

|  |  |  |
|--|--|--|
| DISTRICT COURT, BOULDER COUNTY, COLORADO   |  | <p>DATE FILED<br/>October 2, 2025 3:02 PM<br/>CASE NUMBER: 2022DR30458</p> <p><b>△ COURT USE ONLY △</b></p> <p>Case Number: 2022DR30458<br/>Division: 14      Courtroom:</p> |
| Court Address:<br>1777 SIXTH STREET P.O. BOX 4249, BOULDER, CO, 80306-4249   |  |  |
| <p><b>Petitioner(s)</b> CHARLES BELL<br/>and<br/><b>Co-Petitioner(s)</b> ALYSON BELL</p>   |  |  |
| <p align="center"><b>Order: Petitioner's Motion for Relief from Judgment Pursuant to CRCP60(b)(2), 60(b)(3), and the Final Paragraph of Rule 60 for Fraud upon the Court</b></p> |  |  |

The motion/proposed order attached hereto: DENIED.

The attached motion was previously stayed pending appeal. As the appeal has now been resolved, the motion is ripe for consideration.

Having considered the motion, the Court file, and pertinent legal authority, the Court finds and ORDERS as follows:

1. Petitioner seeks relief pursuant to C.R.C.P. 60(b)(2) and (3), arguing primarily that the Court relied on fraudulent or manipulated data based on recently discovered evidence. Petitioner also raises additional legal arguments that fall outside the purview of C.R.C.P. 60; those arguments will not be considered.
2. With respect to Petitioner's Rule 60 allegations, 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 Respondent engaged in concealing evidence or in any conduct that would warrant relief from judgment.
3. The Court notes that Petitioner's motion is largely supported by his own legal conclusions argued as facts. Courts are not required to accept as true legal conclusions couched as factual allegations. See *Western Innovations, Inc. v. Sonitrol Corp.*, 187 P.3d 1155, 1158 (Colo. App. 2008); cf. *Wenz v. National Westminster Bank, PLC*, 91 P.3d 467, 469 (Colo. App. 2004) (applying this principle in the context of a motion to conduct discovery on personal jurisdiction). Furthermore, the Court of Appeals was not persuaded by Petitioner's arguments regarding the reliability of the financial evidence presented at trial.

Based on the foregoing, *Petitioner's 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* is **DENIED**.

Issue Date: 10/2/2025



J KEITH COLLINS  
District Court Judge

|  |                    |  |
|--|--------------------|--|
| <b>DISTRICT COURT, BOULDER COUNTY, STATE OF COLORADO</b><br><br>1777 6th Street, Boulder, Colorado 80302<br><br>303-441-3750   |                    |  |
| <i>In re the Marriage of:</i><br><br>CHARLES BELL, Petitioner,<br><br><b>and</b><br><br>ALYSON BELL, Co-Petitioner.  |                    |  |
| Charles R. Bell<br><br>Pro Se<br><br>210 Emery Street Unit 12<br><br>Longmont, Co 80544<br><br><u><a href="mailto:cbell@toolstudios.com">cbell@toolstudios.com</a></u><br><br>303-931-6101 | ▲ COURT USE ONLY ▲ | Case No: 2022DR30458<br><br>Division: 14 |
| <b>PETITIONER'S 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</b>                                   |                    |  |

**COMES NOW**, Petitioner Charles R. Bell, and respectfully submits this Motion for Relief from Judgment pursuant to **Colorado Rules of Civil Procedure 60(b)(2), 60(b)(3)**, and the **final paragraph of Rule 60**, based on **fraud upon the court**, and moves for an **immediate stay of enforcement of all financial obligations** and discovery-related proceedings pending the **Court's review of this Motion and supporting evidence**.

Petitioner respectfully requests that the **Court stay enforcement** of the maintenance obligation set forth in the Permanent Orders dated November 7, 2023, and pause

further adversarial filings or proceedings related to support enforcement until the Court has had an opportunity to review the forensic evidence submitted with this Motion. These rulings and disputes are rooted in materially inaccurate financial evidence. Without this Court's intervention, **Petitioner will run out of financial resources due to ongoing enforcement of orders built on false evidence and the aggressive tactics of opposing counsel, which appear designed to delay or avoid substantive review of the underlying issues.**

## **I. INTRODUCTION**

Petitioner brings this motion pursuant to **C.R.C.P. 60(b)(2), 60(b)(3), and the final paragraph of Rule 60, seeking relief for fraud upon the court** based on newly discovered and previously concealed evidence that materially affected the judgment.

