentication was ever made under ***C.R.E. 901*** (authentication) or ***C.R.E. 702*** (reliability of expert opinion).[1]

Despite this evidentiary limitation, **Exhibit III** was later reused in remand proceedings to support a fabricated "burden of debt" narrative, anchoring the $15,000 fee award despite the Court of Appeals having reversed the same award for lack of evidentiary support.

This chain of conduct triggers the Court's authority under ***C.R.C.P. 60(a)*** to correct the record and under ***C.R.C.P. 60(b) (final paragraph)*** to vacate rulings obtained through fraud directed at the tribunal.

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[1] ***C.R.E. 901*** *requires authentication as a condition of admissibility.* ***C.R.E. 702*** *requires that expert opinion be based on sufficient facts and reliable methodology.*

IV. KEY RECORD EVENTS REQUIRING CORRECTION

(C.R.C.P. 60(a) and 60(b), Final Paragraph)

Date	Event	Verified Source	Legal Significance
Dec 9 2022	Domestic Relations Case Management Order – Expert reports due 56 days before hearing; rebuttals 21 days later.	CMO / FP-16 Ref.	Establishes baseline deadlines under Rule 16.2(g)(5).
Jan 31 2023	Joint Expert Order limiting each party to one expert and one report.	Filing ID D9F074CCD0FFD / Ex. HH	Foundational order controlling expert testimony.
Mar 28 – May 4 2023	Joint expert valuation ($207 000).	Ex. GG, HH, NN	Verified baseline income and valuation.
May 26 2023	Deadline to request rebuttal expert.	Rule 16.2(g)(5)	No motion filed; deadline expired.
Jun 13 2023	Entry of Appearance – Kathryn J. Goff, Esq.	Filing ID DECA13F3B8AD4	Establishes timeline for subsequent false disclosure.
Jun 15 2023	[1] Billing entry confirming contact with Freedberg before disclosure.	Ex. III-UR[2] p. 29 / File ID 1445DAA19E770	Proves pre-disclosure coordination.
Jun 16 2023	False disclosure naming Freedberg as Petitioner's rebuttal expert.	Filing ID 12E14E22975AD / FP-23 § II–V	Procedural fraud that misled the Court and opposing counsel.
Jul 6 2023	Petitioner deposition denying any rebuttal expert.	Ex. QQQ pp. 77–80 / File ID 11CF90781D400	Confirms knowledge and intent to deceive.
Aug 21 2023	Exhibit III filed < 48 hours before trial; redacted and demonstrative only.	Filing ID FED53E8356F6C / FP-23 § V / Perm. Orders p. 2 n. 2	Concealment of authorship and unauthorized expert use.
Nov 7 2023	Permanent Orders adopt Freedberg's $305 000 valuation and $197 200 income figure.	FP-23 § IV / Perm. Orders	Reliance on unadmitted reports and false baseline.

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[1] *In the redacted version (See Exhibit III (File ID FED53E8356F6C)) "* ***~~Jay Freedberg's~~*** *name is redacted"*

[2] *Exhibit III-UR also referred to as Exhibit 3 and JJQUR, all filed with the court but never reviewed until now.*

Legal Significance

Together, these verified events document a continuous pattern of deception beginning with the June 15 billing entry and culminating in the redacted August 21 filing and the Court's reliance on unadmitted reports. Each step subverted the one-expert limitation, misrepresented authorship, and corrupted the evidentiary foundation of the judgment. Under C.R.C.P. 60(b) (final paragraph) and Baker v. Young, the integrity of the judicial process itself was compromised.

Relief Requested

Vacate all findings derived from or dependent upon the unauthorized Freedberg reports or Exhibit III, reinstate the verified joint-expert valuation, and direct that all subsequent proceedings conform to the corrected record.

V. JUNE 11, 2025 HEARING – PROCEDURAL IRREGULARITIES AND EVIDENTIARY MISCONDUCT

1. Misapplication of C.R.C.P. 50 in a Bench Trial

Billing entries (See Exhibit 1, File ID E268B1AD9E67D) confirm that counsel researched ***C.R.C.P. 41(b),*** which governs involuntary dismissals in bench trials, but at hearing invoked ***C.R.C.P. 50***, a rule that applies only in jury trials. Magistrate Johnson recessed briefly, returned, read ***C.R.C.P. 50*** aloud into the record, and ruled immediately barring Petitioner from cross-examining a subpoenaed expert on the ground that no "foundation" had been laid.

