

DISTRICT COURT BOULDER, COLORADO 1777 6th St. Boulder, CO 80302	
In re the Marriage of: Petitioner: CHARLES BELL and Respondent ALYSON BELL	<div style="text-align: center;">▲ COURT USE ONLY ▲</div> Case Number: 2022DR30458 Courtroom I
For Petitioner: Charles Bell, Pro Se For the Respondent: Ms. Carol E.. Glassman, Esq., R/N. 11321 Carol Glassman, PC 4845 Pearl E. Circle Suite 101 Boulder, CO 80301 Phone: 720-773-6668 Fax: 303-442-00742 carol@carolglassman.com	
The matter came on for hearing on October 7, 2025, before the HONORABLE TIMOTHY JOHNSON, Judge of the District Court, and the following proceedings were had.	

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BOULDER, COLORADO; OCTOBER 7, 2025

(Call to Order at 9:06 a.m.)

THE COURT: The Court is going to go ahead and call its 9:00 matter. And good morning, everyone, first off. I apologize for not saying good morning. It is Tuesday, the 7th of October, 2025. It's a couple minutes after 9:00. The Court is going to call case 22DR30458. This is In re the Marriage of: Bell.

Mr. Bell, do you want to put your name on the record for me, please?

MR. BELL: Yes. Charles Bell.

THE COURT: All right. Thank you.

Ms. Glassman?

MS. GLASSMAN: Good morning, Carol Glassman. Attorney registration 11321. Appearing on behalf of the co-petitioner, Allison Bell Varvel, who appears with me at counsel's table.

THE COURT: Thank you very much. And Ms. Bell Varvel, do you prefer Varvel? I've had you there before. Bell Varvel?

MS. VARVEL: It doesn't matter.

THE COURT: Well, it matters to me just because I want to call you what you want to be called. So whatever that is, I will note it and that's what I'll call you all day. I just wanted to make sure that I'm calling you by what you want

1 to be called.

2 MS. VARVEL: You can call me Alyson Varvel.

3 THE COURT: Thank you very much.

4 MS. VARVEL: Thank you.

5 THE COURT: Sure.

6 All right. This is on today before the Court, on a
7 remand from the Court of Appeals as to attorney fees. The
8 Court has done -- there's been a lot of motions that have been
9 filed pre-hearing. There were four motions that were filed
10 yesterday.

11 And Ms. Glassman, do you have copies of those? They
12 were electronically filed on the 6th, which was yesterday, and
13 what I --

14 MS. GLASSMAN: I have --

15 THE COURT: I'm sorry.

16 MS. GLASSMAN: -- I have seen those motions.

17 THE COURT: Okay.

18 MS. GLASSMAN: Well, I've seen requests to file
19 motions or motions or emails to the clerk. I've seen a --

20 THE COURT: Okay.

21 MS. GLASSMAN: -- bunch of filings. I'm not sure
22 what category they comply with.

23 THE COURT: No worries. So there were filings with
24 the Court yesterday, and there were a total of four of them.
25 And so I wanted to address just one of them. There appears to

1 me to be one that was specific to Division 13, and I'm going to
2 let Judge Salomone decide whether or not to address that.
3 There is one for Division 5, and that's for Judge Collins, and
4 I was going to let Judge Collins address that. There's one for
5 Division M, and so I'll let Magistrate Trevino address that.

6 And then the first one that I have is a ten-page
7 document that was filed, and it indicates for both Division 14
8 and 13. And this is the emergency request for leave to file
9 motion based on new evidence under Rule 60(b) final paragraph.
10 And the letter is appropriate in the sense that it's just the
11 one page.

12 And Mr. Bell, I looked at the rest of the letter, and
13 I really need to just tell you this outright. I've tried to do
14 this in my orders, but I don't think you've heard me properly.
15 And so I read through this. Under the controlling law, which
16 is on page 5 of nine, you have a quote from Buckley Powder
17 Company v. State. And the quote is fraud upon the Court
18 strikes at the integrity of the judicial process itself. Once
19 such fraud is shown, the Court has no discretion. It must act
20 to protect the integrity of its own proceedings.

21 Have you read that case?

22 MR. BELL: Yeah, I have.

23 THE COURT: Have you found that quote in that case?

24 MR. BELL: You know, this is the part where I kind of
25 understand -- you know, what's been so difficult about this is

1 finding the law and then, you know, wrapping it so that I can -
2 -
3 you know, can explain it to you. And -- and I think that, you
4 know, what I have today, you know, I really focused on, you
5 know, getting my brain down into, you know, less -- less -- you
6 know, less -- or less complicated.

7 THE COURT: All right.

8 MR. BELL: If that makes sense. And I don't -- like
9 I said, you know, that was trying to get it through beforehand.
10 And I apologize if there's something that -- I know it's --
11 there's a lot of things like that you -- you know, just to make
12 the point, kind of. And I don't mean to misquote, if I did.

13 THE COURT: Well, it's not only a misquote, it
14 doesn't exist. The word fraud does not exist in that entire
15 opinion.

16 MR. BELL: Okay.

17 THE COURT: On page 556, which is what you have cited
18 to, none of those words appear there. And it just doesn't
19 exist.

20 MR. BELL: I didn't bring that with me though.

21 THE COURT: Well, and so Mr. Bell, this is kind of
22 what I'm getting at and this has been the frustrating thing for
23 this Court. If I had a lawyer who filed something like this
24 saying that Buckley Powder Company v. State on page 556 of the
25 opinion said what you're saying it says, and they're relying on

1 that as authority under the State of Colorado case law and I
2 looked and it doesn't say anything like that, that's grounds
3 for me to report them to the Ethics Commission and to have
4 their license revoked.

5 And the main reason for that is they're violating a
6 number of ethical rules. Candor to the Court. They're
7 violating Rule 8.4, an attempt to commit fraud upon the Court,
8 by indicating that there is case law out there that requires
9 the Court to act in a particular way, when in fact it doesn't
10 exist. Pro se litigants are treated differently.

11 But what's been frustrating to me, Mr. Bell, is that
12 you continually cite to this case, and it just doesn't say what
13 you say. And in fact, I searched all of Westlaw. And Westlaw
14 is an online database that is a paid database, and it searches
15 any kind of case in the State of Colorado and in the other 50
16 states, as well as the Federal Circuit, not only at the Supreme
17 Court and Court of Appeals levels, but also at the trial court
18 level, the federal district courts that are located across the
19 United States. And that quote doesn't appear anywhere.

20 And so the concern that I have is that you're citing
21 the authority that is saying the Court needs to act because
22 this case says you need to act. And in fact, it doesn't say
23 that. There's nothing that says that. And so that's why, way
24 back in May, I limited your filings, is that you're relying on
25 information which doesn't exist in the law. And because of

1 that, the filings have become so burdensome, because I need to
2 spend time going through that. The opposing counsel needs to
3 go spend time going through that. And it's been very difficult
4 to do this.

5 MR. BELL: Yeah. And I --

6 THE COURT: And so I'm trying to explain it in a way
7 just so you understand the best of my ability. And the reason
8 I'm doing that is, again, on Friday, before I left, I received
9 an email that you had contacted our ADA coordinator. And I
10 want to make sure that I explain this in a way that you can
11 understand why I'm declining to entertain this request. And
12 the main reason for that is you cite the case law that doesn't
13 exist.

14 And so because of that, under Rule 121, you failed to
15 cite any kind of authority to support your motion, and that
16 authority doesn't exist. And in fact, the authority that you
17 cite doesn't even say what you think it says. And it has
18 nothing to do with fraud.

19 Go ahead, Mr. Bell.

20 MR. BELL: I appreciate that input, and I'll make
21 sure it's noted, but --

22 THE COURT: Well, I need you to do more than note it.
23 I need you to stop --

24 MR. BELL: Yeah.

25 THE COURT: -- quoting that.

1 MR. BELL: Yeah. And you know, it's been a very
2 difficult case, you know, especially when the allegations, you
3 know -- because in the beginning, you know, it was a shift.
4 There was 182 days put on it. But the bottom line is that
5 under 60(b) final paragraph, if I've -- I've read that several
6 times, that there -- if I keep it framed in that, and I think
7 what I have done -- because there wasn't any attention given to
8 it, right? And I see all this stuff being rejected that is
9 really -- it's not -- I feel like I'm trying to protect the
10 judicial system, you know, not -- it's not even adversarial in
11 a way. It's really not.

12 And so you know -- and hopefully today, you know, I
13 can clear things up, stick to absolute facts. That's all I
14 care about and not have to, you know, put in a sales pitch. I
15 can just point fingers at the -- you know, at evidence if
16 that's okay.

17 THE COURT: Well, again, I'm not saying this is how
18 you run your case. I'm just trying to make you understand why
19 I'm not going to entertain your motion.

20 MR. BELL: That's fair. I think that's totally fair.

21 THE COURT: Okay. And so I just wanted to do that.
22 All right.

23 MR. BELL: And I appreciate that. And I'll work
24 better. You know, one thing that did -- if I don't -- if you
25 don't mind. One thing that did happen that was, you know, you

1 -- the other day, what caused that -- me to send that in such
2 panic was that you ruled on a request to file. And again,
3 that's why I -- and again, I didn't go through my regular
4 checking and that's probably -- you know, so again, you know,
5 it's -- I get, you know -- like this today is -- my biggest
6 concern is, is Rule 50 applicable here? Right. Because it was
7 used that last time and I didn't get to cross a subpoenaed
8 witness. And I didn't understand that. And I still don't.

9 See what I mean? So I'm like, I feel like I'm a
10 little on the defense.

11 THE COURT: Sure.

12 MR. BELL: And I don't like being that way.

13 THE COURT: Totally understand. I just want to make
14 sure you understand why I'm acting --

15 MR. BELL: I do. I very much do.

16 THE COURT: -- the way I'm acting today with regards
17 to that request.

18 MR. BELL: And I -- like I said.

19 THE COURT: Ms. Glassman, did you want to make any
20 record on those four items?

21 MS. GLASSMAN: Well, I'd like to make a record that
22 reminds Mr. Bell that on October 2nd, 2025, Judge Collins did
23 address the last paragraph of Rule 60 and stated unequivocally
24 that --

25 MR. BELL: Objection, sir. It's --

1 THE COURT: Wait, wait, wait. So again Mr. Bell --

2 MR. BELL: All right.

3 THE COURT: -- Ms. Glassman was able to not interrupt
4 you at all. You'll have an opportunity to respond. This is
5 not evidence.

6 Go ahead, Ms. Glassman.

7 MS. GLASSMAN: With respect to Petitioner's Rule 60
8 allegations, the Court finds that Petitioner has failed to
9 substantiate any claim that the Court relied on fraudulent or
10 improper evidence. The Court finds that Petitioner has failed
11 to prove that Respondent engaged in concealing evidence, or in
12 any conduct that would warrant relief from judgment.

13 So the notion that we are still repackaging,
14 rehashing Rule 60 last paragraph is moot. It's been resolved
15 by this Court.

16 THE COURT: And I agree with that.

17 MR. BELL: All right.

18 THE COURT: And so let me go ahead and finish with
19 that.

20 Mr. Bell, we're set for a three-hour hearing today.
21 I'm going to give each side 80 minutes to present their case.
22 Are there any pre-trial issues that you would like to raise
23 with the Court?

24 MR. BELL: I would just like to go on the record to
25 say that -- that -- that was seven -- six -- over six months

1 ago, that that was filed and 80 percent of all the evidence
2 since then is even growing and stronger. And the most it's
3 been in the last 45 days. So I -- it's -- it's one of those
4 things that's complex. It has many moving parts. And
5 unfortunately -- or fortunately, I'm wired to see things that
6 they're there. And today I hope that I can present some very
7 concrete things to maybe have the Court reconsider that
8 something six months ago -- although it still has grounds, I --
9 I'm respecting that. And I can say it's been four or 500 hours
10 later.

11 THE COURT: So Mr. Bell, there's a theory under the
12 law and the trial courts address this. It's called the law of
13 the case. And it basically says that when an issue has been
14 addressed and fully resolved at that particular point, the
15 Court has to look back at its orders and say, this is what I
16 have to follow, because that's what I said a while ago. This
17 case is a little unique because we have Judge Collins that was
18 in transition out of this division, who took care of the Rule
19 60 issue, while I then moved into the division from the
20 magistrate's position. But he ended up ruling on that issue.
21 And so that's a resolved issue for the Court today.

22 Again, I'm going to give you the time that is
23 allotted. I'm not going to allow the clock to continue beyond
24 that. I'm not going to continue this for another date. We're
25 here today to discuss the attorney fees and the issue that the

1 Court of Appeal had with the lack of findings on that. So I
2 wanted to kind of keep you focused on that particular issue.
3 If there are irrelevant things that are coming out and Ms.
4 Glassman objects to things that are irrelevant, I'll listen to
5 what your argument that you have to say. But if I sustain the
6 objection, I expect to move on from that point on to a
7 different area. Does that make sense?

8 MR. BELL: Again, in researching and understanding in
9 the documentation that I've taken so far, it -- as far as I
10 understand things -- and again, I'm going to stay in my lane,
11 as you requested, and leave the F word out of it. And just try
12 to stick with the facts and let the Judge, you know, decide
13 what he wants to decide.

14 And I don't mean any disrespect. I just know that my
15 issues, or at least the -- the tension that people receive from
16 me, either lawyers or judges, is because I don't see things
17 linear. Right? And I respect that the Court has to and the
18 rule of law has to. But it's also something that -- I was
19 throwing darts at things, I saw little pieces, and I was
20 panicked, and I did whatever I did. And that was six months
21 ago, and I actually forgot it was still there.

22 And every other thing since then has only added --
23 you know, it's only given more examples. And today I'll bring
24 up a few because they're very applicable. And I believe that
25 the remand itself -- the reversal had something to do with what

1 I've been talking about. So I guess that'll be up to me to --
2 to, you know, present that.

3 THE COURT: So any other pre-trial issues that you
4 have, sir?

5 MR. BELL: No.

6 THE COURT: All right. Thank you.

7 Ms. Glassman, pre-trial issues we need to raise?

8 MS. GLASSMAN: No.

9 THE COURT: All right. And so Ms. Glassman, you are
10 kind of the moving party on this, and so I'll allow you to go
11 first. Did you want to make any opening statements?

12 MR. BELL: I was going to ask to go first --

13 MS. GLASSMAN: Excuse me.

14 THE COURT: So Mr. Bell, it's actually not yours to
15 go first.

16 Go ahead, please.

17 MS. GLASSMAN: With regard to today, there are three
18 narrow issues before the Court. The remanded issue of the
19 District Court's \$15,000 award of attorney fees and permanent
20 orders, the remanded issue of Ms. Varvel's request for
21 appellate attorney fees, and Ms. Varvel's request for attorney
22 fees related to litigating these remanded issues.

23 With respect to the first task, the \$15,000 remand
24 issue, the task before the Court is straightforward. It must
25 identify the legal authority supporting any award of fees and

1 make findings sufficiently explicit for the Court of Appeals to
2 understand the basis of the decision, including findings as to
3 whether the fees awarded were reasonable. I think in light of
4 Mr. Bell's statements to the Court, it's appropriate for me to
5 remind the Court and Mr. Bell that the Court is not tasked on
6 remand to recalculate the \$15,000 the Court arrived at, but
7 rather to justify what statute the Court relied upon and make
8 findings that the amount awarded was reasonable. The Court
9 stated that in its July 25th order.