**This motion follows the emergence of verified forensic evidence**, expert reports, and procedural records establishing that Co-Petitioner, **her legal counsel**, and **her retained expert** knowingly **submitted and relied upon manipulated financial data**, concealed material communications, and obstructed judicial fairness in connection with rulings on support, maintenance, and discovery—most of which were issued following the **July 17, 2023 rebuttal expert report**.

That report, prepared by **Jay E. Freedberg, CPA/ABV/CFF** (Certified Public Accountant, Accredited in Business Valuation, and Certified in Financial Forensics), was submitted under the legal direction of Co-Petitioner Alyson Bell and attorney Carol Glassman, and relied upon unauthorized, selectively distorted financials. It has since served as the basis for every adverse financial ruling against Petitioner, including orders for maintenance, equalization, and discovery sanctions.

The forensic report and evidentiary exhibits submitted herewith represent an updated and expanded analysis not previously available to the Court. These materials

consolidate source financial records, post-trial disclosures, and contradictions revealed through forensic review conducted between November 2023 and April 2025.

## II. LEGAL STANDARD

While some financial records were previously available in part, the specific patterns of distortion, concealment, and valuation manipulation were only revealed through the application of advanced forensic analysis techniques unavailable during the 2023 proceedings, and through post-trial disclosures and contradictions by Co-Petitioner.

Furthermore, where the underlying misconduct involved intentional concealment by counsel and retained experts, the timing of discovery is not disqualifying under the final paragraph of Rule 60. **See Montoya v. Connolly's Towing, Inc., 216 P.3d 98 (Colo. App. 2008); People in Interest of E.E.A., 854 P.2d 1346 (Colo. App. 1992).**

**Under C.R.C.P. 60(b)(2)**, a party may be relieved from a final judgment due to newly discovered evidence that could not have been discovered in time to move for a new trial under Rule 59(b). **Rule 60(b)(3) permits relief** from judgment where there is fraud, misrepresentation, or misconduct by an opposing party. **The final paragraph of C.R.C.P. 60** provides broader authority to set aside a judgment for fraud upon the court, a doctrine upheld in cases such as *Montoya v. Connolly's Towing, Inc.*, 216 P.3d 98 (Colo. App. 2008).

**Fraud upon the court encompasses** not merely fraudulent conduct between parties, but actions that **corrupt the judicial process itself**—particularly when attorneys, experts, or officers of the court engage in conduct that interferes with the impartial administration of justice. **See Parker v. Parker, 274 P.3d 228 (Colo. App. 2011).**

## III. FACTUAL SUMMARY AND EVIDENTIARY SUPPORT

The following ten findings, summarized from Petitioner's forensic report (**Exhibit DD**) and corroborated by supporting exhibits, demonstrate a deliberate pattern of financial misrepresentation, concealment, legal misconduct, and fraud upon the court. These findings form the basis for this Motion and warrant relief under **C.R.C.P. 60(b)** and

controlling Colorado authority, including *Montoya v. Connolly's Towing, Inc.*, 216 P.3d 98 (Colo. App. 2008), and *People in Interest of E.E.A.*, 854 P.2d 1346 (Colo. App. 1992).

**1. Knowingly False Valuation by Expert (Freedberg)**

Freedberg falsely included a \$50,000 PPP loan forgiveness as income and omitted a \$20,267.18 SBA loan payoff, inflating Tool Studios' valuation by nearly \$100,000.

**See: Exhibit LC-1, Exhibit DD, Exhibit JJB, Exhibit DDQ**

**2. Unauthorized Expert Retention with Company Funds**

Alyson Bell, who had no legal authority in Tool Studios, retained and paid Freedberg using company funds—without consent from owner Charles Bell.

**See: Exhibit JJF, Exhibit DD, Exhibit MMW**

**3. Improper Rebuttal Filing – Violation of C.R.C.P. 26(a)(2)(D)**

Freedberg's July 17, 2023 submission was labeled a "rebuttal report," but in substance, it introduced a new 5-year income trajectory analysis—not a rebuttal under Colorado law.

**Under C.R.C.P. 26(a)(2)(D)(ii), rebuttal expert disclosures must be served no later than 56 days before trial. Here, the filing occurred only 35 days before trial, in direct violation of the rule.**

**Further:**

- The report introduced novel financial assumptions, never disclosed in the original expert analysis.
- It used internal company data without the authorization of the company owner (Charles Bell).
- No advance notice or opportunity to respond was provided to Petitioner, depriving him of a fair hearing.