This ruling relied on a procedurally inapplicable rule, depriving Petitioner of a critical confrontation right. As clarified in In re Estate of Ramstetter, 2022 COA 71, ¶ 33:

> *"C.R.C.P. 50 governs motions for directed verdict in jury trials; in bench trials, C.R.C.P. 41(b) applies."*

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This error is subject to correction under ***C.R.C.P. 60(a),*** and because it impaired the Court's ability to function impartially warrants relief under ***C.R.C.P. 60(b) (final paragraph).***

2. Denial of Cross-Examination and Reliance on Unauthenticated Exhibit DD (File ID A4D36EF9D2B58)

Although Mr. Freedberg was properly subpoenaed (See E**xhibit's FP-28 & 30)** and appeared in court, Petitioner was denied the right to examine him. The Court's June 12, 2025 Minute Order omits Petitioner's contemporaneous objection regarding this exclusion (including the Court's reply: "You could have subpoenaed him").

Despite the absence of foundational testimony, Exhibit DD a report derived from prior unauthenticated filings (Exhibits JJ and OO) was referenced during cross-examination and cited in the Court's ruling.

The record shows Exhibit DD was:

- Commissioned by Ms. Glassman;
- Based entirely on April 30, 2023 data already analyzed by the joint expert;
- Disclosed with a cover letter that expressly disclaimed verification or independent review.

These admissions render Exhibit DD inadmissible under ***C.R.E. 702*** (expert reliability) and 901 (authentication). At the time of filing, counsel knew the report lacked evidentiary foundation and failed to cure this defect at hearing.

(See Exhibit DD File ID A4D36EF9D2B58)

> *Petitioner, in his exhibit's had company finical's and objections to Exhibit DD (aka JJFA). Court had dismissed all prior attempts via objections in court and previous motions to bring attention to this fraudulent report. Court dismissed and denied all attempts.*

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3. Concealment of Witness Representation and Evidentiary Withdrawal

Since March 10, 2025, Mr. Freedberg has refused to adopt, sponsor, or defend Exhibits JJ, OO, or DD. His attorney, Adam Wein, was physically present at the June 11 hearing and was observed meeting privately with Ms. Glassman shortly before her Rule 50 argument.

Five days earlier, Petitioner had requested written confirmation of Mr. Wein's representation. No response was received. Instead, an entry of appearance was filed only in a related civil proceeding, where Petitioner, as a pro se litigant, had no electronic access or docket visibility. This maneuver avoided conferral and denied Petitioner critical notice.

Evidence now indicates Mr. Wein was acting through malpractice counsel retained by Freedberg's liability carrier, a fact that would have signaled to the Court that:

- Mr. Freedberg would not testify to support the reports;
- The expert material had no sponsor, and;
- The reports were functionally withdrawn.

By concealing this posture, counsel misled the tribunal regarding the status of the reports and denied Petitioner and the Court critical evidentiary clarity.

4. Ethical Breaches and Prejudicial Consequences

Counsel's actions violated duties of candor, fairness, and professional integrity under:

- **Colo. RPC 3.3(a)(1)** – False statement of material fact to a tribunal;
- **Colo. RPC 3.4(c)** – Knowingly disobeying an obligation under tribunal rules;
- **Colo. RPC 8.4(d)** – Conduct prejudicial to the administration of justice.

The Court's continued reliance on Exhibit DD perpetuated the use of unauthenticated, unsponsored evidence in a way that materially prejudiced Petitioner's ability to confront valuation claims.

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VI. PROPAGATION AND MISCHARACTERIZATION OF INCOME: EXHIBIT DD AND RELATED MISSTATEMENTS

The **June 12, 2025** Minute Order states that "Father reviewed his 2023 business tax returns which showed he earned approximately $84,000 in wages and there was ordinary business income of $181,920 which he had access to. This totaled approximately $266,000." (Minute Order, p. 2.)

That finding originated not from Petitioner's testimony, but from Exhibit DD a late-disclosed, unauthenticated report introduced at the June 11, 2025 hearing and never subjected to cross-examination. The report falsely asserted that Petitioner provided the underlying data, when in fact it reused partial April 2023 figures, excluded Q2 through Q4 earnings, and included no audit or independent verification. At the time of filing, counsel knew Mr. Freedberg would not sponsor, adopt, or testify to the report's contents.