10 The Court further stated that the Court does not find
11 any information regarding fraud to be relevant to what the
12 Court of Appeals has ordered this Court to do today. This
13 Court has ordered the parties to avoid any litigation of claims
14 of fraud for the purposes of this hearing, and that was set
15 forth in the July 23rd, 2025 order. This Court has already
16 spoken to the issue of discovery, and has stated that there was
17 no need for additional discovery.

18 Neither the District Court nor the Court of Appeals
19 has identified any insufficiency in the underlying billing
20 records submitted in support of Ms. Varvel's claim for attorney
21 fees and permanent orders. It is the sufficiency of the
22 District Court's order awarding attorney fees, not the
23 sufficiency of the billing records that is at issue. And
24 compliance with the mandate does not involve a de novo
25 scrutinization of the billing records.

1 To assist the Court in discharging its task today in
2 determining the legal standard by which the attorney fees were
3 awarded, we'll hear from expert witness, Attorney Lee
4 Strickler. Ms. Strickler will testify and opine that while
5 there is a basis for the fees to have been awarded under 13-17-
6 102, the \$15,000 award of attorney fees is justified pursuant
7 to 14-10-119, and the case law that applies that statute. Ms.
8 Strickler will also testify that, based upon her review of the
9 record of the case and applying a lodestar analysis, the award
10 was reasonable.

11 With respect to Ms. Varvel's claim for appellate
12 fees, Ms. Varvel submitted a brief in support of that, pursuant
13 to 14-10-119. The amount she claims is \$15,089, and her brief
14 was submitted on September 9th, 2025. Mr. Bell did not file a
15 response brief on the issue of appellate attorney fees, which
16 was due by September 23rd. Importantly, he did not comply with
17 this Court's order dated July 25th, 2025, to provide his sworn
18 financial statement and updated financial information prior to
19 the deadline for the filing of this brief.

20 With regard to Ms. Varvel's request for attorney fees
21 related to this litigation and all of the remand issues,
22 affidavits and billing records supporting total award of
23 \$22,110 were submitted to the Court both on September 23rd,
24 2025, and then the Court instructed me to update that within 24
25 hours of the hearing and another submission of fees was filed

1 with the Court on October 6th, 2025. We will therefore be
2 asking the Court to award fees for this entire remand process
3 to Ms. Bell in the amount of \$22,110.

4 THE COURT: Thank you.

5 Mr. Bell, any opening statement?

6 MR. BELL: Yeah, I do.

7 So in my opening statement, I have a little handout
8 for both of you. Is that something that is doable or?

9 THE COURT: You may approach.

10 MR. BELL: Huh?

11 THE COURT: You may approach.

12 MR. BELL: Oh, here we go. So prepared. Oh, there
13 it is. Okay. Sorry.

14 There you go, Carol.

15 So all right. Sorry. So I first had a question. Is
16 that the Court of Appeals rejected or reversed the ruling of
17 the Court and sent it back for hearing. And it confuses me
18 that I'm now in a position to have to pay for that ruling, that
19 reversal, if that makes sense.

20 THE COURT: It makes sense.

21 MR. BELL: Yeah.

22 THE COURT: I won't get into the legal aspect of it,
23 but here's what it comes down to. Basically, what 14-10-119
24 says is that it says the Court may, upon examination of the
25 finances of the parties in an action, I can award prospective

1 or other spent attorney fees based on the resources that each
2 party has. And that's basically what that statute says.

3 And there's a case that says something similar, which
4 is In re the Marriage of: Rose. And basically the idea is that
5 each side should have similar amounts of resources to be able
6 to pursue litigation or defend litigation. That's kind of the
7 overview.

8 Go ahead with your opening statement, please.

9 MR. BELL: Okay. So the premise is -- you know, in
10 our case is that in order to award legal fees, then legal fees
11 had to be incurred and not already resolved. Makes sense? So
12 if we look at the foundation, and this is my slide, the only
13 time that Exhibit 3 was stated on the record --

14 THE COURT: And just to be clear, it's actually --

15 MR. BELL: Well --

16 THE COURT: It's Exhibit III.

17 MR. BELL: III, I know that I'm sorry.

18 THE COURT: That's okay. I just want to make sure
19 the record is clear. So when in a Court of Appeals looks at
20 it, we know we're all talking about the same thing.

21 Go ahead, Mr. Bell.

22 MR. BELL: So during trial, Ms. Glassman went to Ms.
23 Varvel and said turn to Exhibit III, through July, have you
24 incurred \$79,000 in fees and 12,000 in cost? She said sadly,
25 yes. Pretty straightforward statement. She had occurred --

1 incurred \$79,000 in fees, \$12,000 in costs.

2 So the mandate says nowhere did the District Court
3 make any findings to explain whether the \$15,000 for attorney
4 fees awarded to wife was reasonable. We reversed the District
5 Court's award and remand for further proceedings. The Court
6 must reconsider wife's request, identify the legal authority
7 supporting any award fees, and make findings, including
8 findings as to the reasonableness of any fee award. Right.
9 And then the Court listed numerous things about my actions.
10 Right. And I understand that.

11 Okay. So then the next page, the Court of Appeals.
12 So the Court of Appeals testified that she -- this is them --
13 owed over 20,000 in outstanding attorney fees, that was the
14 last bill that Ms. Glassman brought into the courtroom, as of
15 permanent orders hearing, and stated that she had incurred
16 \$79,000 in attorney fees through July 2023. The Court listed
17 the numerous actions. The husband took the same thing. So at
18 this point, I think the Courts, both Courts actually, are under
19 the impression that Alyson had occurred \$91,000 and that there
20 was just a \$20,000 remaining balance.

21 So then go to the next page. So this came in three
22 weeks before trial. Thousand pays all of the bills, the
23 parties' salaries, which are transferred to the joint checking
24 account, are insufficient to meet the financial obligations of
25 two households. The Money and Tools Studios (phonetic), which

1 is my company, is the only source of money to pay their bills.
2 This has been the status quo throughout the marriage. There's
3 another statement in here from Aly about fees and not being
4 able to pay. It is what it is.

5 So my -- my point is, is that the judges awarded
6 partial, is what her exact words were. But very clearly under
7 the assumption that there was \$91,000 spent by Alyson. But the
8 bottom line is the only money that had ever been spent up until
9 that point was nothing. I -- the company had paid all the
10 bills. She was the keeper of the finances. The record all
11 shows that. The testimony of her own attorney states very
12 clearly that, up until that point.

13 So that's where it becomes very difficult for me, is
14 to say, okay, on the record, Ms. Bell very clearly stated --
15 Ms. Glassman said turn to Exhibit III, through July have you
16 incurred \$79,000 in fees and \$12,000 in costs? Sadly, yes.
17 But that was a false statement.

18 I had incurred them. They had come out of my
19 company. The company that had been valued back in February of
20 28 at whatever. And then it was the first evaluation was, I
21 think, two something -- two whatever. They then spent more of
22 the company's money. And then I asked for the evaluation to go
23 down because less cash has been taken out, and it's left me in
24 a really bad position. And it's really difficult for me to
25 have somebody lie or tell a false truth and I'm the one sitting

1 here -- you know.

2 And she was double-awarded. There's no question
3 about that. I paid her everything up to that point. And so
4 all the -- the frivolous comments about my behavior, I paid for
5 my behavior. So and for that reason -- I made something else.
6 There's one more thing. Sorry. Excuse me.

7 I'm going to try to walk you through this if I can,
8 but I think it's pretty clear -- it's pretty clear. So Your
9 Honor, you know, I know on the record that, you know, you --
10 you -- you objected or you said that it wasn't true about
11 Exhibit III and that you felt that it had been submitted to the
12 Court. And what I can do, if I can approach the bench, sir?

13 MS. GLASSMAN: Your Honor?

14 MR. BELL: This --

15 THE COURT: Hang on for one second. So wait one
16 second.

17 Go ahead, Ms. Glassman.

18 MS. GLASSMAN: I'm wanting to be mindful of the
19 Court's time. Mr. Bell is now starting to testify. Not only
20 is he testifying, but he's testifying not under oath. But he's
21 going down what I submit to the Court is the wrong path for why
22 we're here today. And I am asking the Court to address this
23 and set up those guardrails because this is not what's before
24 the Court today.

25 MR. BELL: Can I respond to that?

1 THE COURT: Hang on for one second.

2 MR. BELL: Okay.

3 THE COURT: So let me kind of explain to you what
4 opening statements are. Opening statements are a brief
5 statement of what you believe the evidence is going to show in
6 this case. And so the fact that you're asking to approach with
7 a number of things --

8 MR. BELL: Okay.

9 THE COURT: -- that's going to be better during your
10 testimony. It was clear from your initial slides that you had
11 that that was part of your opening statement. But what I don't
12 want you to do is to get so deep into your argument that you
13 basically lose all of your time during the opening statement,
14 and don't present any evidence. Does that make sense?

15 MR. BELL: It does. And so if you don't mind, I just
16 have a one page if I can just read my statement in my book.

17 THE COURT: I was going to say, is it identical to
18 what you're going to say during your testimony?

19 MR. BELL: No. No. I mean.

20 THE COURT: I mean, if it's not your testimony,
21 that's fine. But if it's your testimony, I need to have you
22 wait, because I don't want to have you repeating yourself.

23 MR. BELL: No. It's -- it's me -- just -- if you can
24 just give me a second here.

25 Your Honor, we're here today on remand because the

1 original fee awarded lacked evidentiary support. Yet the only
2 documents now being relied on to justify those fees are the
3 very ones that were never properly disclosed, authenticated, or
4 admitted.

5 The 197,200 income figure that drove those fees
6 originated in Exhibit OO served for service only on July 17th,
7 2023, and not -- and is submitted to the Court on August 14th,
8 2023, filed just nine days before trial. That figure has later
9 repeated in Exhibit DD, another report served with -- without a
10 Rule 26 expert pack, never authenticated, and never tested
11 through testimony. Neither of these exhibits complies with the
12 rules and both reflect a pattern of redacted authorship,
13 procedural evasion, and misleading representation to the Court.

14 And then we have Exhibit 3 -- III, filed less than 48
15 hours before trial. Never authenticated, never admitted. The
16 Court gave clear instructions at the start of the trial that
17 any exhibit not introduced through a witness or specified
18 reference in testimony or argument would not be considered.
19 The Court said, quote, I will not hunt them up on my own. That
20 means the burden was on counsel to walk the exhibit into the
21 record properly. Exhibit III was not. It was only briefly
22 mentioned, never examined, never authenticated, and never tied
23 to admissible evidence. The exhibit was procedurally dead from
24 the start, and it cannot now be revived on remand.

25 Now on remand, Co-Petitioner is attempting to

1 retroactively justify fees using the same defective record.
2 That is not compliance; it's strategically concealment. For
3 this reason, I respectfully ask the Court to reject any use,
4 direct or indirect, of Exhibit III as the basis of any attorney
5 fee award. The exhibit was late, redacted, and never properly
6 before the Court, as the Court stated. I also ask the Court to
7 uphold the core purpose of the remand, to ensure that any fee
8 award is supported by actual evidence, not post hoc filings or
9 untested assertions. That's not just procedural fairness. It
10 is what the Court of Appeals required.

11 THE COURT: All right. I'm going to go and pause
12 your time on this because I need to make a record just, again,
13 the scope on the hearing.

14 So Mr. Bell, I've read the transcript of the
15 permanent orders hearing, and it's very clear that the Exhibit
16 III was properly introduced, it was offered into evidence, and
17 admitted into evidence. And that's present not only in the
18 transcript, but it's also present in the court's permanent
19 orders. III is listed as an exhibit that was offered and
20 admitted for the purposes of the hearing. And so the argument
21 that you're saying is that was never properly there, that's not
22 before the Court.

23 The reason it's not before the Court is that it was
24 properly admitted at trial. I'm not going back to somehow
25 change that because we're well beyond any kind of period of

1 time for appeal. You took an appeal on this matter, and the
2 Court of Appeals did not overturn on that particular issue,
3 saying that III was improperly admitted or anything else like
4 that. And so I'm not going to question the Court of Appeals on
5 that, because the Court of Appeals has found no error.

6 What the Court of Appeals did find that was lacking
7 in the record is the theory upon which this \$15,000 in attorney
8 fees is being awarded. Is it being awarded under 14-10-119 or
9 is it being awarded under 13-17-102? That's the question that
10 the Court of Appeals posted. And it also asked that there
11 needs to be findings of reasonableness.

12 And so that's why we're here today. I'm not here to
13 argue about Exhibit OO. I'm not here to argue about what
14 happened at the permanent orders hearing back in 2023. That
15 ship has sailed. And what has happened now, Mr. Bell, like I
16 talked about the law of the case, well, those permanent order
17 findings, that's the law of the case. I've already had a
18 judicial officer in this case make a finding as to what your
19 income was. We're not here to rehash that. There's already
20 been a finding made as to what your income was, because that
21 income was then used for the various support orders. It was
22 also used to help equitably divide the marital estate in this
23 case. And so I'm not here for that.

24 And so if you choose to try to present evidence on
25 that, what's going to end up happening more than likely is Ms.

1 Glassman is going to say, I'm objecting because this is not
2 part of this hearing, and it's not relevant, and I might
3 sustain those. We're going to have to wait and see what the
4 testimony is. But I want to make sure that you understand,
5 we're not here to reargue that.

6 MR. BELL: There's one rule of law that does allow me
7 to argue it, but it's a rule that you've --

8 THE COURT: I think it's a rule --

9 MR. BELL: -- it's a rule that you again --

10 THE COURT: -- I think it's a rule that Judge Collins
11 resolved back on October 2nd --

12 MR. BELL: -- again, that was six months ago, and you
13 can bring it up.

14 THE COURT: It doesn't matter if it's six months ago
15 or six minutes ago. There's been a ruling on it.

16 MR. BELL: With all due respect, Your Honor, when you
17 look at the case law, and you look at the Rule 60(b) final
18 paragraph, you will see that there is no limits on time and/or
19 occurrence. So if you're in an accident, let's say, and they
20 decide that, okay, that was a bad accident, right? But they
21 missed the fact that there was a lodged, you know, piece of
22 wire in the leg. So the judge rules, says no, whatever. But
23 that leg and that thing that happened, you can revisit.

24 I understand the difficulties of this. I understand
25 the challenges of it. And I'm trying to keep things

1 procedural. And I understand that, you know, not applicable.
2 But in my -- from my context and with the evidence I have,
3 right, then it makes a lot of sense. And if the Judge, if the
4 Court won't allow me to even present that because of two little
5 things, you know, the other things are so much greater.

6 And so if I can ask permission of the Court, then, at
7 least to admit evidence for the record under 60(b) final
8 paragraph, then that's it.

9 THE COURT: So --

10 MR. BELL: Allow me to do that.

11 THE COURT: -- so Mr. Bell, you heard what my ruling
12 was, that where this is headed and the things that we need to
13 decide today. You've made your record. And again, we're going
14 to come up to the evidence as we come up. But we need to move
15 this case along. So go ahead and have a seat, and we'll get
16 rolling with the evidence.

17 Ms. Glassman, did you want to call your first
18 witness?

19 MS. GLASSMAN: Yes. Thank you. Ms. Strickler's in
20 the hall and I'll run out.

21 THE COURT: Please. Thank you.

22 All right. Ms. Strickler, if you want to come on up
23 to the witness stand. I tell this to every witness, and I know
24 you've been in this courtroom before. Please watch out for the
25 step. It's right at the very end. And people have missed it

1 and tripped.