The deliberate timing and mischaracterization of this filing prejudiced Petitioner's ability to prepare rebuttal evidence and constitutes a procedural violation with material impact on the financial judgment. **See: Exhibit JJB, Exhibit DDQ, Exhibit HHAA and Exhibit DD**

#### **5. Manipulated Revenue Model: Once-in-a-Generation Client Framed as Recurring**

**Freedberg falsely represented Trulieve, a rare large client, as part of a recurring revenue pattern.** This mischaracterization significantly inflated projected income and business valuation. At trial, Co-Counsel Nelissa Milfeld, acting as lead counsel during key witness examinations, used her courtroom questioning to reinforce the false claim that Tool Studios regularly secured such clients. These statements were made without forensic rebuttal and served to legitimize the expert's manipulated income trajectory.

**See: Exhibit LC, Exhibit DD, Exhibit AAA (Vol. II), p. 83**

#### **6. Debt-to-Income Misrepresentation**

**The rebuttal report** was recalibrated to suggest Alyson could assume the mortgage despite a \$3,637 monthly income shortfall. **See: Exhibit RR, Exhibit DDQ**

#### **7. Strategic Filing Timing and Coordinated Obstruction**

Freedberg's report was filed **three days after** Petitioner submitted a complete counteroffer and Glassman discovered the mortgage was assumable, suggesting a coordinated response. **See: Exhibit HHAA, Exhibit DD, Exhibit DDQ**

## 8. Conflict in Authorship of Expert Report

The report claimed to be commissioned by both Alyson and Glassman, creating legal ambiguity and further undermining its admissibility.

**See: Exhibit JJF, Exhibit JJ**

## 9. Misstatements by Attorneys in Filings

Glassman misrepresented the basis of Freedberg's valuation (i.e., income averaging), claiming it excluded 2020 when it did not. **See: Exhibit DD (Section 9.4), Exhibit CC**

## 10. Violations of Candor to the Tribunal (CRPC Rule 3.3)

The attorneys and expert failed to correct material misrepresentations, violating their duty of candor. This includes the knowing use of a rebuttal report that relied on Tool Studios' internal financial data without authorization from the company's 100% legal owner, Charles R. Bell. See: Exhibit DD (Sections 6 & 9), Exhibit JJB, Exhibit JJF.

These actions, taken collectively, undermine the integrity of the judgment and justify relief under C.R.C.P. 60 and controlling Colorado authority, including *Montoya v. Connolly's Towing, Inc.*, 216 P.3d 98 (Colo. App. 2008), and *People in Interest of E.E.A.*, 854 P.2d 1346 (Colo. App. 1992).

**These ten findings**, taken together, illustrate a deliberate pattern of concealment and misrepresentation, warranting relief under C.R.C.P. 60(b) and controlling Colorado authority, including *Montoya v. Connolly's Towing, Inc.*, 216 P.3d 98 (Colo. App. 2008), and *People in Interest of E.E.A.*, 854 P.2d 1346 (Colo. App. 1992).

## IV. ANTICIPATED RESPONSES AND PETITIONER'S POSITION

Petitioner anticipates several responses from Co-Petitioner and her legal team. Each is addressed below:

## 1. Allegation of Waiver or Harmless Error

Opposing counsel may argue that any procedural deficiencies, concealment, or expert-related misconduct were harmless or previously waived. However, under C.R.C.P. 60(b)(3), relief is explicitly available for fraud, misrepresentation, or other misconduct of an adverse party, and such misconduct—particularly where it affects the integrity of the adjudicatory process—is not subject to waiver or harmless error analysis.

See *People in Interest of E.E.A.*, 854 P.2d 1346, 1348 (Colo. App. 1992) (“Fraud upon the court involves conduct that harms the judicial process itself and cannot be waived or excused.”).

Moreover, where officers of the court—whether counsel or retained experts—submit materially false evidence or withhold critical disclosures, such actions implicate the Court’s supervisory role **under Rule 3.3 of the Colorado Rules of Professional Conduct** and justify vacatur. This is not a matter of evidentiary nuance but of systemic integrity, and therefore warrants full judicial review under both **C.R.C.P. 60(b)(3)** and the savings clause in the final paragraph of Rule 60.2. Timeliness and Discoverability Objection

Opposing counsel may assert that this motion is untimely or that the forensic evidence could have been discovered earlier. Petitioner notes that the patterns of distortion and concealment were only revealed through advanced forensic tools unavailable during the 2023 trial period and through post-trial contradictions and withheld communications. **Further, Rule 60’s** final paragraph imposes **no timeliness** bar where fraud upon the court is shown.