Despite these defects, the Court adopted the $266,000 figure the next day. The number was then repeated under oath in Co-Petitioner's September 23, 2025 Supplemental Sworn Financial Statement (Exhibit **FP-38**, File ID: 3D4C454E97C55), where it was rebranded as Petitioner's "2024 income" despite no verified 2024 return in the record and no updated expert disclosure having been filed. This sequence misrepresented Tool Studios, LLC's 2023 pass-through income a corporate accounting entry as Petitioner's personal earnings.

Verified records (Exhibit 20) show:

- Tool Studios' 2023 ordinary business income of $181,920 was not discretionary income but pass-through revenue used for business operations and litigation costs.
- Petitioner's verified W-2 income for 2023 was $84,083.20.
- The company incurred a $48,000 tax liability on the pass-through amount, not personal gain.

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- Co-Petitioner, who served as the company's financial officer throughout 2023, knew this structure and recorded the transactions herself.

Petitioner issued formal corrections on September 23 and 29, 2025, warning that continued reliance on the false $266,000 figure constituted fraud upon the court. (See Exhibits **FP-21** and **FP-39**.) Nevertheless, Co-Petitioner reasserted the same figure at the October 7 hearing, and the Court again relied on it now ascribed to a different year.

This sequence created a self-validating evidentiary loop:

1. The false figure originated in Exhibit DD;
2. It was adopted by the Court in June 2025;
3. It was repeated under oath in September;
4. and it was reused in October despite formal correction.

The propagation of this error meets the **Baker v. Young** standard for fraud upon the tribunal and requires correction under ***C.R.C.P. 60(a) and C.R.C.P. 60(b) (final paragraph).*** All divisions should now assess Petitioner's financial capacity using the verified data in Exhibit 20.

Legal Grounds for Relief

- **C.R.C.P. 60(a)** - clerical correction of record inaccuracies
- **C.R.C.P. 60(b) (final paragraph)** - fraud upon the court
- **Colo. RPC 3.3(a)(1)** - false statement of material fact to a tribunal
- **Colo. RPC 3.4(c)** - disobeying tribunal rules
- **C.R.C.P. 121 § 1-15(8)** - failure to confer in good faith

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VII. REMAND HEARING OF OCTOBER 7, 2025 – UNAUTHORIZED REUSE OF EXHIBIT III AND FALSE "BURDEN OF DEBT" NARRATIVE

The October 7, 2025 remand hearing marked the improper reintroduction of **Exhibit III** (File ID FED53E8356F6C), a redacted billing statement that was never properly admitted into evidence during the 2023 trial. As shown in ***Exhibits FP-15 and FP-18***, and confirmed on page 2 of the Permanent Orders, all exhibits not referenced in testimony or argument were ***"admitted as demonstrative exhibits only."*** (Permanent Orders p. 2 n.2.) **Exhibit III** (File ID FED53E8356F6C) therefore carried no evidentiary status under the Court's own directive.

During the 2023 trial, Judge Salomone explicitly advised that exhibits would be considered only if cited in testimony or argument. (Exhibit AA File ID 1445DAA19E770, pp. 9–11; Exhibit FP-18 § II.) **Exhibit III** (File ID FED53E8356F6C) was referenced once without authentication, foundation, or linkage to any verified financial record and admitted solely as a demonstrative. It failed the standards of ***C.R.E. 901 and C.R.E. 702***, and no post-trial filing within the seven-day window cured that defect. (Exhibit **FP-15**, p. 6; Filing ID FED53E8356F6C.)

Despite this clear limitation, on remand Ms. Glassman again invoked **Exhibit III** (File ID FED53E8356F6C) to elicit the same exchange used at trial:

> ***"Through July, have you incurred $79,000 in fees and $12,000 in costs?"***
>
> ***"Sadly, yes."***

(Exhibit AAA File ID 1445DAA19E770 Vol. II, p. 206; File ID 1445DAA19E770.)
That repetition created the false impression that Co-Petitioner personally owed outstanding legal fees. In reality, Tool Studios, LLC, wholly owned by Petitioner, had already paid more than $91,000 of those invoices. (Exhibits **FP-16**) By misrepresenting those corporate payments as a personal debt, counsel led the Court to treat an already satisfied liability as a marital burden and used that fiction to justify a renewed **$15,000** award.