2 If you want to step up on the step, I'll swear you
3 in.

4 MS. STRICKLER: So I don't trip after?

5 THE COURT: There you go. Raise your right hand.

6 LEE STRICKLER, RESPONDENT'S WITNESS, SWORN

7 THE COURT: Thank you. And have a seat. Once you're
8 seated, if I could have you state your first and last name for
9 me.

10 THE WITNESS: Certainly. My name is Lee Strickler.
11 Last name is spelled S-T-R-I-C-K-L-E-R.

12 THE COURT: Thank you very much.

13 Your witness.

14 VOIR DIRE

15 BY MS. GLASSMAN:

16 Q Ms. Strickler, what is your occupation?

17 A I'm an attorney.

18 Q And for whom are you employed?

19 A I have my own firm. I've been the owner of the firm
20 since approximately 2003 under various names.

21 Q And for how long have you been practicing law?

22 A 24 years.

23 Q And what is the focus of your practice?

24 A I practice exclusively in the area of family law.

25 Q And approximately how many clients have you

1 represented in family law matters?

2 A Oh, throughout the 24 years, thousands.

3 Q And do you have experience with the issue of attorney
4 fees in domestic relations cases?

5 A I do.

6 Q And have you litigated those cases on behalf of your
7 own clients, both asserting and defending against the award of
8 fees?

9 A Yes, I have.

10 Q And your professional affiliations, have you seen
11 attorney fee issues in that capacity?

12 A Yes, I have.

13 Q And are you also a mediator arbitrator in family law
14 cases?

15 A I am.

16 Q And in the context of mediation arbitration, have you
17 addressed the issue of attorney fees?

18 A Many times, both in mediation and I've also
19 arbitrated rulings involving attorney's fees.

20 Q Have you served as an expert witness regarding
21 attorney fees before?

22 A I have. I was recognized as an expert in Boulder
23 County District Court more than four years ago.

24 MS. GLASSMAN: At this time, I move to tender Ms.
25 Strickler as an expert, pursuant to CRE 702, in family law and

1 specifically as an expert to address the reasonableness and
2 necessity of attorney fees and costs.

3 THE COURT: Mr. Bell, would you like any objection or
4 voir dire? And voir dire is just a French word which indicates
5 that you have the ability to cross-examine just on the
6 qualifications that Ms. Strickler has.

7 MR. BELL: So on the qualifications -- all right. So
8 I can ask her questions about her expertise?

9 THE COURT: If you're challenging her testifying as
10 an expert. You don't have to object to her qualifications as
11 an expert. But if you're challenging her ability to opine as
12 an expert, this is your opportunity to do that.

13 MR. BELL: I think she's -- I think she's a fine
14 expert.

15 THE COURT: All right. So without objection, the
16 Court will find that Ms. Strickler has education and experience
17 pursuant to Rule 702, which allow her to testify as an expert
18 specifically in the area of reasonableness and necessity of
19 fees and costs in family law cases. The Court is going to find
20 the information would be useful to the Court pursuant to Rule
21 702.

22 Go ahead, Ms. Glassman.

23 MS. GLASSMAN: Thank you.

24 DIRECT EXAMINATION

25 BY MS. GLASSMAN:

1 Q Ms. Strickler, were you retained in this matter to
2 provide an opinion regarding the reasonableness of the \$15,000
3 award of attorney fees entered by this Court in its permanent
4 order dated November 7th, 2023?

5 A I was.

6 Q And what documents did you review in connection with
7 reaching your opinion?

8 A I reviewed the co-petition for dissolution of
9 marriage. I reviewed the written permanent orders that were
10 entered in this case. The transcript of the permanent orders
11 hearing, the Court of Appeals opinion, the mandate from the
12 Court of Appeals. An order from a status conference shortly
13 prior to permanent orders. I also reviewed relevant Colorado
14 lawyer and other secondary source articles as well as relevant
15 case law.

16 Q And did you review Co-Petitioner, Ms. Bell's, Trial
17 Exhibit III, which was the affidavit for fees and costs from
18 November 29th, 2022 through August 2023?

19 A I did. If I may add one thing, Ms. Glassman? I also
20 reviewed the Joint Trial Management certificate that was
21 submitted by the parties prior to entry of permanent orders.

22 Q Thank you. Did you review the portion of the trial
23 transcript regarding the admission of Exhibit III?

24 A I did, and -- sorry.

25 Q If you would turn to, in the black book in front of

1 you, Exhibit AA.

2 A Okay.

3 Q Is that a copy on pages 2 and 3 of the exhibit of
4 pages 9 and 10 from the trial transcript?

5 A Yes.

6 Q And if you turn to page 2 of the exhibit and you look
7 at lines 7 through 11, does it reflect that Judge Salomone
8 requested me, on behalf of Ms. Varvel, to provide her with a
9 list of the proposed stipulated exhibits?

10 A Yes.

11 Q On page 3 of the exhibit, line 1, is Trial Exhibit
12 III on the list of proposed stipulated exhibits?

13 A Yes. It's also identified on page 2, line 19.

14 Q Do lines 6, 7, and 8 reflect the Court asking Ms.
15 Goff, who is Mr. Bell's attorney, whether she agreed with the
16 proposed list of stipulated exhibits?

17 A Yes. And she -- she so stipulated.

18 Q And so on line 4, does it reflect that she does in
19 fact say yes?

20 A Line 8, but yes.

21 MS. GLASSMAN: Your Honor, I'd ask the Court to take
22 notice of its transcript.

23 THE COURT: The Court will take judicial notice of
24 its file. Part of its file includes the filing of Volume I and
25 Volume I of the full trial transcript. Exhibit AA is just a

1 portion of that and so --

2 MR. BELL: I object --

3 THE COURT: Hang on for one second.

4 The Court will take judicial notice of Exhibit AA.

5 MS. GLASSMAN: Thank you.

6 THE COURT: What's your objection?

7 MR. BELL: My objection is that the witness stated
8 that on line 19, that it was mentioned. It was not mentioned,
9 it was II that was mentioned.

10 THE COURT: And so I'll have you --

11 THE WITNESS: I'm sorry.

12 THE COURT: And so I'll have you --

13 MR. BELL: That's all I'm saying.

14 THE COURT: So I'll have you address that in cross-
15 examination.

16 MR. BELL: Okay.

17 THE COURT: It's not a proper legal objection.

18 MR. BELL: I'm sorry.

19 THE COURT: Go ahead, Ms. Glassman.

20 BY MS. GLASSMAN:

21 Q Ms. Strickler, did you draft a written report in this
22 matter that reflects your opinions regarding the fees and costs
23 in this matter, as well as your opinion for the legal basis for
24 the award of the fees?

25 A I did.

1 Q If you would turn in the black notebook to Exhibit O?
2 Is this a copy of your report dated August 12th, 2025?

3 A Yes, it is.

4 MS. GLASSMAN: I move to admit Exhibit O.

5 THE COURT: Any objection?

6 MR. BELL: No.

7 THE COURT: Exhibit O is submitted.

8 (Respondent's Exhibit O admitted into evidence)

9 BY MS. GLASSMAN:

10 Q Ms. Strickler, did you review Trial Exhibit III,
11 which is in the notebook as Exhibit P?

12 A Yes.

13 MS. GLASSMAN: I move to admit Exhibit P.

14 THE COURT: So Exhibit P is just a reproduction of
15 Exhibit III?

16 MS. GLASSMAN: Correct.

17 THE COURT: Thank you.

18 Mr. Bell, any objection to that?

19 MR. BELL: That's just submitting the report,
20 correct?

21 THE COURT: So Exhibit O is admitted. Part of the
22 report has Exhibit P, which was originally admitted at the
23 permanent hearing as Exhibit III. Do you have any objections
24 to the admission of Exhibit P?

25 MR. BELL: I'm looking for it. You said it's in the

1 book as P?

2 THE COURT: It is.

3 MR. BELL: I got it. Just want to look. So you're -

4 -

5 okay. So you're wanting to enter in?

6 THE COURT: P as an exhibit.

7 MR. BELL: Is it all pages, Carol? Okay.

8 Yeah. That's fine.

9 THE COURT: All right. Exhibit P is admitted.

10 (Respondent's Exhibit P admitted into evidence)

11 BY MS. GLASSMAN:

12 Q Ms. Strickler, did you reach an opinion regarding the
13 reasonableness of the \$15,000 fees and costs that were awarded
14 to Ms. Bell at permanent orders?

15 A I did.

16 Q And how do you determine the reasonableness of
17 attorney fees?

18 A Well, the case law is instructive that when assessing
19 whether the attorney's fees are reasonable and necessary, the
20 first step that the finder of fact must take, or the expert
21 rendering an opinion must take, is to determine the lodestar
22 amount. And the lodestar is -- it carries a high presumption
23 of reliability. It is based on the reasonable number of hours
24 expended in a matter multiplied by a reasonable hourly rate.

25 Once that lodestar is determined, then the finder of

1 fact must review the provisions of Colorado Rule of
2 Professional Conduct 1.5 and applying the, I believe, seven
3 factors identified in Rule of Professional Conduct 1.5,
4 determine whether an upward or downward deviation is
5 appropriate.

6 Q And this is also expounded upon in the applicable
7 case law that you reviewed?

8 A That's correct.

9 Q Based on your review, what hourly rate was charged by
10 me and Ms. Milfeld, paralegal and secretarial time?

11 A Sure. Your hourly rate that you billed Ms. Bell was
12 \$400 per hour. Ms. Milfeld's rate, I believe, was \$325 per
13 hour. And Ms. LaPlume performed both administrative and
14 paralegal tasks and charged \$65 an hour for administrative time
15 and \$175 per hour for paralegal time.

16 Q Are those rates reasonable in Boulder County for
17 family law matters based upon your extensive experience in this
18 practice area?

19 A Based on my experience, the hourly rates are
20 reasonable. I find that most family law rates I've encountered
21 as high as 625, now \$650 per hour from a couple of family law
22 attorneys. And I would say that the average billing rate for
23 an attorney in Boulder County area in family law cases is
24 somewhere between three and \$500.

25 Q Please turn again to Exhibit P, but this time, page

1 33 and the pages are marked on the bottom, next to the exhibit
2 stamp.

3 A Yes.

4 Q And tell me when you're there.

5 A I am there.

6 Q Great. Were there 223.55 hours across attorney and
7 staff time, amounting to \$79,750.25 in fees?

8 A Yes.

9 Q Looking at page 34 of Exhibit P, were there
10 additional costs in the amount of \$12,646.61 for expert fees
11 and litigation costs, which included \$9,459 for an accounting
12 expert and \$1,531 for deposition transcripts, which brought the
13 entire fees and costs, which is reflected on page 35 of the
14 exhibit, to \$92,396.86?

15 A Yes. It's my understanding that this is the amount
16 of fees and costs that were charged in this bill prior to
17 attending the hearing on permanent orders.

18 Q Thank you. Did you, in your analysis, make any
19 reductions for the fees or the fee amount?

20 A I did not. You know, first of all, speaking to the
21 hourly rates, I think that the hourly rates are certainly in
22 line with the community of similarly situated attorneys and
23 staff working family law cases in Boulder County. I would note
24 that your hourly rate is normally higher than the \$400 charged
25 for Ms. Bell. And given that you've been practicing for over

1 44 years, I find that's an eminently reasonable rate.

2 I also believe that Ms. Milfeld rate at \$325 per
3 hour, is on the lower end of the range given that Ms. Milfeld
4 has approximately 16 years of experience. And the paralegal
5 administrative rates I find were also reasonable, even again on
6 the low end of the spectrum for reasonable rates in the area.

7 With respect to the number of hours that were
8 expended of approximately 223 hours leading up to permanent
9 orders, this was over an approximately eight-month period. And
10 I find that the number of hours were reasonably expended here.
11 And then further, when I applied the factors in Rule 1.5(a), I
12 didn't find any basis to either deviate upward or downward from
13 the total fees charged.

14 Q Did you examine the costs that I've just enumerated
15 that were charged?

16 A I did.

17 Q And --

18 A I'm sorry.

19 Q Go on.

20 A Well, given -- given the -- what was happening in the
21 case, after my review of the trial transcript, it was
22 reasonable to have to hire an individual expert on behalf of
23 Ms. Bell.

24 Q And so in summary, what did you conclude regarding
25 whether the fees and costs were reasonable and necessary?

1 A I find that the fees and costs that were billed to
2 Ms. Bell in this case were reasonable and necessary.

3 Q Did you form an opinion regarding the legal basis of
4 the Court's award of 15,000 of the remaining attorney fees?

5 A Yes.

6 Q And was that award made, in your opinion, pursuant to
7 Title 14 of the Colorado Revised Statutes, Title 13, or could
8 it be justified under both?

9 A I think the fees were primarily awarded under 14-10-
10 119. However, I believe that there is factual basis the award
11 finds support in an award under 13-17-101(a) (7).

12 Q And did you conclude that the fees were also
13 appropriate based on the Court's findings of the disparity of
14 the parties' incomes?

15 A Yes.

16 Q Were there also fees and costs that were not included
17 and reflected on Exhibit III?

18 A There were. There were. There's -- none of the
19 trial time was billed at -- within that Exhibit P, which was
20 Exhibit III at the permanent orders hearing. It was -- it's --
21 it's customary in this jurisdiction, I would say, for people to
22 estimate the number of fees and present it in the attorney fee
23 affidavit. That is omitted from Exhibit P. And so the trial
24 time that you had expended on behalf of Ms. Bell was not
25 included in the -- in the approximately 92,000 that was

1 presented at court.

2 Q And did the trial transcript that you reviewed
3 reflect that there was a question answered about the estimation
4 of fees that Ms. Bell would have incurred for the trial
5 preparation and the actual trial?

6 A Yes. There was testimony concerning that.

7 Q And was it estimated that those fees would be an
8 additional 20 to \$25,000?

9 A Yes.

10 Q Is there Colorado case law, specifically, the case
11 that gives the Court further guidance when a party's behavior
12 may increase the fees that the other party incurs?

13 A Yes, absolutely. First, In re marriage of:
14 Mockelmann, which is a case that's approximately ten years old,
15 if I recall correctly, indicated that it would be appropriate
16 to consider the actions of a party when determining the
17 reasonableness of a fee. More recently, the case of M-E-R-L
18 expressly finds that the actions of a party during the
19 litigation of a case are a proper consideration when entering
20 an award of fees under 14-10-119.

21 Q So even if there's conduct that increases fees, the
22 Court is guided that it still can make a finding under 14-10-
23 119 rather than Title 13 to address how the conduct may have
24 increased the fees; is that correct?

25 A That's correct.

1 Q What are your fees for the work you've done on behalf
2 of Ms. Bell?

3 A For the preparation and the writing of the report, my
4 fees were approximately 7.6 hours and I believe -- may I refer
5 to my report so I don't --

6 Q Of course. Thank you.

7 A I believe it was 3,060 -- \$3,040 for the preparation
8 and the writing of the report.

9 Q And --

10 A I also estimated -- sorry.

11 Q Go on.

12 A I also estimated that there would be approximately
13 1.5 hours of preparation time for my testimony here today, and
14 approximately 1.5 hours for travel to and waiting in the
15 hallway and providing testimony.