**See *Montoya v. Connolly’s Towing, Inc.*, 216 P.3d 98 (Colo. App. 2008).**

## 3. Objection to AI-Assisted Forensics

Opposing counsel may attempt to discredit the forensic findings due to the inclusion of AI-assisted analysis. However, AI was used only for document classification and



pattern recognition—no conclusions were based on automation. All findings were reviewed in consultation with forensic frameworks aligned with NACVA and AICPA standards, with source validation performed manually by Petitioner.r and measured against NACVA and AICPA standards. **See: Exhibit DD**

#### **4. Co-Counsel Responsibility – Nelissa Milfeld**

**Ms. Milfeld is jointly responsible under Colorado law** and the Rules of Professional Conduct. As co-counsel of record throughout the relevant period, she was present in key hearings, copied on material communications, and in a position to identify and correct the concealment of **Petitioner's July 14, 2023 counteroffer**, as well as the use of an unauthorized expert. Her silence constitutes acquiescence under Rule 5.1 and 5.2, and her continued participation implicates her under the doctrine of joint responsibility in civil litigation.

#### **5. Duplicative or Repetitive Relief Objection**

**To the extent opposing counsel asserts this motion is duplicative of other filings or issues already ruled upon**, Petitioner clarifies that the relief sought herein is grounded in newly compiled forensic analysis and exhibits not previously available due to deliberate concealment and disclosure violations under **C.R.C.P. 26**.

#### **6. Mischaracterization of July 17th Filing as Timely Rebuttal**

Co-Petitioner may argue that the rebuttal report submitted on July 17, 2023, did not violate Colorado Rule of **Civil Procedure 26(a)(2)(D)**, which requires expert rebuttals be filed at least 56 days before trial, not 35. The report at issue was not a proper “rebuttal” under C.R.C.P. 26; it was a new and independent financial analysis including revised valuation methods, recharacterized revenue streams, and omitted liabilities.

This substantive expansion converted it into a primary expert opinion, not a rebuttal, and its untimely submission deprived Petitioner of a fair opportunity to review or respond. **See: Exhibit DDQ, Exhibit HHAA and Exhibit JJB**

## V. REQUEST FOR RELIEF

Petitioner respectfully requests that the Court, pursuant to **C.R.C.P. 60(b)(2), 60(b)(3)**, the final paragraph of **Rule 60, C.R.C.P. 62**, and the Court's inherent authority to **remedy fraud upon the court**:

### 1. Schedule an Evidentiary Hearing on Alleged Fraud Upon the Court

Petitioner respectfully requests that the Court **schedule an evidentiary hearing at the earliest available date** to address the issues raised in this Motion. The Court previously indicated during the March 31, 2025 status conference that any determination of fraud upon the court must be made at a hearing. Petitioner concurs and submits that the current record—supported by over a dozen updated exhibits, sworn statements, and metadata-verified communications—meets the threshold for judicial inquiry.

A timely hearing is not only necessary to preserve judicial efficiency but also essential to prevent ongoing harm resulting from financial orders that remain in place despite newly surfaced evidence. Under **C.R.C.P. 60(b)** and **Colorado case law**, the Court has broad discretion to set aside a judgment tainted by fraud, and such discretion is best exercised after adversarial presentation and testimony. See *Montoya v. Connolly's Towing, Inc.*, 216 P.3d 98 (Colo. App. 2008); *People in Interest of E.E.A.*, 854 P.2d 1346 (Colo. App. 1992).

Accordingly, Petitioner requests that the Court set this matter for a hearing on the earliest possible date and permit live testimony and cross-examination of the parties involved, including Jay E. Freedberg, CPA/ABV/CFF, whose expert report forms the basis of the challenged rulings. **Stay all enforcement of financial obligations**, discovery sanctions, attorney fee assessments, and equalization orders entered after July 17, 2023, pending resolution of this Motion;

2. **Vacate or suspend execution** of any rulings or orders that relied on or incorporated the July 17, 2023 rebuttal expert report, pending full evidentiary review and recalculation;
3. **Consider awarding reimbursement to Petitioner for litigation and expert expenses incurred after July 17, 2023**, in connection with the defense of manipulated evidence. Petitioner respectfully requests that any financial adjustments be equitably offset against Co-Petitioner's existing property award, including her retained equity of approximately \$300,000;
4. **Preserve all exhibits submitted** with this Motion for use in any future evidentiary hearings;
5. **Grant Petitioner leave** to submit a final damages and recalculation brief within 30 days;
6. **Grant such other and further relief as the Court** deems just and proper under the circumstances.