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The reuse of an unauthenticated and demonstrative-only exhibit to sustain and expand a fee award constitutes fraud upon the tribunal under ***C.R.C.P. 60(b) (final paragraph)*** and meets the **Baker** (See Exhibits **FP-3**) criteria:

1. Intentional misrepresentation of an exhibit's origin and meaning.
2. Participation by officers of the court in presenting it as authenticated evidence.
3. A direct, corrupting impact on the integrity and outcome of judicial proceedings.

Exhibit **FP-18** documents in detail how these acts unfolded and how several subsequent assumptions, including the conclusion that ***"all fraud allegations were addressed,"*** rest upon this compromised record.

Accordingly, Petitioner requests that the Court:

1. Formally strike **Exhibit III** (File ID FED53E8356F6C) and all derivative references from the evidentiary record.
2. Vacate all fee-related determinations influenced by **Exhibit III** (File ID FED53E8356F6C) or by the false burden of debt narrative.
3. Issue a temporary stay under ***C.R.C.P. 62(b) and C.A.R. 10(f)*** to halt all fee-related proceedings in Divisions M, 14, and 2 pending certification of a corrected record.

These measures are necessary to restore the integrity of the Court's own orders, enforce the appellate mandate in 24CA0141, and reaffirm that demonstrative materials never admitted into evidence cannot lawfully sustain a judgment.

VIII. PATTERN OF CONCEALMENT AND MISREPRESENTATION

Exhibits **FP-16** through **FP-18** collectively document a continuous pattern of concealment, redaction, and delayed disclosure spanning June 2023 through October 2025.

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- **Exhibit FP-16** establishes the foundation of concealment, showing billing irregularities, redacted authorship, and withheld communications coinciding with key expert coordination dates, including the July 13–17, 2023 redaction window in **Exhibit III** (File ID FED53E8356F6C).
- **Exhibit FP-17** traces how attorney Carol Glassman's June 16, 2023 witness disclosure (Filing ID 12E14E22975AD) falsely identified Jay E. Freedberg as Petitioner's rebuttal expert, creating the illusion of dual experts and a false procedural record later relied upon in the Permanent Orders.
- **Exhibit FP-18** shows that this deception carried forward into the October 7, 2025 remand hearing, where **Exhibit III** (File ID FED53E8356F6C), filed less than 46 hours before trial and never admitted or authenticated, was reused to fabricate a "burden of debt" narrative that contradicted the verified record and perpetuated reliance on unauthenticated evidence. (See Exhibits **FP-18** and **FP-15**.)

The Permanent Orders contradict both the January 31, 2023 Joint Expert stipulation and trial testimony, which ***limited each party to one joint expert and one report.*** The confusion traces directly to the June 16, 2023 false disclosure, filed three days after new counsel entered her appearance. That act initiated a record-wide misunderstanding later compounded by the misuse of **Exhibit III** (File ID FED53E8356F6C) and the false burden-of-debt narrative on remand.

Together, these exhibits reveal intentional coordination among officers of the court and experts to manipulate filings, misstate authorship, and conceal unredacted billing data, all aimed at misleading the tribunal. This pattern directly undermines the integrity of judicial proceedings and satisfies the **Baker v. Young** criteria for fraud upon the court. (See Exhibits **FP-3**)

IX. NELISSA MILFELD'S STATUS AND REPRESENTATION

On March 10, 2025, Petitioner disclosed verified acts of fraud upon the court to Ms. Glassman, Ms. Milfeld, and Mr. Freedberg. Shortly thereafter, Ms. Milfeld ceased all

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communication. On April 3, 2025, Petitioner received an email from an Apple "Hide My Email" address, purportedly from Ms. Milfeld, which stated:

> *"I was involved in a serious accident 3/8 and have been hospitalized since then. I am currently focusing on my recovery." (See Exhibit **FP-37**.)*

No follow-up or confirmation was provided by Ms. Glassman, who continued to list Ms. Milfeld as co-counsel on all pleadings. Publicly available posts confirmed the severity of the accident and an extended hospitalization. During this time, all email correspondence sent to Ms. Milfeld received an automated reply directing future communication to Ms. Glassman..