16 Q And your hourly rate for the services you provided in
17 preparation and appearance today, was that at \$400 an hour?

18 A That -- that was.

19 Q And is that less than your ordinary hourly rate?

20 A Yes. My normal hourly -- hourly rate is \$475 an
21 hour.

22 Q And so in conclusion, what, if you could just
23 summarize, are your ultimate opinions in this matter?

24 A My ultimate opinion in this matter is that the total
25 amount of fees and costs that were charged to Ms. Bell are

1 reasonable, and they were necessary to accomplish the goal of
2 settling permanent orders, of presenting the permanent orders
3 trial. I find that the hourly rates are reasonable, and they
4 are inconsistent with the normal hourly rates within this
5 geographical area in this area of law. I did not find that
6 there were any -- there was a basis for reduction of the number
7 of hours or the number of fees.

8 I do note in my report that there were six -- I
9 believe it was six entries that would be reasonably be excluded
10 from a calculation of the reasonable fees because of the fact
11 that they were fully redacted, and that totaled only about
12 \$860. Given the fact that Ms. Bell was awarded \$15,000 in fees
13 based on a \$92,000 of billing at that time, that the overall
14 attorney fee award was reasonable, that her fees were
15 necessary.

16 Q And does your opinion change, if at all, based on Mr.
17 Bell's assertion that his company actually paid the majority of
18 the fees, leaving that \$20,000 outstanding plus the trial fees
19 outstanding at the time of the permanent orders?

20 A No. My opinion doesn't change at all. First of all,
21 I noted the fact that in reviewing the transcript that the fees
22 were being paid during the pendency of the action through a
23 marital business, which are marital funds, and so they're each
24 contributing a portion to that. However, on balance, given the
25 fact that the -- that there was 20,000 in fees outstanding

1 before permanent orders trial even started getting prepared for
2 and being presented, and an additional approximately 25 hours
3 of work for the preparation and presentation of the permanent
4 orders hearing, those total fees, not that were both
5 outstanding and as incurred during permanent orders, total
6 about \$45,000. And so \$15,000 attorney fee award, given the
7 outstanding and unpaid fees, is also a reasonable conclusion.

8 Q And then you've stated that you support that the fees
9 were awarded under 14-10-119 and that's overall your
10 conclusion?

11 A That is my conclusion. I think -- oh, sorry.

12 Q Go on.

13 A The factors that -- the Court noted the factors that
14 the Court considered in entering the award, and one of those
15 factors which was also identified in the Joint Trial Management
16 certificate, was the -- the actions taken by Mr. Bell in this
17 case to increase the overall fees, which included changing
18 attorneys, withdrawing from agreements, things like that.

19 MS. GLASSMAN: Thank you.

20 THE COURT: Thank you.

21 Cross-examination?

22 MR. BELL: All right. Bear with me for a second
23 here.

24 CROSS-EXAMINATION

25 BY MR. BELL:

1 Q First question, were you notified after you wrote the
2 report that I had paid the fees?

3 A I --

4 Q After you submitted the report, were you then
5 notified that I had paid the fees?

6 A By whom?

7 Q By Ms. Glassman or her co-counsel or anybody from her
8 office. Did that information come in after your report? And
9 you're under oath.

10 A No.

11 Q You knew that I had paid the bills beforehand, even
12 though you stated in your report that Alyson had accumulated
13 those things? That -- I can read it for you. I'm sorry. I
14 was very flustered. I'm sorry, Ms. Strickler. Okay. I'm
15 back. I'm just going to pull this up.

16 Your report was submitted on August 12th, correct?

17 A That's correct.

18 Q Okay. I'm just trying to find it. I look for this?
19 I just ask you -- I think you understand the question I'm
20 asking is that if you knew that the husband, independent of his
21 wife -- that the value of the company that was paying for those
22 bills was also the number -- the valuation of the divorce. So
23 you have the business that has a value, and when that business
24 loses cash, its value goes down, which is on the record. And
25 therefore, if the husband is paying those legal fees,

1 especially for conduct that's happened before, which you've
2 contested to -- actually, the husband paid for that conduct, so
3 would you then award it again?

4 MS. GLASSMAN: Objection as to form.

5 MR. BELL: Okay.

6 THE COURT: I'll sustain the objection. You need
7 some little pieces.

8 MR. BELL: Little pieces? Okay. I'm sorry.

9 THE COURT: It's okay.

10 BY MR. BELL:

11 Q On the \$91,000, if you knew that the husband paid it
12 from his resources, would you still write the exact same
13 report?

14 A The scope of my appointment was to opine as to the
15 reasonableness and necessity of the fees, and to address the
16 issues from the Court of Appeals on remand concerning the legal
17 authority or the legal basis for the award of fees. And that
18 is what my report encompasses, and concluding that the
19 reasonable -- the fees were reasonable and necessary, and
20 opining that the fees were awarded under 14-10-119.

21 Q But the remand is looking for reasonableness, right,
22 and so awarding \$15,000 that had been paid by the husband
23 already, and as well as 79 -- 80,000 of it --

24 MS. GLASSMAN: Objection. Assumes facts that are not
25 in evidence.

1 THE COURT: I'll sustain the objection.

2 MR. BELL: Okay. I think -- I think the Court is
3 understanding what I'm asking.

4 BY MR. BELL:

5 Q Is that you stated in your report that Alyson Bell
6 had accumulated \$91,000 in debt. That was a -- that was a --
7 not a true statement.

8 MS. GLASSMAN: Objection. That is not what the
9 report states.

10 THE COURT: So what I will do, Mr. Bell, you need to
11 find in the report where you're talking about so that Ms.
12 Strickler can look at that if you're challenging the accuracy
13 of the report.

14 MR. BELL: Okay. It says here --

15 THE COURT: Go to the page.

16 MR. BELL: I'm sorry.

17 BY MR. BELL:

18 Q Page 5, calculation hours is reasonable. And wife's
19 affidavit of attorney's fees reflects the wife was charged
20 166.2 hours for Ms. Glassman's -- wife's affidavit of attorney
21 fees reflects that wife was charged 162 time totaling 66,000,
22 et cetera. And then it goes into attorney fees of \$79,000. So
23 when you wrote that, did you imply that the wife would then pay
24 it or was she just being charged it? That's where I get
25 confused.

1 A Well, the report accurately reflects that Ms. Bell
2 was charged --

3 Q Okay.

4 A -- attorneys' fees and costs.

5 Q Okay. So you're really testifying on charges, not
6 necessarily who paid them? Which just seems --

7 A The reasonableness of fees is assessed regardless of
8 whether those fees have been paid or whether those fees are
9 still outstanding. However, when I reviewed the transcript, it
10 was revealed that what payments were made, meaning everything
11 but the 20,000 that was outstanding or 20,000 and change that
12 was outstanding at the time of the permanent orders hearing,
13 and the fees incurred for the permanent orders hearing, were
14 paid from Tool Industries (sic), which from the transcript
15 revealed that was a marital asset.

16 Q Okay. It's on the record as well that I own 100
17 percent of that company and --

18 MS. GLASSMAN: Objection as to form.

19 BY MR. BELL:

20 Q And --

21 THE COURT: So I need to stop you real quick, just so
22 you kind of --

23 MR. BELL: I'm sorry.

24 THE COURT: That's okay. Because I see the road that
25 you're going down.

1 MR. BELL: Well, I --

2 THE COURT: The road kind of has a big and obvious
3 dead end. And so the issue on this is that the things that are
4 done during the marriage are usually considered marital. And
5 so it doesn't matter who has the money aspect of it; as long as
6 you're doing it while you're married, it's considered marital
7 property.

8 And the main reason for that, Mr. Bell, is you can
9 imagine a situation where you have one spouse that is the
10 breadwinner and one spouse that stays home and manages the home
11 and raises children and things like that. And it is unfair for
12 a court, or really anyone, to say that the person who elects to
13 stay at home and works from home and raises children is any
14 less valuable than the person that goes out and earns money. I
15 always joke and say that parents that stay home and raise
16 children, they're on 24/7. They don't get a break. They don't
17 get to go out to lunch because they have a child at home. And
18 so oftentimes that work is much more demanding because of the
19 time that's involved getting up in the middle of the night, et
20 cetera, et cetera. And they're not paid for it.

21 And the Colorado law has basically decided in order
22 to kind of recognize that, that it really doesn't matter who's
23 out earning the paycheck, the money that's coming in from any
24 job is marital funds. Each party has a right over it because
25 it's marital. And so you're saying Tools Industry (sic) is

1 mine a hundred percent --

2 MR. BELL: I'm not saying --

3 THE COURT: No, no, no. That's what you said.

4 MR. BELL: I --

5 THE COURT: The issue is, is that the funds that are
6 coming in through that are considered marital, which means that
7 they're just as much yours as they are Ms. Varvel's. And so I
8 don't want you to go down the road with Ms. Strickler saying I
9 earned this money, therefore it's my money. It's the marital
10 funds that went to pay for that before the decree was issued.

11 MR. BELL: Yeah. I --

12 THE COURT: I just want to make sure that makes sense
13 to you.

14 MR. BELL: Well, it makes sense, but I just need to
15 make a few statements.

16 THE COURT: Go ahead.

17 MR. BELL: Tool Studios was run by Alyson and I. She
18 had a critical role, and she was the head --

19 THE COURT: Again, I don't need to have you --

20 MS. GLASSMAN: Objection. This is irrelevant.

21 THE COURT: I don't need to have you testify.

22 MR. BELL: I'm -- okay.

23 THE COURT: You just need to ask questions of Ms.
24 Strickler. You don't need to put anything on the record. I'm
25 just letting you know kind of where to go and where not to go.

1 Because it sounded like your questions were going into an area
2 that really is not material at all to the Court.

3 BY MR. BELL:

4 Q In the divorce finalization, it had two columns. It
5 had Aly's and mine. It had a value of the company, right, that
6 was very -- that -- that.

7 THE COURT: Is this a question?

8 MR. BELL: Well, I'm going to ask.

9 BY MR. BELL:

10 Q Would you still consider your report accurate is --
11 if you knew that the company value was in one column and that
12 the wife's was in another?

13 MS. GLASSMAN: Objection. Relevance.

14 MR. BELL: Okay.

15 THE COURT: Sustained.

16 MR. BELL: I'm trying to say the right question. I'm
17 sorry.

18 BY MR. BELL:

19 Q Do you do business or just family law? If you don't
20 mind me asking.

21 MS. GLASSMAN: Objection. Relevance.

22 THE COURT: Sustained.

23 MR. BELL: Okay. Give me a second. I have
24 questions. I don't know where they are. Here we go. All
25 right. Okay.

1 BY MR. BELL:

2 Q So just to end that section, is that -- so what
3 you're saying is that even if the husband paid the bills,
4 including for the time for his conduct, that you would still
5 feel he should be -- have to pay for his conduct again
6 ultimately?

7 A Ultimately --

8 MS. GLASSMAN: Objection.

9 THE COURT: So I understand the objection. I'm going
10 to overrule it just so Ms. Strickler can --

11 MR. BELL: Yeah.

12 THE COURT: -- answer.

13 THE WITNESS: Ultimately, the scope of my appointment
14 was not to determine whether -- you know, whether he had
15 already paid. It's the reasonableness and the necessity of the
16 fees that were -- that were requested. And that is what is
17 addressed in my report, as well as the legal basis of it.

18 BY MR. BELL:

19 Q Say that -- say that part again about the necessity.

20 A The scope of my appointment was to tender an expert
21 opinion as to the reasonableness and necessities of the fees
22 that were charged to Ms. Bell and -- and related the
23 reasonableness and necessity of the -- of the -- of the
24 attorney fee award. And given that only \$15,000 were awarded
25 when more than \$92,000 had been both incurred, and more than

1 that actually at the permanent orders hearing, that it's
2 overall a reasonable award of attorney's fees.

3 Q Okay. Would you consider it reasonable if it was
4 only 20,000? Would it be reasonable if the award for \$15,000
5 for conduct was awarded to somebody --

6 MS. GLASSMAN: Objection. Relevance.

7 THE COURT: I was going to say the way the question
8 was asked, it's posing a question of the expert whether or not
9 that would be reasonable.

10 I'll overrule the objection if you can answer that.

11 THE WITNESS: Yeah.

12 THE COURT: I think he might need to rephrase it, but
13 I understand what he's getting at.

14 THE WITNESS: I'm not -- I'm not sure I understand my
15 question.

16 THE COURT: Go ahead.

17 BY MR. BELL:

18 Q Well, you made a comment just then. You said that
19 you felt it was reasonable for \$15,000 to be awarded on the
20 \$91,000 she accrued, but if she accrued only \$20,000, would it
21 then be reasonable to award it to 15 -- to the 15,000, to
22 20,000?

23 A I think that you're asking me to -- to compare apples
24 and oranges, sir, because the -- whether there was only 20,000
25 outstanding is frankly irrelevant to the -- to the assessment

1 of whether the attorney fee award and the attorney fees charged
2 were reasonable and necessary.

3 Q Well, if you look at the -- and I can reference it.
4 But let me try to ask the question again. Ms. Strickler, you
5 felt \$15,000 was a reasonable award on \$91,000 and that is
6 assuming that Ms. Varvel had accumulated that debt?

7 A I found --

8 Q Or accumulated that charge -- those charges?

9 A I found that the \$15,000 award that was awarded at
10 permanent orders was a reasonable attorney fee award, and
11 supported by the facts of the case and the case law.

12 Q The facts of the case, if you look at the Court of
13 Appeals, if you look at permanent orders, it assigns that debt
14 of \$91,000 to Ms. Varvel.

15 MS. GLASSMAN: Objection. Assumes facts that are not
16 in evidence.

17 THE COURT: Sustained.

18 MR. BELL: They are in evidence.

19 THE COURT: Sustained.

20 MR. BELL: They're in evidence.

21 THE COURT: Point to an exhibit where it's in
22 evidence.

23 MR. BELL: Yeah.

24 MS. GLASSMAN: I'm sorry. I thought the objection
25 was sustained.

1 THE COURT: It was.

2 MR. BELL: Does that mean I don't have to --

3 THE COURT: Unless you can show an evidence where it
4 was already admitted in this hearing.

5 MR. BELL: It's in -- it's in the permanent orders
6 ruling on -- on -- do you see it, Ms. Glassman? Sorry. Oh,
7 I'm so flustered.

8 THE COURT: So the Court will take judicial notice of
9 the permanent orders at page 18 and 19. I'll note that under
10 attorney fees, there is no mention as to the full amount. It
11 basically indicates the \$15,000 and that's the only thing that
12 appears in the permanent orders.

13 MR. BELL: If you can read that whole paragraph
14 leading up to it, that's where it says -- where she implies
15 that it was part.

16 THE COURT: Again, the issue was, is there a finding
17 in evidence of the \$91,000, and you had indicated it's in the
18 permanent orders. Unless you can point out where it is, the
19 Court notes that on pages 18 and 19, there is a discussion of
20 how \$15,000 was an appropriate amount to award for attorney
21 fees.

22 MR. BELL: All right. Give me a second. I have one
23 more thing. Okay. I'll find it here. I know I have this one.

24 BY MR. BELL:

25 Q In Ms. Glassman's closing, she asked that the Court

1 award \$20,000, that invoice, plus another 15,000 for my
2 behavior.