## VI. EXHIBIT INDEX

The following exhibits are submitted with this motion and incorporated herein by reference:

| Exhibit | Title                             | Description  |
|---------|-----------------------------------|--|
| DD      | Forensic Report (4/4/2025)        | Comprehensive analysis of financial misrepresentation, procedural misconduct, and valuation manipulation.                          |
| DDA     | Overview of Forensic Report.      | Overview of Comprehensive Forensic Report.   |
| DDQ     | Supplement Overview               | Procedural and Rule 60(b)-specific supplement that supports DD with a focused lens on disclosure timing, rebuttal violations, etc. |
| TTA     | Summary of Fraudulent Add-Backs   | Table identifying personal expenses misclassified as business deductions and improperly added back.                                |
| LC-1    | Fraudulent Financial Manipulation | Details misclassification of PPP loan forgiveness and omission of SBA loan payoff, inflating business value.                       |

|          |   |   |
|----------|---|---|
| LC       | Large Client vs. One-Time Revenue       | Demonstrates Trulieve was a unique project, not a recurring revenue stream.                                   |
| JJB      | Procedural & Analytical Errors          | Documents timing violations, lack of rebuttal compliance under Rule 26, and expert's methodological failures. |
| JJF      | Conflicted Expert Retention             | Shows Freedberg was retained using company funds by a non-owner without proper authority.                     |
| RR       | Debt-to-Income Analysis                 | Demonstrates financial infeasibility of Alyson Bell's claimed mortgage capacity.                              |
| JJ / JJA | Freedberg Reports (Original & Rebuttal) | Financial reports relied upon by court; contain manipulated inputs and unfounded projections.                 |
| HHAA     | Glassman Timeline                       | Chronology of misleading statements, concealment of counteroffer, and strategic delays.                       |
| MMF      | Alyson Email Confirming No Counteroffer | August 1, 2023 email showing she had not received the July 14 counteroffer.                                   |
| BBB      | July 14 Counteroffer                    | The actual counteroffer submitted by Petitioner, later suppressed.  |
| OO       | Assumable Mortgage Confirmation         | RoundPoint email confirming the mortgage was assumable – key to valuation and support issues.                 |
| MMW      | Contradictory Status Quo Documentation  | Messaging from Alyson denying access to records, despite claims of cooperation.                               |
| CC       | Permanent Orders                        | November 7, 2023 orders entered based on fraudulent financial representations.                                |

Additional exhibits referenced in this motion are preserved in the record and/or available upon request.

## VII. CONCLUSION

This motion does **not** seek **re-litigation** but rather correction of a judgment **corrupted by attorney and expert misconduct**, in **violation of the integrity the Court depends on**.

This motion is filed in good faith and supported by verifiable records, communications, and forensic reports. **Pursuant to C.R.C.P. 121 §1-15(8)**, Petitioner has made a good faith effort to confer with Co-Petitioner's counsel regarding the relief requested herein but anticipates opposition, necessitating this filing.

**Petitioner appears pro se and under ADA accommodation due to medically diagnosed executive functioning and communication-processing impairments.**

Pursuant to the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), the Colorado Judicial Branch ADA Policy, and C.R.C.P. Rule 121, Petitioner respectfully requests that the Court take reasonable account of these conditions when assessing formatting, expression, and compliance with procedural requirements, including discovery responses. **Petitioner affirms his full commitment to cooperating with all procedural obligations** and asks that any perceived deficiencies in clarity, formatting, or timing be viewed within the context of these documented accommodations.

Respectfully submitted,

**Charles R. Bell**

Petitioner, Pro Se

210 Emery Street Unit 12

Longmont, CO 80501

cbell@toolstudios.com

303-931-6101

**Date:** Monday, April 7, 2025

---

## CERTIFICATE OF SERVICE

I certify that, on **Monday, April 7, 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](mailto:michele@carolglassman.com)
3. **Nelissa Milfeld** Milfeld Law LLC 1650 38th Street, Suite 302E Boulder, CO 80301 [milfeldlaw@gmail.com](mailto:milfeldlaw@gmail.com)

### Sign & Date

CHARLES R. BELL

*Charles R. Bell*

DATE: Monday, April 7, 2025