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Follow-Up Regarding Expert Witness Availability, Report Origins, and Ethical Disclosure Obligations – Bell v. Bell (June 11 Hearing)

Charles Bell <cbell@toolstudios.com>

Sat, May 31, 2025 at 1:06 PM

To: Carol Glassman <carol@carolglassman.com>

Cc: Michele LaPlume <Michele@carolglassman.com>, John Palmeri <jpalmeri@grsm.com>, "William Dewey," <wdewey@grsm.com>, Adam Wiens <Adam.Wiens@lewisbrisbois.com>, Ryan Dunn <Ryan.Dunn@lewisbrisbois.com>

Ms. Glassman,

Pursuant to my ADA accommodations (**C.R.C.P. 121 §1-26**) and your ethical duties under **C.R.C.P. 11** and **Colo. RPC 3.3**, I am renewing my good-faith request for clarification on the following limited matters in advance of the June 11, 2025 hearing in Case No. 2022DR30458. These questions are framed not as new discovery but as procedural and ethical inquiries related to evidence already filed with the Court.

With respect, the instruction to 'assume' a witness's availability does not satisfy the obligation to provide clear and timely notice of appearance as required under **C.R.C.P. 16.2(e)(3) and 16.2(g)(3)**. Ambiguity of this kind prejudices a pro se litigant's ability to prepare and undermines the due process protections contemplated by **C.R.C.P. 16.2** and the Colorado Rules of Evidence, particularly **C.R.E. 802 and 803**, which govern hearsay exclusions and require opportunities for cross-examination. Please be advised that all communications are being documented and reviewed for patterns of deliberate ambiguity or avoidance, as such tactics may have bearing in both this matter and in related civil proceedings.

Please provide your written responses to the following questions no later than **Monday, June 2, 2025, by 2:00 PM**, so that I may adequately prepare for the June 11, 2025 hearing. I am requesting clear, non-evasive answers pursuant to your obligations under **C.R.C.P. 11(a)**, **C.R.C.P. 16.2(e)**, and **Colo. RPC 3.3 and 3.4**. If any question is objectionable, please state the **specific legal basis** for your refusal to answer, as non-response or ambiguous language will be preserved in the record and may be presented in related proceedings.

I. Expert Report Bearing the Name of Jay Freedberg

1. **Will Mr. Freedberg appear for direct examination and cross-examination at the June 11 hearing?**
Your previous use of "assume" is not a procedurally sufficient response. I am requesting a firm confirmation under C.R.E. 702–705.
2. Do you deny that the \$197,200 figure used in both the 2023 and 2025 reports bearing Mr. Freedberg's name was derived from mortgage qualification data disclosed to your office between July 12–14, 2023?
3. Was this report constructed, edited, or coordinated in collaboration with any party other than Mr. Freedberg including but not limited to Ms. Milfeld, Eric Six your paralegal, or any outside firm?
4. Do you deny that time entries and invoices from your office between February and July 2023 confirm references to "Six," "Freedberg," and "valuation report" months before CDM's joint report was finalized?
5. Do you assert that the report filed April 16, 2025, is newly prepared as opposed to a refiled or repurposed version of the July 17, 2023 submission (**Exhibit JJFA**)?
6. Do you acknowledge that you did not produce an accompanying **Rule 26(a)(2)(C)** disclosure for this expert, nor timely notify the Court of any intent to use a non-rebuttal expert beyond the joint CDM submission?

II. Offer History, Negotiations, and Mediation Avoidance

7. Do you deny that you refused the offer to return to mediation when requested by Ms. Goff on or around July 6, 2023?
8. Do you deny that you failed to relay this mediation request to Ms. Bell at that time?