3 MS. GLASSMAN: Objection as to form.

4 THE COURT: So I need to have you point out where it
5 is or read directly from it.

6 MR. BELL: Yep.

7 THE COURT: So I'll sustain the objection.

8 MR. BELL: All right. So it's going to be -- okay.
9 I'm sorry.

10 MS. GLASSMAN: Perhaps I can shortcut this. I think
11 Mr. Bell is looking to refer to closing argument. Of course,
12 that wouldn't be evidence of anything. It would be argument.

13 THE COURT: Yes.

14 MR. BELL: So I'm not sure what the relevance of the
15 closing argument statements, even if they existed, would
16 support.

17 THE COURT: I'm not sure what the rest of the
18 question is, so I'll allow him to quote it and then pose the
19 question to Ms. Strickler. Because I think what he's asking is
20 whether or not an award of \$20,000 would have been reasonable,
21 but I'm not sure either.

22 MR. BELL: I'm sorry.

23 THE COURT: I'm waiting for the question. Go ahead,
24 Mr. Bell.

25 MR. BELL: I have it in that thing.

1 BY MR. BELL:

2 Q What Ms. Glassman said in her closing is that she
3 asked the Court to pay -- have Tool Studios pay the \$20,000.
4 Then she added, plus an additional 15,000. So the 20,000 was
5 the bill, 15,000 was for my behavior. So what she had already
6 been paid for. She wanted the 20,000 plus an additional 15,000
7 which had already been paid. Does that make sense?

8 A It doesn't actually, sir.

9 Q Okay.

10 A Because my understanding is that the 20,000 that Ms.
11 Glassman asked for that was referenced also in the Joint Trial
12 Management certificate --

13 Q Yeah.

14 A -- not just closing argument was the July bill, which
15 had not been paid and was outstanding and so remained unpaid.
16 Although it's my further understanding, there is an agreement
17 that all litigation fees would be paid from the assets within
18 Tools Studios, but that \$20,000 bill from July was not paid at
19 the time of permanent orders.

20 It is my further understanding that Ms. Glassman's
21 additional request for \$15,000 in fees was not necessarily for
22 behavior, but those are the fees that Ms. Glassman was
23 estimating when she was in court, what the fees would be to
24 present and conduct the permanent orders hearing. So in my
25 view, at the time that closing arguments were made, there was

1 actually more than \$35,000 outstanding, unpaid, and owed to Ms.
2 Glassman on behalf of the legal services performed on behalf of
3 Ms. Bell.

4 Q Did you see any of the receipts for any of the
5 payments?

6 MS. GLASSMAN: Objection. Relevance.

7 THE COURT: Sustained.

8 MR. BELL: Your Honor, can you look at your packet as
9 far as the testimony goes?

10 THE COURT: I don't understand what you're asking me
11 for.

12 MR. BELL: I'm sorry. Look at exhibit -- Hold on.
13 42 -- I think it's 43.

14 MS. GLASSMAN: I'm sorry. Is he asking the witness
15 to refer to an exhibit?

16 MR. BELL: No, no.

17 MS. GLASSMAN: Because it would be improper for the
18 Court to be directed --

19 MR. BELL: I'm asking --

20 MS. GLASSMAN: Excuse me. Be directed to an exhibit
21 during the course of cross-examination of a witness.

22 THE COURT: Agreed.

23 So you can ask Ms. Strickler about this.

24 MR. BELL: Oh.

25 THE COURT: But not me.

1 MR. BELL: Let me sit down for a second.

2 (Pause)

3 MR. BELL: I had -- I think it's in the Judge's book,
4 not mine.

5 BY MR. BELL:

6 Q So if I understand this correctly -- you can say yes
7 or no. So what you're saying is that the --

8 THE WITNESS: That's mine.

9 BY MR. BELL:

10 Q So what you're saying is that --

11 THE COURT: Hang on for one second.

12 THE WITNESS: I knew it. May I, Your Honor?

13 THE COURT: Yeah.

14 THE WITNESS: Thank you. Sorry. I told you that was
15 going to happen.

16 THE COURT: I was waiting for Dep. Crane (phonetic)
17 to take it out and smash in the hallway.

18 THE WITNESS: I'm just going to bring it here so I
19 can --

20 THE COURT: See how that was going off.

21 THE WITNESS: Yeah. Apologies.

22 THE COURT: You're all good.

23 Go ahead, Mr. Bell.

24 BY MR. BELL:

25 Q Okay. So let's talk about the redactions.

1 MR. BELL: And Judge, I'm going to --

2 MS. GLASSMAN: Objection. Relevance.

3 MR. BELL: All right.

4 THE COURT: Well, I was going to say and so the
5 reduction actually -- she spoke about it during her testimony.
6 So let me hear the question before I make a determination.

7 Go ahead, Mr. Bell.

8 BY MR. BELL:

9 Q If there was redactions that were related to a
10 undisclosed expert, would that affect your decision as it
11 relates to fees?

12 A So I have to qualify my answer. I think that if the
13 entire entry is redacted, it makes it difficult to assess for
14 that particular entry was reasonable and necessary. However,
15 where the entire entry is not redacted and one can ascertain
16 that the work was necessary, and in furtherance of the -- the
17 unified goal of getting through permanent orders, then it
18 wouldn't necessarily impact my opinion. But separately
19 addressing the fees that were charged to Ms. Bell, I did find
20 that the overall expert fees and costs that were charged to
21 Bell were also reasonable and necessary. So to that extent,
22 whether it was redacted or not, I do find that the read -- that
23 the expert costs were a necessary expense.

24 Q I ask you again if there was a expert that was
25 redacted, that did not file his appearance until 30 days before

1 trial, would you consider those fees legitimate?

2 MS. GLASSMAN: Objection. Relevance.

3 THE COURT: Sustained.

4 BY MR. BELL:

5 Q So I'm going to go back to one question because I'm
6 not going to ask it real directly. So I just can put a yes or
7 no. Were you aware at the time of filing that Tool Studios
8 LLC, not you personally, had paid -- I mean, not Alyson
9 personally, had paid the majority of those fees, as confirmed
10 by billing records, testimony, and Ms. Glassman's own words --

11 MS. GLASSMAN: Objection. Relevance.

12 THE COURT: Sustained. It's not relevant. It's
13 marital funds that were used to pay the fees.

14 MR. BELL: Can you -- the marital funding has got me.
15 Just second.

16 BY MR. BELL:

17 Q Okay. Ms. Strickler, do you personally prepare the
18 report submitted for this hearing? And do you accept full
19 authorship responsible for this content, and that you had no
20 help from outside or any authoring by Ms. Glassman?

21 MS. GLASSMAN: Objection as to the compound nature of
22 the question.

23 THE COURT: So you can only ask one question at a
24 time, Mr. Bell.

25 MR. BELL: Okay.

1 THE COURT: So just break that up.

2 MR. BELL: Okay.

3 BY MR. BELL:

4 Q Ms. Strickler, did you personally prepare the report
5 submitted?

6 A I did.

7 Q Okay. Did you have any outside input or help in the
8 process?

9 A No, not even my paralegal.

10 Q And you accept full responsibility for its content in
11 your testimony here?

12 A I do.

13 Q Okay. Were you provided with accurate and complete
14 financial data for both parties, including business records and
15 tax documents?

16 MS. GLASSMAN: Objection. Relevance.

17 THE COURT: I think as it goes to what she considered
18 in her report, I think it's relevant. So I'll overrule the
19 objection.

20 THE WITNESS: I was provided the information that was
21 contained in the trial transcript, where evidence was presented
22 at trial regarding the financial circumstances of the parties,
23 including the Court's finding that Ms. Bell's income at the
24 time of permanent orders was approximately 25 percent of the
25 total combined incomes.

1 MR. BELL: Make sure I have any other questions.

2 BY MR. BELL:

3 Q Okay. So you -- you have -- you got the information
4 from previous reports. Is that what you're saying? And the
5 transcripts? Like you just knew what her income was and mine?
6 Where did you get that information?

7 A I reviewed the trial transcripts --

8 Q Okay.

9 A -- wherein testimony was provided regarding each
10 party's income and financial circumstances. I reviewed the
11 Court's evidentiary rulings during the trial, as well as the
12 permanent orders, where the Court found -- noted the disparate
13 financial circumstances of the parties, noting that Ms. Bell's
14 income was 25 percent of the combined gross total.

15 Q I read the transcripts, I don't remember. Can you
16 point out where you saw where our incomes were? Because that's
17 what the whole trial was for.

18 MS. GLASSMAN: Objection. If Mr. Bell can cite to --

19 THE COURT: I'll sustain. It's not good use of this
20 expert's time.

21 MR. BELL: Okay.

22 THE COURT: If you want to point to where it is in
23 the transcript, you can. And Mr. Bell, and again, just so
24 you're aware --

25 MR. BELL: I --

1 THE COURT: -- we're getting close to about 50
2 minutes of time that you have done.

3 MR. BELL: Yeah. I'm going to try to finish up
4 really quick. I just want to ask the questions correctly.

5 BY MR. BELL:

6 Q I'm trying to -- where the income -- where you saw
7 the income that I was assigned that didn't happen until after -
8 -
9 until permanent orders.

10 A In the Court's written order, the Court noted --

11 Q The written order.

12 A -- the disparate financial circumstances between the
13 parties. Noting that Ms. Bell's income was approximately 25
14 percent of the combined gross income total. Relatively
15 speaking that would be considered a disparate financial
16 circumstances that could support an award of fees under 14-10-
17 119.

18 Q And are you aware that Alyson, as the financial
19 affairs officer, is the one that set the salaries?

20 MS. GLASSMAN: Objection. Relevance.

21 THE COURT: Sustained. It's not relevant.

22 MR. BELL: Okay. Last question.

23 BY MR. BELL:

24 Q If you knew that the trial where you extracted your
25 information from was originally delegated as a joint expert,

1 one expert, one report, and a second expert was submitted, and
2 the reports were submitted without any proper disclosure,
3 without any 26, I think is the right thing, packet that went
4 along with it, would you still feel the same?

5 MS. GLASSMAN: Objection. Relevance.

6 THE COURT: Sustained. So Mr. Bell, this is where
7 the law of the case comes in. There's already been findings.
8 I'm not going back and looking at those findings. They've been
9 noted by a District Court judge. They were appealed to the
10 Court of Appeals, and the Court of Appeals has affirmed that
11 part of the permanent order. So that's the law of the case.

12 MR. BELL: So last question -- I'll try and make it
13 the last question. Exhibit 51.

14 THE WITNESS: Do you have a book for me?

15 MR. BELL: I don't know, am I supposed to have a
16 book? I'm sorry. Can I approach that -- I just got to find
17 it. I just handed it to the Court. Do you have one second?

18 THE COURT: I mean, I have his exhibit book.

19 MR. BELL: Do you have 51?

20 MS. GLASSMAN: I have an exhibit book without a tab
21 for Exhibit 51.

22 MR. BELL: I'm going to find -- Your Honor, do you
23 have a 51?

24 THE COURT: I do.

25 MR. BELL: And do you have a letter -- an email from

1 Ms. Glassman?

2 THE COURT: I do.

3 MR. BELL: Okay. Can she -- can I have you hand it
4 to Ms. --

5 THE COURT: I was going to say, if you'd like to
6 approach.

7 MR. BELL: Yeah. Thank you.

8 MS. GLASSMAN: I don't have an Exhibit 51.

9 THE COURT: Let me have you show it to Ms. Glassman
10 first, please.

11 MR. BELL: Sorry. I know you've seen it because it's
12 downloaded.

13 THE COURT: Ms. Glassman, I have an electronic copy,
14 so you're welcome to hang on to that. Do you need your own
15 copy? Ms. Glassman, my clerk can print a copy. Would you like
16 another copy?

17 MS. GLASSMAN: Let me see if I have one
18 electronically. I have one.

19 THE COURT: Okay.

20 BY MR. BELL:

21 Q So this is -- this is a time stamp from the Talking
22 Parent app. So it's all legitimate. If you read that --

23 THE COURT: I need you to have to -- I need to have
24 you authenticate it first.

25 MR. BELL: Okay.

1 THE COURT: And I'm not sure that this witness knows
2 what this is.

3 MR. BELL: Oh, okay. I'm sorry.

4 BY MR. BELL:

5 Q So what it is, is --

6 THE COURT: No, no, it's not you telling her. And so
7 the idea is that when you show someone an exhibit, you can ask
8 them, do you know what this is?

9 BY MR. BELL:

10 Q Do you know what the Talking Parent app is?

11 A I know -- I know what the Talking Parents --

12 Q Yeah. And does that interface look familiar to you?
13 Will you accept it as evidence or no? Or would you, if Ms.
14 Glassman gave that to you?

15 MS. GLASSMAN: I'm a bit confused. Page 1 of exhibit
16 51 is not a Talking Parents communication.

17 MR. BELL: Right.

18 THE COURT: And just so the record, it's clear, I've
19 watched Mr. Bell hand Ms. Strickler page 2 of that.

20 MS. GLASSMAN: Thank you.

21 MR. BELL: Yeah. I'm sorry.

22 BY MR. BELL:

23 Q Page 2. It's a two-part because it's a
24 communication, right? One after the other. So again, maybe --
25 maybe we'll just stick to the one that is an email. So my

1 question is --

2 THE COURT: Back up and get close to a microphone,
3 otherwise I can't hear your voice on the record.

4 BY MR. BELL:

5 Q My question is, if you had a client and you saw that
6 email, would you tell them to proceed with getting legal fees?

7 MS. GLASSMAN: Objection. Relevance.

8 THE COURT: Do you want to respond to why you think
9 this is relevant?

10 MR. BELL: It's relevant because I believe that a
11 attorney that knew that the company was paying all the fees
12 would not agree to go after legal fees.

13 MS. GLASSMAN: Same objection.

14 MR. BELL: When --

15 THE COURT: Wait, wait.

16 Go ahead and finish, Mr. Bell.

17 MR. BELL: Would go after legal fees, I'm saying. If
18 you knew --

19 THE COURT: So again, it's not asking the question.
20 I need to understand why you think this is relevant.

21 MR. BELL: It's relevant because Ms. Glassman knew
22 all the bills were paid and all things that were happening that
23 I believe that she would not come after legal fees since they
24 had already been paid.

25 THE COURT: So the Court does not find this line of

1 questioning to be relevant --

2 MR. BELL: Yeah.

3 THE COURT: -- and I sustain the objection.

4 So Mr. Bell, have you stay at the podium.

5 MR. BELL: Yeah. Okay.

6 THE COURT: Again, your time is ticking.

7 The Court does not find that this is relevant
8 because, again, the determination is with regards to attorney
9 fees that were due, not the source of where the payments were
10 coming from. So it's just not a relevant factor.

11 Go ahead, please.

12 MR. BELL: Well, I'm speaking to her report.

13 THE COURT: You're not though.

14 MR. BELL: Okay. So it's -- okay. We're just
15 assuming.

16 THE COURT: No, no. You asked her a question that
17 was outside of her report. If you want to ask her questions
18 that's contained in a report, you absolutely can.

19 MR. BELL: Okay.

20 THE COURT: But you didn't do that.

21 MR. BELL: I see what you're saying. So the fact --
22 okay.

23 BY MR. BELL:

24 Q Have you seen any financial transfer of money and how
25 can you -- first answer that. Have you seen any transfer of

1 funds for -- for these bills?