Over the following weeks, Petitioner made more than six good-faith attempts to confirm Ms. Milfeld's status. Those efforts were ignored and later characterized by Ms. Glassman as ***"harassing,"*** culminating in her Motion to Waive Duty to Confer. This sequence led the Court to believe Ms. Milfeld remained active counsel when, in fact, she was incapacitated and unaware of case developments. That misimpression allowed Ms. Glassman to proceed as if fully conferred counsel were on record and to use that appearance of representation to resist discovery and later to block testimony, as reflected in the remand-hearing orders. (See Exhibit **FP-18**)

Such conduct potentially implicates:

- **Colo. RPC 3.3(a)(1)** – duty of candor toward the tribunal.
- **Colo. RPC 3.4(c)** – fairness to opposing party and compliance with tribunal rules.
- **Colo. RPC 5.1(b)** – supervisory responsibility to ensure accurate filings by associated lawyers.
- **C.R.C.P. 121 § 1-15(8)** – duty to confer in good faith.

By continuing to file pleadings under Ms. Milfeld's name without verifying her availability or consent, Ms. Glassman misled the Court and opposing party as to counsel of record, impeded meaningful conferral, and leveraged that confusion to restrict Petitioner's right to present testimony. Correcting this record is essential to

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prevent attribution of intent or knowledge to Ms. Milfeld inconsistent with her documented medical condition and absence from communications. This sequence further supports the established pattern of officer-of-the-court conduct directed at the tribunal itself, reinforcing the elements of fraud upon the court under **Baker v. Young**.

X. PATTERN OF MISCHARACTERIZATION AND DEFLECTION BY CO-PETITIONER'S COUNSEL

Since Petitioner's verified disclosures of misconduct on March 10, 2025, Co-Petitioner's counsel, Ms. Carol Glassman, has responded not with factual rebuttal but with procedural tactics and mischaracterizations designed to deflect inquiry into verified irregularities already in the record.

Immediately thereafter, Ms. Glassman filed a series of motions aimed at limiting Petitioner's participation rather than addressing substance:

1. A motion to waive conferral following fraud disclosures.
2. A request to file a solo Joint Trial Management Certificate.
3. A motion to restrict Petitioner's filings.
4. Invocation o***f C.R.C.P. 50*** to prevent cross-examination of a subpoenaed witness.

Each sought to restrict access to the Court while avoiding engagement with verified evidence of fraud upon the tribunal.

Her May 7, 2025 Motion to Limit Filings accused Petitioner of a ***"campaign of baseless, vexatious pleadings"*** without factual support. The May 30, 2025 Order adopted that rhetoric nearly verbatim, finding the filings ***"harassing"*** and ***"vexatious"*** without any evidentiary hearing. This reliance on unsupported characterization reframed legitimate filings as misconduct and obscured verified evidence.

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Her **October 30, 2025** Motion for Notification of Need for Response further requested exemption from responding to the present motion, calling Petitioner's filings ***"voluminous"*** and ***"irrelevant."*** Again, the arguments relied solely on rhetoric, not record evidence, in an effort to insulate prior misconduct from scrutiny.

Exhibit FP-60 documents Petitioner's good-faith effort to confer on November 2, 2025, under ***C.R.C.P. 121 § 1-15(8),*** including written notice regarding ***C.R.C.P. 26*** timing and the misuse of C.R.C.P. 50. Despite the seriousness of the issues raised ranging from expert witness disclosures to misapplication of procedural rules Co-Petitioner's counsel did not respond. This silence reinforced the pattern of evasion noted throughout the motion and further supports Petitioner's invocation of relief under ***C.R.C.P. 60(a)*** and ***60(b) (final paragraph).*** (See Exhibit **FP-60.**)

The October 7, 2025 hearing, though difficult, allowed verified acts of misconduct to reach the record. Petitioner believes the Court's decision to permit this filing reflects recognition that the record requires correction and that this process must now return to verified fact, not perception.

XI. DEFLECTION FROM SUBSTANTIVE LAW AND THE REMAND MANDATE

By the October 7, 2025 remand hearing, Ms. Glassman had been formally advised through Division 2's ruling and prior correspondence that ***C.R.C.P. 60(b) (final paragraph)*** governs fraud upon the court and carries no 182-day limitation. Despite that clarification, she continued to argue that Petitioner's fraud claims were untimely and irrelevant to the remand.