9. Do you deny receiving my July 14, 2023 counteroffer and failing to acknowledge or respond before the July 17, 2023 expert filing?
10. Do you have timestamped digital proof that my Feb 8th 2025 and July 14, 2023 counteroffers were provided to your client Alyson Bell?
11. Do you deny that Alyson Bell's August 1, 2023 statement "We're not that far apart" was made without knowledge of the \$197,200 income number in your July 25 reply?
12. Do you possess digital evidence that Ms. Bell saw my Feb 8th and July 14th 2023 offers before making her August 1, 2023 statement?
13. Do you deny that the July 25, 2023 proposal included both the original rejected number and a new valuation prepared using the \$197,200 mortgage qualification figure?

III. Ethical Obligations and Representation

14. Is Ms. Milfeld currently reviewing, authorizing, and taking responsibility for filings submitted under her name, consistent with Colo. RPC 5.5 and Rule 11(a)?
15. Has Ms. Milfeld withdrawn, taken medical leave, or otherwise delegated full control of this matter to you without public disclosure? If so, please clarify.
16. Do you deny having any knowledge of, or involvement with, the email sent to me on April 3, 2025 at 7:20 AM from an Apple "Hide My Email" address claiming to be from Nelissa Milfeld?

IV. Settlement Conduct

16. Do you deny receiving my February 6, 2025 written proposal to resolve this matter? If not, are you aware of any formal counteroffer issued in response?
17. Do you deny that, since the February 6 offer, you have declined all requests for productive settlement discussion and refused mediation despite knowing the financial strain caused by continued litigation?

V. Client Capacity and Ethical Responsibility

As documented in my deposition and directed to both you and Ms. Milfeld, I raised explicit concerns that Ms. Bell was not emotionally stable or legally capable of evaluating counteroffers or making informed settlement decisions during critical phases of this case. These warnings were not speculative; they were based on observed behavior during mediation and consistent patterns of psychological disengagement.

Supporting Transcript Citations:

- "I said during that mediation I was deeply concerned about her capacity to participate meaningfully... she didn't seem to understand the numbers being discussed" .
- "Glassman and Milfeld were both present, and I told them flat out that Alyson was disassociating again, and I didn't think she should be pushed into any financial decisions at that point" .

Given this record:

1. Do you specifically confirm that Ms. Alyson Varvel (f/k/a Alyson Bell) will appear in person and be made available for cross-examination at the June 11, 2025 hearing? "Assume" is not an answer.

If not, please explain your legal basis for relying on her testimony or statements in any form without making her available for cross-examination under oath.

1. Do you deny that I raised specific warnings during my deposition directed to both you and Ms. Milfeld that Ms. Bell appeared to be emotionally impaired, trauma-affected, or incapable of evaluating counteroffers or participating meaningfully in mediation? If not denied, what steps did you take in response to those concerns to ensure your client's legal capacity was protected in compliance with Colo. RPC 1.14(a)?
2. Have you personally observed any behavior by Ms. Bell that, in your professional judgment, may indicate limited capacity to engage in good-faith negotiation, including but not limited to emotional detachment, impulsive retraction of agreements, dissociation, or difficulty processing terms during mediation or conflict resolution?

3. Do you deny observing that Ms. Bell has consistently been unable or unwilling to discuss counteroffers or alternative resolutions including during mediation or direct settlement discussions despite being repeatedly encouraged to do so?

These questions are not intended to attack your client, but rather to test the integrity of the process and to determine whether your continued litigation posture aligns with your obligations under **Colo. RPC 1.14, 3.3, and 5.5**.

These questions are submitted in good faith, consistent with the Court's prior orders, and with the intent to streamline the June 11 hearing and avoid unnecessary disputes over procedural irregularities, disclosure failures, or cross-examination logistics.

Notice of Relevance to Parallel Proceeding

Please be advised that this inquiry and your responses may also be relevant to the pending civil matter, Bell v. Freedberg, Glassman, and Milfeld, Case No. 2025CV80, currently before the Boulder County District Court, Division 2. To the extent appropriate, factual representations, procedural disclosures, or omissions may be incorporated by reference in that action.

Respectfully,

Charles R. Bell

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