2 THE COURT: So Mr. Bell, this is not relevant. What
3 we're here to do today is to determine whether or not the order
4 of \$15,000 in legal fees is necessary and reasonable, pursuant
5 to the Court of Appeals mandate back to this Court. Whether or
6 not they were paid, where they were paid from, none of that is
7 relevant for this determination.

8 MR. BELL: Okay. So do you -- I don't know if I got
9 an answer from this. And the Judge said --

10 THE COURT: Because I sustained the objection. It's
11 not relevant.

12 MR. BELL: No, not this one, I moved on.

13 BY MR. BELL:

14 Q So there's a lot of redactions, and the Court has
15 stated very clearly that I should know that redactions are
16 unbillable. And my question then is if a person is redacted,
17 does that mean that none of his actions and none of his things
18 are billable? Or is it just that one line with his name on it?

19 MS. GLASSMAN: Objection as to form.

20 THE COURT: I'll overrule the objection if Mr.
21 Strickler understands that. I thought I understood it, but
22 it's more important for the witness to understand it.

23 THE WITNESS: I think I might understand it. I'll
24 give it a shot, Your Honor.

25 THE COURT: Go ahead, please.

1 THE WITNESS: Well, first I would question how a
2 party would know what has been redacted out if they are
3 receiving only redacted documents that are redacted, I'm
4 assuming, for attorney work product and attorney-client
5 privilege. However, the -- there are -- it would be perfectly
6 reasonable for an attorney to consult with an expert prior to --
7 --
8 prior to formally engaging that expert, and it is done
9 regularly in cases. I also find it completely appropriate to
10 have a rebuttal expert even where there is a joint expert. So
11 the redaction of a name and an entry, so long as the work can
12 be identified as being in furtherance towards the goal for
13 which the attorney was hired, is perfectly reasonable.

14 Q Okay. So I'm going to sustain your question that --

15 A I don't have a question.

16 Q I mean, I'm going to ask a question. So staying with
17 that, the rebuttal witness you said was reasonable, right? And
18 can you speak to what's involved in hiring a rebuttal person,
19 and what's the process?

20 MS. GLASSMAN: Objection. Two-fold.

21 MR. BELL: Okay.

22 THE COURT: Go ahead.

23 MS. GLASSMAN: The relevance. That's the objection.

24 THE COURT: And it's also outside the scope of
25 expertise.

1 MS. GLASSMAN: Yes.

2 THE COURT: Right. Sustained.

3 MR. BELL: So --

4 THE WITNESS: Don't tell my clients that.

5 MS. GLASSMAN: No.

6 THE COURT: You are not qualified as an expert in
7 that particular area today, Ms. Strickler; we just have you on
8 the fees aspect today.

9 So go ahead and ask your next question.

10 BY MR. BELL:

11 Q Have you seen the unrebutted entries in your
12 determination?

13 A The unredacted entries?

14 Q The unredacted entries.

15 A I have not.

16 Q Is there any situation that you can think of -- of a
17 -- that would change your opinion as far as your evaluation of
18 the reasonableness of the --

19 MS. GLASSMAN: Objection. Speculation.

20 THE COURT: Sustained.

21 MR. BELL: Well, I have the unredacted --

22 THE COURT: Well, again, what you asked was
23 speculative question and it --

24 MR. BELL: No. It's a good point. Sorry. And again
25 I apologize for the time. We have a lawyer with you.

1 THE COURT: All right. So Mr. Bell, you're exactly
2 at 60 minutes.

3 MR. BELL: I know. On the record, the Court said
4 that they would grant me a little extra time.

5 THE COURT: Only if it was being used well.

6 MR. BELL: And so --

7 THE COURT: Because again, I'm not going into the
8 afternoon because I have another hearing and I'm not getting a
9 continuance in this.

10 MR. BELL: All right. Okay. Here we go.

11 BY MR. BELL:

12 Q In Exhibit 3, is the unredacted taken from my
13 company's backups, you can see on --

14 THE COURT: So again, Mr. Bell, you're running into
15 an issue where Ms. Strickler is going to have no idea what this
16 is.

17 MR. BELL: Well, it's the unredacted version of what
18 she has seen.

19 THE COURT: How does she know that?

20 MR. BELL: Okay. I can answer that question.

21 THE COURT: Well, you can't answer it because you're
22 not a witness. The issue is, is that you need to authenticate
23 this with her.

24 MR. BELL: Okay. I'm sorry.

25 BY MR. BELL:

1 Q So I have in front of me a unredacted version, at
2 least of most of the --

3 THE COURT: Mr. Bell, again, you're telling her what
4 this is.

5 MR. BELL: Okay.

6 THE COURT: That's you testifying.

7 MR. BELL: Okay.

8 THE COURT: You can't do that. You need to ask her
9 if she recognizes what this document is.

10 MR. BELL: Oh, okay. But she doesn't have a copy, so
11 can I approach the bench?

12 THE COURT: You may.

13 MR. BELL: Okay. Here we go.

14 BY MR. BELL:

15 Q If you look in your booklet, you'll find the redacted
16 version of it. And so --

17 THE COURT: So I need to have you move back to the
18 podium. I can't have you up by the witness.

19 MR. BELL: Well, I need her to see this, too.

20 THE COURT: Go ahead and give it -- I was going to
21 say, do you want me to give her my copy?

22 MR. BELL: Yeah.

23 THE COURT: Well, the issue is, is you're not reading
24 anything unless it's been admitted as an exhibit.

25 MR. BELL: Okay.

1 THE COURT: So I'm going to hand them a copy of my
2 Exhibit 3.

3 BY MR. BELL:

4 Q All right. So why don't we go to April 19th?

5 THE COURT: Well, again, you need to authenticate
6 this so that it's something that's evidence. We can't just go
7 to a date in this.

8 MR. BELL: Okay.

9 BY MR. BELL:

10 Q Exhibit 3 that in some cases, mismarked 2, but
11 Exhibit 3 is a billing invoice --

12 THE COURT: All right. So again, Mr. Bell --

13 MR. BELL: Okay.

14 THE COURT: -- you're not testifying. Ms. Strickler
15 needs to recognize this and authenticate it before it can be
16 admitted as an exhibit.

17 MR. BELL: I understand.

18 THE COURT: Once it's admitted as an exhibit, then
19 you can say, let's look at April. But she's got to recognize
20 what this is and say this is a true and accurate copy of
21 something --

22 MR. BELL: Okay.

23 THE COURT: -- before that can happen. So why don't
24 you go ahead and ask Ms. Strickler if she recognizes this
25 document?

1 MR. BELL: I understand that.

2 BY MR. BELL:

3 Q Okay. Ms. Strickler, can you take a look at Exhibit
4 3 and look at page 18 and see if that appears to be the
5 unredacted version of the report you have?

6 A Well, I've never seen what is marked as Exhibit 2 and
7 referred to as Exhibit 3. It does look similar to the entries
8 that are contained in Exhibit P, which was Trial Exhibit III.
9 Let me just double-check.

10 Q All right. Can you look at page 21? There's numbers
11 a little differently. Actually, there might not be.

12 A Exhibit -- page 21 of what? Exhibit P, Exhibit 2, or
13 Exhibit 3?

14 Q Sorry. Let me get to the right page. Can you see
15 date, days? Can you go to -- let's reference a day? Can you
16 go to April 19th of III? I'm sorry. Yes. Of --

17 THE COURT: It's Exhibit P. That's what you're
18 looking at?

19 MR. BELL: Yes.

20 THE COURT: And what page are we on Exhibit P?

21 MR. BELL: I'm not sure. I haven't cross-referenced
22 it to that. I'm just saying I'm cross-referencing it to dates,
23 if that's okay.

24 THE COURT: I was going to say, so are you having Ms.
25 Strickler try to find --

1 MR. BELL: Yes.

2 BY MR. BELL:

3 Q So Ms. Strickler, can you find April 19th?

4 A In Exhibit P, which was Trial Exhibit III, I see an
5 entry on April 19th on page 18 of Exhibit P, as in Peter.

6 Q Okay. And what does that say?

7 A That is redacted.

8 Q Okay. So in the unredacted version, what does that
9 say?

10 A I have not -- I haven't seen what --

11 MS. GLASSMAN: He's referring to a document that has
12 not been admitted into evidence.

13 THE COURT: Sustained. So this has not been
14 admitted. It has not been authenticated as being accurate or
15 true. And so you can't reference it unless it's been admitted.

16 MR. BELL: It's been admitted.

17 THE COURT: This document hasn't.

18 MR. BELL: The unredacted?

19 THE COURT: Right. It hasn't been admitted.

20 MR. BELL: I admitted it to exhibits and I admitted
21 it to --

22 THE COURT: You haven't done anything. These are not
23 admitted. You have offered them as part of all of your
24 exhibits, but they've not been accepted by the Court as a
25 proper exhibit.

1 MR. BELL: Oh, okay. So can I ask the Court to
2 review and accept it at this point?

3 THE COURT: No. That's not my job to.

4 MR. BELL: But --

5 THE COURT: It's your job to authenticate an exhibit
6 pursuant to Rules 901 and 902 of the Rules of Evidence and to
7 offer it to the Court. That's not my job.

8 BY MR. BELL:

9 Q Would you feel the same way about your report if you
10 knew that a rebuttal witness was hired before the report was --
11 the original joint expert report was submitted?

12 A Not in the least.

13 MS. GLASSMAN: Objection. Relevance.

14 BY MR. BELL:

15 Q Okay. Not in the least? Okay.

16 THE COURT: I'll overrule the objection.

17 BY MR. BELL:

18 Q Okay. All right. And would you still agree with the
19 report is -- if the rebuttal expert was not disclosed until 30
20 days before trial?

21 MS. GLASSMAN: Mischaracterization of the record.

22 THE COURT: I was going to say, if it's a
23 hypothetical --

24 MR. BELL: It's actually not.

25 THE COURT: -- then that will sustain the objection.

1 BY MR. BELL:

2 Q If you found out that an expert -- that opposing
3 counsel filed an expert but put them under your name, would you
4 still feel the same way about your report?

5 A I don't understand the question.

6 Q Okay. So there's two attorneys, right? And one
7 attorney decides, hey, I need to take this expert, and I need
8 to try to get him in. And I'm going to go ahead -- because he
9 has a new attorney, and I'm going to go ahead, and I'm going to
10 submit him, but I'm going to assign him to the petitioner and
11 not to my -- my client. Would you still feel the same way
12 about your report?

13 A I still don't understand the question.

14 Q Your attorney -- you're an attorney?

15 A Yes, sir.

16 Q And you see filings coming in, and all of a sudden
17 the filing file comes in for a witness disclosure. But you've
18 never seen that witness before, and you looked at it, and it
19 said the disclosure -- that you hired -- that your client hired
20 this expert, but there was no record of that. So would you
21 feel the same way about the report?

22 A I -- I'm failing to see the connection of this
23 question with my report regarding the reasonableness of the
24 fees.

25 Q Okay. So the reasonableness fees. Okay. So Mr.

1 Freedberg is throughout the -- the part -- Six Consulting, a
2 company he owns is throughout, including one page where it just
3 says Six that's unredacted.

4 THE COURT: So Mr. Bell, you're asking questions of
5 things that are not in evidence, have not been authenticated,
6 or admitted.

7 MR. BELL: Actually --

8 THE COURT: And so the question is going to be
9 improper. And so you need to kind of go back to square one,
10 Mr. Bell.

11 MR. BELL: I have -- I think I have --

12 THE COURT: So Mr. Bell, you have ten minutes left in
13 your time.

14 MR. BELL: Okay. Thank you.

15 BY MR. BELL:

16 Q All right. So if Exhibit 1 --

17 THE COURT: And Ms. Strickler does not have a copy of
18 Exhibit 1. Do you want me to provide her --

19 MR. BELL: Yeah.

20 THE COURT: -- a copy of it?

21 MR. BELL: And if you could provide her with a copy
22 of Exhibit 1 and Exhibit 2?

23 THE WITNESS: Thank you.

24 MR. BELL: And note these are witness disclosures
25 submitted in the e-filing system and dated appropriately.

1 THE COURT: I don't know what they are, but I'll have
2 Ms. Strickler look and see if she recognizes them, since she
3 was able to look at the file.

4 BY MR. BELL:

5 Q Ms. Strickler, if you look at the cover of Exhibit 1,
6 page 1.

7 A Okay.

8 Q And does that file stamp look familiar as far as the
9 date?

10 A I've never seen this.

11 Q Yeah. Not this document, but does it -- does it
12 appear to be authentic?

13 THE COURT: So --

14 MS. GLASSMAN: Objection. Foundation.

15 THE COURT: -- to make things easier, this is in the
16 Court's record. And so I'll take judicial notice of my file.
17 I think this was filed under the case. It's not -- it's not
18 like it's an untrustworthy document.

19 MR. BELL: Yeah. Okay.

20 BY MR. BELL:

21 Q So then can you look at -- can you tell me who it
22 came from?

23 A So the caption indicates that it was filed by Ms.
24 Glassman and Ms. Milfeld.

25 Q Okay. Great. All right. And then can you go to

1 Section A where it says -- I'm sorry. Can you go to part 3?

2 A Part 3?

3 Q Yeah. Sorry. Number 3 where it says Jay Freedburg.

4 THE COURT: Do you want to reference the page number?

5 MR. BELL: Yeah. I'm sorry.

6 BY MR. BELL:

7 Q Page 3, Exhibit 1. Page 3. Can you read that out
8 loud as far as you can start by Mr. -- the second line, Mr.
9 Freedberg was?

10 A Well, this is not something I relied upon in forming
11 my expert opinion and issuing my report, but nonetheless. It
12 states Mr. Freedberg was retained by Petitioner as a sole
13 valuation and accounting expert to perform an analysis of
14 Charles Bell's ownership interest in Tool Studios, LLC, and
15 Charles --

16 Q No. That's good. So all right. And then let's go
17 to Exhibit 2.

18 MR. BELL: Your Honor, we're looking at Exhibit 2,
19 page 2. It's another --

20 THE COURT: And the Court's going to note that
21 Exhibit 2 that's been uploaded as Exhibit 2 is another filing.
22 The Court take judicial notice of its file. I'll note that the
23 caption on this is Co-Petitioner's rebuttal witness disclosure
24 for permanent orders, but I'll take judicial notice of Exhibit
25 2.

1 MR. BELL: And will you note the date?

2 THE COURT: I'm not actually sure the date.

3 MR. BELL: It's time stamped.

4 THE COURT: Well, the problem with my upload is my
5 timestamp wipes out the times, the original timestamp. So I
6 actually can't tell what it is, but I will go back in the
7 record and find the original and take judicial notice of the
8 timestamp.

9 MR. BELL: Okay. Yeah.

10 BY MR. BELL:

11 Q So can you look at the timestamp that you see on
12 that, Ms. Strickland?

13 A Well, again, it's not a document that I've reviewed
14 before or relied upon in the formation of my expert opinion or
15 the preparation of my report. But at the Exhibit 2 that you've
16 handed me, it looks to me the timestamp is July 17th, 2023, at
17 4:30 p.m.

18 Q Okay. And then can you go to number 1?

19 A Number 1 in what?

20 Q Exhibit 2, page 2.

21 A Okay.

22 Q Okay. And so can you read me the second line?

23 A Mr. Freedberg was retained by Co-Petitioner as a sole
24 valuation and accounting expert to perform an analysis of
25 Charles Bell's ownership interest in Tools Studios, LLC, and

1 Charles Bell's income and Alyson Bell's income from 2018 to
2 2022.

3 Q So what appears to be and is that on June 16th, 2023,
4 a witness disclosure was issued by Ms. Glassman disclosing her
5 rebuttal witness on the due date of what a regular witness
6 would be. Then the first and only admission of her rebuttal
7 expert was then issued 35 days before trial. If you had that
8 information, which you have now, would you still feel legal
9 fees were justified for Mr. Freedberg's services?