The Court, relying on that misrepresentation, adopted the incorrect limitation and declined to examine the verified fraud record. This deflection diverted the remand proceeding from the Court of Appeals' directive in 24CA0141 to determine the legal basis and reasonableness of attorney fees and instead insulated **Exhibit III** (File ID FED53E8356F6C) from scrutiny. As detailed in **Exhibit FP-18,** this misstatement of law

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and purpose prevented compliance with the appellate mandate and perpetuated reliance on an unauthenticated billing record.

Petitioner also observed that uniformed officers were present during both the June 11 and October 7 hearings. In the first instance, Petitioner was told the officers were called due to a loud noise; in the second, an attending officer stated that "the Court requested it." While the purpose remains unclear, these actions created an atmosphere of intimidation inconsistent with the neutrality and accessibility required under the Colorado Code of Judicial Conduct and Judicial Branch ADA Directive 04-07.

Legal Significance

Such conduct violates multiple ethical and procedural duties, including:

- **Colo. RPC 3.3(a)(1)** – duty of candor toward the tribunal.
- **Colo. RPC 3.4(c)** – fairness and compliance with tribunal rules.
- **Colo. RPC 8.4(d)** – conduct prejudicial to the administration of justice.
- **C.R.C.P. 11(a)** – prohibition on pleadings interposed for improper purpose or without factual foundation.

These cumulative acts mischaracterization of filings, procedural obstruction, and deliberate misstatement of law have defiled the integrity of the judicial process and satisfy the **Baker v. Young** criteria for fraud upon the court. (See Exhibits **FP-3, FP-18** and **FP-15**, addressing the remand proceedings and appellate mandate, which remains pending before the Court.)

XII. REQUESTED RELIEF AND JUDICIAL REFERRAL

Petitioner respectfully asks that Division 14:

Under C.R.C.P. 60(a):

1. Correct all record entries that mischaracterize 2023 pass-through income as 2024 wages including Exhibit DD, Minute order issued June 12th, 2025 and

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2. Clarify that Petitioner's verified W-2 income for 2023 was $84,083, not $266,203. And W-2 income in 2024 of $44,916.72. (. File ID 1445DAA19E770)

3. Strike Exhibit III from the remand record due to lack of authentication.

4. Update related financial findings in accordance with Exhibit 20.

Under C.R.C.P. 60(b) (Final Paragraph):

5. Vacate findings and orders based on fabricated or misattributed expert materials.

6. Declare the June 16, 2023 disclosure and July 2023 reports as unauthorized under the Joint Expert Order.

7. Issue a Record Integrity Memorandum unifying the record across Divisions 13, 14, and M.

8. Refer this matter to Chief Judge Salomone for coordinated review and record certification under ***C.A.R. 10(f).***

9. Stay all related fee proceedings in Divisions M and 2 pending corrected record certification.

Certificate of Compliance with C.R.C.P. 121 §1-15(8) and ADA Directive 04-07: *Petitioner certifies that all communications required under* ***C.R.C.P. 121 §1-15(8)*** *were initiated in good faith, and this motion was prepared under approved ADA accommodations currently on file with the 20th Judicial District.*

VERIFICATION

I, Charles R. Bell, verify under penalty of perjury that the foregoing is true and supported by verified exhibits and court filings.

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RESPECTFULLY SUBMITTED

/s/ **Charles R. Bell**
Petitioner Pro Se | Under Approved ADA Accommodations
210 Emery Street, Unit 12 Longmont, CO 80501
bell@partnersandbell.com | 303-931-6101

CERTIFICATE OF SERVICE

I certify that, on **November 10, 2025**, I caused to be served on the following a true and correct copy of the foregoing by electronic service pursuant to **C.R.C.P. 121 §1-26** directed to:

1. **Carol Glassman** Carol Glassman, P.C. 4845 Pearl E. Circle, Suite 101 Boulder, Colorado 80301 carol@carolglassman.com
2. paralegal, Michele LaPlume, michele@carolglassman.com
3. **Nelissa Milfeld** Milfeld Law LLC 1650 38th Street, Suite 302E Boulder, CO 80301 milfeldlaw@gmail.com

Sign & Date

Charles R. Bell

Charles R. Bell
_____DATE: **November 10, 2025**

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