10 A I don't believe that either of the documents that I
11 was just handed would change my opinion in any way, shape, or
12 form. It appears to me that Mr. Freedberg was timely disclosed
13 as a potential rebuttal expert on the date that the case-in-
14 chief witness disclosures were due. And a rebuttal expert is
15 required to be disclosed, and I believe it is 35 days prior to
16 the trial date.

17 I don't believe that the -- first of all, it's
18 outside the scope of my expert opinion and my report regarding
19 any alleged timeliness or lack of timeliness of any disclosures
20 and just whether the fees were necessary. And as I discuss in
21 my report, I do believe it's appropriate, and it was likely
22 necessary for Ms. Glassman to engage an expert of her own, as
23 opposed to just using the joint expert to represent her client.

24 THE COURT: So Mr. Bell, just so you know, you have
25 three minutes left.

1 MR. BELL: I got it. All right.

2 BY MR. BELL:

3 Q As an expert that's analyzed this Exhibit III, who
4 has seen the name Jay Freedberg throughout, and you just made
5 the comment that a rebuttal is 35 days. But in this case, it's
6 eight days. August 14th is when they were submitted to the
7 Court, eight days prior to the trial, the first time he was
8 ever disclosed.

9 MS. GLASSMAN: That's a mischaracterization of the
10 record.

11 MR. BELL: It's not.

12 MS. GLASSMAN: Yes, it is.

13 THE COURT: Sustained. And again, it's not relevant
14 to anything I have to do here, Mr. Bell.

15 MR. BELL: Again, it's relevant to --

16 THE COURT: Mr. Bell, this is relevant to your charge
17 that there's fraud.

18 MR. BELL: No. Again, I'm just using --

19 THE COURT: This is not relevant to attorney fees.

20 MR. BELL: Okay.

21 BY MR. BELL:

22 Q I'm saying that there is a lot of time spent with
23 somebody that was a rebuttal expert in a trial that was only
24 classified as joint.

25 MS. GLASSMAN: Objection as to form.

1 MR. BELL: Okay.

2 THE COURT: Sustained.

3 BY MR. BELL:

4 Q So you don't have any issue with a rebuttal witness
5 being disclosed eight days --

6 MS. GLASSMAN: Objection. Relevance.

7 MR. BELL: -- before trial?

8 THE COURT: Sustained. It's not relevant to
9 reasonableness of attorney fees.

10 MS. GLASSMAN: It's not even an accurate depiction.

11 THE COURT: And that's the other -- I mean, that's a
12 side point. It's not based on the record.

13 MR. BELL: All right.

14 THE COURT: So you have one minute left, Mr. Bell.

15 MR. BELL: No. That's okay.

16 BY MR. BELL:

17 Q Again, so as the best I understand it that his
18 disclosure has on the record and his assignment to me, the 35
19 days justifies him billing for his time to me?

20 MS. GLASSMAN: Objection as to form.

21 THE COURT: I don't understand the question, Mr.
22 Bell.

23 MR. BELL: Forgetting the F word, Mr. Freedberg was
24 well engaged. He was being paid indirectly.

25 MS. GLASSMAN: Objection to the narrative.

1 THE COURT: Sustained. And so you need to ask a
2 question of this witness.

3 MR. BELL: Okay.

4 BY MR. BELL:

5 Q When evaluating the reasonableness and your
6 evaluation of the redactions and your totals, would you agree
7 that -- okay. So do you support -- this is the best part -- do
8 you support somebody -- do you support paying a undisclosed
9 rebuttal expert throughout a trial?

10 A Do I support it?

11 Q Do you feel --

12 MS. GLASSMAN: Objection as to relevance.

13 THE COURT: Sustained. So this witness supporting or
14 not supporting it isn't relevant to what the Court needs to do.

15 MR. BELL: But she said -- all right. I think I
16 understanding where -- where it is going. You know, it's
17 again, it is -- it is what it is.

18 So hey, I appreciate your time and have a good day.

19 I'm done with the questioning.

20 THE COURT: Thank you, Mr. Bell.

21 Any redirect?

22 MS. GLASSMAN: No redirect.

23 THE COURT: All right. Ms. Strickler, thank you for
24 your testimony. Go ahead and stand down.

25 Okay. Folks, we're past our break. No one had

1 requested a break, and I wanted to make sure Mr. Bell could
2 stay focused.

3 MR. BELL: No, I can't.

4 THE COURT: Well, I was going to say we're going to
5 go ahead and take a ten-minute break at this point.

6 Do you want to continue going? If you want to
7 continue going, we can. Or a five-minute break.

8 MS. GLASSMAN: Whenever the Court requires, I'm good
9 to go.

10 THE COURT: I just wanted to stand and stretch since
11 we've been all sitting for --

12 MS. GLASSMAN: Whenever the Court directs us to
13 return, I'll be here.

14 THE COURT: All right. So I'll go ahead and take --
15 if everyone's all right with the five-minute break, we'll just
16 do a five-minute break. All right.

17 MS. GLASSMAN: Ms. Strickler --

18 THE COURT: She is free to go. Yes.

19 Thank you so much.

20 MR. BELL: Your Honor, if I have to ask a question of
21 the Court, that's -- you know, that's really has me -- my RSV
22 just inflamed and ask for just a straight-up answer.

23 THE COURT: I don't --

24 MR. BELL: I can't do it?

25 THE COURT: I don't know what you're asking.

1 MR. BELL: Well, that's what I'm asking, if I can
2 ask.

3 THE COURT: You -- if you want to make an ask, and
4 I'll let you know whether or not I can answer it.

5 MR. BELL: As best as I understand it, and as best as
6 I've read and analyzed and turned upside down, inside and out,
7 that my questioning will ask Exhibit 1 and 2 in context of the
8 law 60(b) final paragraph have great relevance, and they're
9 very admissible when you look at the law. And I struggled to
10 have the Court look at the law in the application. And that's
11 why there's so many submissions.

12 And I'm just -- I know, and I've really tried hard,
13 you know, to look at this law, and you've ruled on two little
14 counts, right? But there's 13 incredible ones. And I don't
15 know -- I'm at a loss and I don't under that law, 60(b) final
16 paragraph, and everything I researched is like, I shouldn't be
17 here having to defend something like that. You know, it's like
18 --

19 THE COURT: So Mr. Bell --

20 MR. BELL: That's what that rule is there for, at
21 least I thought you.

22 THE COURT: You are asking for me to be your
23 counselor.

24 MR. BELL: No.

25 THE COURT: Not like a mental health counselor, but

1 your counselor of law to describe things and to give you legal
2 advice. And I can't do that.

3 MR. BELL: No. I'm not -- I'm not I'm asking --

4 THE COURT: No, but you are. You're asking a
5 philosophical question about why we're here and why the Court's
6 not looking at other issues that you want the Court to look at.

7 MR. BELL: Okay. So I'll ask --

8 THE COURT: That's what your lawyer would tell you.

9 MR. BELL: Okay. I'm going to ask the Court a
10 question. You ruled with a Rule 50, and that Rule 50 barred me
11 from cross-examining a subpoenaed witness. Rule 50 is a trial,
12 it is not --

13 THE COURT: It's the same issue. And so here's what
14 it comes down to --

15 MR. BELL: All right. So --

16 THE COURT: The Court has issued a ruling on that.
17 You have the ability to ask for a review of that.

18 MR. BELL: Well, I did, so --

19 MS. GLASSMAN: It's already reviewed that. The
20 Court's already ruled on that.

21 MR. BELL: No. The Court ruled --

22 MS. GLASSMAN: Your Honor, the Court's time today --

23 THE COURT: So we're going to -- so here's the issue.
24 Ms. Glassman has her time left, and you are taking that time.

25 MR. BELL: I'm not --

1 THE COURT: Hold on. So I'm saying we're going to
2 take a five-minute break. We're going to come back and Ms.
3 Glassman is going to continue with her case. At the end of the
4 trial, if there is a legal question that I'm able to answer --

5 Ms. Glassman, you may walk. It's totally fine.

6 If there is a legal question, I can consider it. But
7 I'm not right now because you are eating into Ms. Glassman's
8 time.

9 MR. BELL: I respect that, sir.

10 THE COURT: All right.

11 MR. BELL: Yeah. I just -- yeah. I mean, this is --
12 this really is irrelevant. Is there a -- an opportunity within
13 the Court system to where, you know, you can meet -- and I saw
14 that there's a phone call where you can just have kind of like
15 an informal conversation with everybody there or not, that can
16 get me advice? Right. Because I don't have any money.

17 THE COURT: So --

18 MR. BELL: I don't --

19 THE COURT: -- that's the issue, is that in order to
20 get what you're asking for, you need to contact an attorney who
21 will either charge you money or not charge you money to pose
22 those questions.

23 MR. BELL: Yeah.

24 THE COURT: And so there's a lot of programs that are
25 out there.

1 MR. BELL: Yeah. And I've applied for a lot. And I
2 want to respond to Ms. Glassman on the record is to say that --

3 THE COURT: Right now we're going to take a break.

4 MR. BELL: Okay.

5 THE COURT: Because now you've eaten into two minutes
6 of my five-minute break.

7 MR. BELL: I'm sorry, sir.

8 THE COURT: All right. And so I want to make sure
9 that everyone has a chance to stand up, walk around, do what
10 they need to do for us to get back here at 11:30. So the Court
11 will go off the record. Be in recess for a few more minutes.

12 (Recess at 11:26 a.m., recommencing at 11:32 a.m.)

13 THE COURT: All right. We're back on the record in
14 22DR30458. Ms. Glassman and her client are here. We're
15 getting Mr. Bell, sounds like.

16 Thank you, Deputy.

17 All right. Mr. Bell is back in the courtroom.

18 Ms. Glassman, do you want to call your next witness,
19 please?

20 MS. GLASSMAN: Yes. Alyson Varvel.

21 THE COURT: All right.

22 Ms. Varvel, why don't you come on up? Watch the
23 step. Before you're seated, raise your right hand.

24 ALYSON VARVEL, RESPONDENT, SWORN

25 THE COURT: Thank you. Go and have a seat. Once

1 you're seated, if you could just state your first and last name
2 for me, please.

3 MS. VARVEL: Alyson Varvel.

4 THE COURT: Thank you.

5 Your witness.

6 DIRECT EXAMINATION

7 BY MS. GLASSMAN:

8 Q Ms. Varvel, on July 25th, 2025, this Court entered an
9 order that the Court would contemporaneously hear evidence as
10 to the attorney fees reasonable and necessary to conduct the
11 remand litigation. Are you asking this Court to award you the
12 attorney fees and costs you incurred related to litigating the
13 remanded issues?

14 A Yes.

15 Q In the black notebook, please turn to Exhibit DD.
16 And let me know when you're there.

17 A Got it.

18 Q Is this my affidavit for attorney fees related to
19 litigating the issues on remand dated September 23rd, 2025, and
20 on pages 4 through 7, the itemization of the billing?

21 A Yes.

22 MS. GLASSMAN: I move to admit Exhibit DD.

23 THE COURT: Any objection?

24 MR. BELL: Just I'm noting on the record there's no
25 redactions.

1 THE COURT: Any objection?

2 (Pause)

3 THE COURT: Without objection --

4 MR. BELL: No. Let's go ahead. No. Sorry.

5 THE COURT: Without objection, Exhibit DD is
6 admitted.

7 (Respondent's Exhibit DD admitted into evidence)

8 BY MS. GLASSMAN:

9 Q Does Exhibit DD reflect the fees and costs you
10 incurred between July 2nd, 2025, through August 31st, 2025,
11 related to litigating remand issues?

12 A Yes.

13 Q And as of August 31st, 2025, did you incur \$13,418.75
14 in attorney, paralegal, and secretary fees, plus an additional
15 \$456 in costs?

16 A Yes.

17 Q Please turn to Exhibit EE.

18 MS. GLASSMAN: And Your Honor, EE was filed with the
19 Court yesterday.

20 THE COURT: Pursuant to my order.

21 BY MS. GLASSMAN:

22 Q Please turn to Exhibit EE. Are you there?

23 A Yes.

24 Q Is this my supplemental affidavit for attorney fees
25 related to this remand hearing and the remand litigation dated

1 October 6th, 2025?

2 A Yes.

3 Q And on pages 4 through 7, does it include the
4 organization of the billing?

5 A Yes.

6 MS. GLASSMAN: I move to admit Exhibit DD (sic).

7 THE COURT: Any objection?

8 MR. BELL: No. EE.

9 THE WITNESS: EE.

10 THE COURT: Did I say the wrong number?

11 MR. BELL: No.

12 MS. GLASSMAN: EE, egg egg.

13 THE COURT: I'm sorry. Any objection to EE?

14 MR. BELL: I want to -- I want to --

15 MS. GLASSMAN: Your Honor, in the interest of time --

16 MR. BELL: I need to object to even it being
17 submitted in a remand hearing that was ordered by Colorado --

18 THE COURT: What's your legal basis?

19 MR. BELL: Of -- delay. I'll just wait for closing.

20 THE COURT: The Court will overrule the objection.

21 There wasn't a legal basis noted and will admit EE.

22 (Respondent's Exhibit EE admitted into evidence)

23 MS. GLASSMAN: Thank you.

24 BY MS. GLASSMAN:

25 Q Ms. Varvel, from September 2nd through October 7th of

1 2025, did you incur additional attorney fees and costs in the
2 amount of \$8,235.50?

3 A Yes.

4 Q So in total, combining Exhibits DD and EE, were your
5 total fees and costs incurred for the remand litigation
6 \$22,110.25?

7 A Yes.

8 Q And does this represent 46.85 hours of attorney time
9 at \$400 per hour?

10 A Yes.

11 Q And has my hourly rate changed for you since my
12 representation began in November of 2022?

13 A No. It has not.

14 Q Do you think the hours devoted to litigating the
15 issues on remand have been reasonable and necessary?

16 A Yes.

17 Q In your opinion, based on the information you receive
18 from my office, the review of the billing statements you
19 receive every month, did Mr. Bell's actions increase the
20 attorney hours necessary to present your case on the remand
21 issues?

22 A Yes.

23 Q And can you describe just based on your opinion on
24 how so?

25 A Well, we're here today because of Mr. Bell. He chose

1 to have a hearing when he could have done this via briefing.

2 And in between there, there must have been -- there are 20-plus
3 pleadings since June that have come out with hundreds of papers
4 attached, emails, exhibits, subpoenas. He has not adhered to
5 the Court's timelines or deadlines. All of these things have
6 driven up my attorney's fees. We have to look at and read and
7 take everything seriously.

8 Q And so even when Mr. Bell files something that is
9 rejected based on the billing that you receive from my office,
10 does it appear that I read those pleadings, and that my office
11 sent you a copy of those pleadings, and that we retain those
12 pleadings electronically?

13 A Absolutely.

14 Q And so given all of these circumstances, do you
15 believe the fees and costs that you have incurred relative to
16 this remand litigation, which is \$22,110, has been reasonable
17 and necessary?

18 A Yes.

19 Q And based upon the disparity of the incomes between
20 you and Mr. Bell and Mr. Bell's conduct, as you have described,
21 are you requesting an award of attorney fees pursuant to 14-10-
22 119? That's our statute that allows for fee shifting in
23 domestic cases.

24 A Yes.

25 Q What is your current employment?

1 A Luminaria. It's a lighting store in Longmont.

2 Q And is your base salary \$57,192 per year annually,
3 4,766 per month?

4 A That's correct.

5 Q And if you would turn to Exhibit C, are these your
6 pay stubs from Luminaria from June, July, and August of 2025?

7 A Yes.

8 MS. GLASSMAN: Move to admit Exhibit C.

9 THE COURT: Any objection to Exhibit C?

10 (Pause)

11 MS. GLASSMAN: Your Honor, in the interest of time --

12 MR. BELL: What was it? What was it? Just tell me
13 what it is.

14 THE COURT: The pay stubs.

15 MR. BELL: There's fine. Those are fine. Sorry.

16 THE COURT: C is admitted.

17 (Respondent's Exhibit C admitted into evidence)

18 BY MS. GLASSMAN:

19 Q Do you also --

20 MR. BELL: I'm so sorry.

21 BY MS. GLASSMAN:

22 Q Do you also earn variable commissions from Luminaria?

23 A Yes.

24 Q And is your projected commissions from Luminaria for
25 2025, \$1,394 a month?

1 A Yes.

2 Q And if you would turn to Exhibit D, are these the
3 Luminaria commission checks from January through July 30th?

4 A Yes.

5 MS. GLASSMAN: I move to admit Exhibit D.

6 THE COURT: Any objection?

7 MR. BELL: No.

8 THE COURT: Exhibit D is admitted.

9 (Respondent's Exhibit D admitted into evidence)

10 BY MS. GLASSMAN:

11 Q So from your primary employment, are you currently
12 earning \$6,160 per month?

13 A Yes.

14 Q And your employment at Luminaria, is that full-time
15 earnings?

16 A It is.

17 Q Does Luminaria reimburse you part of your private
18 health insurance premium in the amount of \$396.35 per month?

19 A Yes.

20 Q Do you have any other sources of income?

21 A Yes. I'm the advertising director for LHVC, Left
22 Hand Valley Courier. And I also work with Rebecca Folsom.
23 She's a local musician, singer-songwriter.

24 Q And how much do you earn? Approximately \$266 per
25 month from Rebecca?

1 A From Rebecca.

2 Q Please turn to Exhibit E. Are these your checks from
3 Left Hand Couriers (sic) from January through July 2025?

4 A Yes.

5 MS. GLASSMAN: Move to admit Exhibit E.

6 THE COURT: Any objection?

7 MR. BELL: No.

8 THE COURT: Exhibit E is admitted.

9 (Respondent's Exhibit E admitted into evidence)

10 BY MS. GLASSMAN:

11 Q And please turn to Exhibit F. Are these the
12 screenshots of your year-to-date income from Rebecca Folsom?

13 A Yes.

14 Q And why do you work multiple jobs?

15 A Well, because I pay for a lot. And even with my
16 full-time job and two part-time jobs and my maintenance, I
17 still have a monthly deficit.

18 Q If you would turn to Exhibit B, is this your sworn
19 financial statement --

20 THE COURT: Before we move off of F, did you want to
21 offer that?

22 MS. GLASSMAN: Oh, excuse me. Yes. Thank you.

23 THE COURT: Any objection to F?

24 MR. BELL: Sorry. No. That's fine.

25 THE COURT: F is admitted.

1 (Respondent's Exhibit F admitted into evidence)

2 BY MS. GLASSMAN:

3 Q Turning to Exhibit B, is this your sworn financial
4 statement dated September 23rd, 2025, which you signed on
5 September 22nd, 2025?

6 A Yes.

7 MS. GLASSMAN: I move to admit Exhibit B.

8 THE COURT: Any objection?

9 MR. BELL: Objection.

10 THE COURT: Any objection? No?

11 MR. BELL: Yeah. Objection.

12 THE COURT: What's your objection?

13 MR. BELL: My objection is it misquotes my gross
14 income, and it's misleading in regards to how it's -- it's
15 written.

16 THE COURT: So this is Ms. Bell's sworn financial
17 statement.

18 MR. BELL: Yeah. I'm objecting to that.

19 MS. GLASSMAN: I'm going to ask the Court to take
20 notice of her sworn financial statement and to admit Exhibit B.

21 THE COURT: The Court notes your objection and is
22 going to admit Exhibit B. Again, that's a statement of what
23 her belief his income is.

24 (Respondent's Exhibit B admitted into evidence)

25 BY MS. GLASSMAN:

1 Q Does your sworn financial statement accurately
2 reflect your income, monthly expenses, assets, and liabilities?

3 A Yes.

4 Q And on page 1 and 2, is your income consistent with
5 what you've just testified it is on a monthly basis?

6 A Yes.

7 Q And does it also reflect on page 2 your maintenance
8 and child support that you received from Mr. Bell?

9 A Yes.

10 Q Looking at page 3, are your housing expenses \$4,200
11 per month? And that's in a category 3 of page 3.

12 A Yes.

13 Q And is there a second mortgage against the Timothy
14 (sic) residence where you reside?

15 A Yes.

16 Q And is that home equity line of credit at its credit
17 limit?

18 A It is.

19 Q And why is that?

20 A I had to close that account, open a new one, pay off
21 the \$39,000 HELOC that Charles had taken out prior to permanent
22 orders. I used it to pay his equalization payment, and the
23 rest went to pay part of my attorney's fees.

24 Q And on page 3, under health care costs, which is item
25 D, are you incurring over \$3,000 per month in health care

1 costs?

2 A That's correct.

3 Q And does your health insurance premium include you
4 and your sons, Cameron (phonetic) and Julian (phonetic)?

5 A Yes.

6 Q Is Cameron transgender?

7 A He is.

8 Q And is he receiving psychiatric and psychotherapy
9 support?

10 A Yes.

11 Q Are the psychotherapy costs in the amount of \$400 per
12 month and the Mountain Psychiatry costs in the amount of \$200
13 per month your out-of-pocket costs for his care?

14 A Yes.

15 Q Does Mr. Bell contribute to the \$600 of out-of-pocket
16 monthly psychiatric and therapy costs you're paying on
17 Cameron's behalf?

18 A No.

19 Q Has he refused to contribute?

20 A He has. I have asked him several times, and he tells
21 me he pays me enough already. We get into Talking Parents back
22 and forth and has told me several times never to ask him for
23 money again.

24 Q Does Mr. Bell contribute to any of Cameron's
25 extracurricular activities and school fee expenses?

1 A He does not.

2 Q Does Cameron engage in driving lessons, testosterone
3 treatment necessary for his transition, all of his activities,
4 choir, drama, school trips, school activities?

5 A Yes.

6 Q Clothing, school occasion clothing, and everything
7 else that comes up associated with an active 15-year-old high
8 school student, does Mr. Bell contribute to any of those
9 expenses?

10 A He does not.

11 Q Please turn to page 5 of the sworn financial
12 statement. Is your unsecured debt listed in the amount of
13 \$193,656?

14 A Yes.

15 Q And is \$191,000 of that debt the balance of
16 outstanding attorney fees owed to me as still from the 2023
17 divorce, as well as post-divorce matters?

18 A That's correct.

19 Q Please turn to page 6 of your sworn financial
20 statement. Are your total monthly expenses each month \$12,634?

21 A Yes.

22 Q And does page 6 reflect that you are operating at a
23 \$2,275 deficit each month?

24 A Yes.

25 Q And are you operating with that deficit even after

1 your receipt of maintenance and child support?

2 A Correct.

3 Q How do you meet your deficit of \$2,275 each month?

4 A I use credit cards and kind of borrow from Peter to
5 pay Paul, but I don't ever go any further than what I know I
6 can pay off in three months.

7 Q And is Mr. Bell suing you in a civil case, Boulder
8 County District Court case number 25CV118?

9 A Yes.

10 Q And are you incurring additional attorney fees to
11 defend that suit that are not yet reflected on this sworn
12 financial statement?

13 A Unfortunately, yes.

14 Q And will you be responsible to pay Ms. Strickler's
15 fees for her extended appearance in court this morning?

16 A Yes, I will.

17 Q Looking at pages 7 and 8 of the sworn financial
18 statement, other than the \$375,000 in equity in your home, do
19 you have any other assets?

20 A I have an IRA that I believe is at 18,000-ish, and I
21 have a money market account that has 8,700 in it.

22 Q And so would you agree that you have almost no
23 liquidity?

24 A Yeah. Yes.

25 Q Did you previously work with Mr. Bell at Tool

1 Studios?

2 A Yes.

3 Q And during the marriage, did the income from that
4 business support your family of four?

5 A Yes.

6 Q Since November 2023, do you think that Mr. Bell has
7 been focusing on his Tool Studio, paying clients' business?

8 A I can't imagine how.

9 Q And why not?

10 A He left for a year. He came back last August, and
11 since then has just been filing suit after suit, pleadings
12 after pleadings. I don't know that there would be any way that
13 he could be working full-time anywhere, based on the number of
14 volumes that have been pursued in the Court.

15 Q On September 29th, 2025, Mr. Bell filed a request
16 called leave to file a mandate to act under CRC 60(B). Did you
17 see that pleading?

18 A Yes.

19 Q And in that pleading, did Mr. Bell state that he had
20 spent more than 500 hours over the last three months
21 investigating our acts of fraud?

22 A Yes.

23 Q Based on his time and focus on his litigation
24 pursuits, do you believe Mr. Bell is working full-time for
25 paying clients through Tool Studios or even Partners in Bell

1 (phonetic)?

2 A I can't imagine how. I mean, there's not enough
3 hours in the day to -- to do both.

4 Q Has the Court previously found in its permanent
5 orders dated November 7th, 2023, that Mr. Bell's monthly income
6 was \$16,433?

7 A Yes. Yes.

8 Q And did this Court find on June 12th, 2025, in its
9 minute order from the June 11th, 2025 hearing, that Mr. Bell
10 had not demonstrated a substantial and continuing change in his
11 income from what was determined by the Court in its November
12 7th, 2023, order?

13 A That's correct.

14 Q Please turn to Exhibit S like in Sam. Okay. Is this
15 a copy of a text message that you received from Mr. Bell on
16 August 15th, 2025 at 3:34 p.m.?

17 A Yes.

18 Q And do you recognize this text message coming from
19 Mr. Bell? There is an emoji on the top of the message that
20 says, Charles. Do you recognize this as one of his text
21 messages?

22 A Yes.

23 MS. GLASSMAN: I move to admit Exhibit S.

24 THE COURT: Any objection to S?

25 MR. BELL: Objection. It's not complete and it's

1 misleading.

2 THE COURT: Any response?

3 MS. GLASSMAN: I'm just focusing on this message. I
4 will only use it for what this message reflects.

5 THE COURT: The Court will note that the rule of
6 completeness has been largely --

7 MR. BELL: You marked out the two hours.

8 THE COURT: -- has largely been left behind as kind
9 of an archaic issue. And so the Court is going to overrule the
10 objection to S. It's a communication that's a statement by a
11 party opponent and is otherwise admissible.

12 (Respondent's Exhibit S admitted into evidence)

13 THE COURT: Go ahead, please.

14 BY MS. GLASSMAN:

15 Q Does the text message state, if you find an attorney,
16 I will pay for it as long as they will meet with me?

17 A Yes.

18 Q What did you construe this message to mean?

19 A That he --

20 MR. BELL: Objection. It's taken out of context.
21 There's more to this text.

22 THE COURT: Overruled. That's not a legal objection.
23 Go ahead.

24 MR. BELL: Okay. All right.

25 BY MS. GLASSMAN:

1 Q What did you construe this message to mean?

2 A That he would pay for my attorney if I change
3 attorneys.

4 Q Does this further support your request for attorney
5 fees in the amount of \$22,110, based on the disparity of income
6 and economic circumstances between you and Mr. Bell, and his
7 assertion that he'd be willing to pay your fees if you selected
8 a different attorney?

9 A Yes.

10 MS. GLASSMAN: Nothing further.

11 THE COURT: All right. Thank you.

12 You can go ahead and stand down. Thank you very
13 much.

14 MR. BELL: I thought I get to cross.

15 THE COURT: You've used your time.

16 MR. BELL: Well Your Honor, you didn't say that.

17 THE COURT: I gave you warning after warning as to
18 how much time --

19 MR. BELL: (Indiscernible).

20 THE COURT: Mr. Bell, I told you had 80 minutes
21 today. And I started giving you warnings when you were halfway
22 through your time.

23 MR. BELL: Under ADA -- okay.

24 THE COURT: So --

25 MR. BELL: And so --

1 THE COURT: So Mr. Bell, here's the issue under ADA,
2 this kind of hearing, if it were not you involved in this, I
3 would set for an hour to an hour and a half. I've set aside
4 the entire morning to give you the ability to have that
5 additional time. I gave you multiple warnings throughout your
6 cross-examination that you were running out of time, and you
7 did not heed my statements, and you just kept going. And so
8 the fact that you have run out of time is really not an issue
9 that I need to deal with, because I continued to give you
10 warnings and give you additional time for the hearing this
11 morning.

12 Ms. Glassman, do you have any other witnesses?

13 MS. GLASSMAN: I do not.

14 THE COURT: All right. Ms. Glassman, you've got a
15 little time left for any closing argument, if you'd like to.

16 MS. GLASSMAN: Yes. Thank you.

17 MR. BELL: I don't get to close either?

18 THE COURT: No, sir. You've used your time, sir.

19 MR. BELL: And that's constitutionally correct?

20 THE COURT: Yes. It's called due process. I gave
21 you enough time during this particular hearing and gave you
22 warnings.

23 MR. BELL: You're saying (indiscernible)?

24 THE COURT: Yes.

25 MR. BELL: So I just -- I will. Not even afterwards

1 --

2 THE COURT: Go ahead, Ms. Glassman.

3 MS. GLASSMAN: Thank you, Your Honor.

4 This hearing was reminiscent of the last one on June
5 11th, 2025. Mr. Bell showed up entirely unwilling to address
6 the issues at hand. He presented no witnesses, submitted no
7 reliable evidence, and argued irrelevant matters. His ADA
8 accommodations do not relieve him from compliance with the
9 rules of procedure, with the rules of evidence, and the orders
10 of this Court. Furthermore, his personal convictions do not
11 permit him to misstate the facts or the law, or to make up his
12 own version of them in pursuit of a groundless, vindictive
13 narrative.

14 With regard to the remand of the District Court's
15 \$15,000 award of attorney fees and permanent orders, the
16 evidence presented today established that the \$15,000 attorney
17 fee awarded permanent orders was justified pursuant to 14-10-
18 119. First, the Court properly considered the disparity of the
19 parties' financial circumstances. Then, although not
20 explicitly stated, the Court also properly concluded that Mr.
21 Bell's conduct necessitated the increased fees incurred by Ms.
22 Varvel, as permitted by the holding in In re: MERL at 490 P.3d
23 1010 as to the reasonableness of the fees, this is a remand,
24 not a redo.

25 This Court was not tasked to conduct an audit of the

1 billing records or to recalculate the \$15,000 award. As Ms.
2 Strickler testified, the fee award is presumptively reasonable
3 applying lodestar analysis of a reasonable hourly rate
4 multiplied by a reasonable number of hours. Ms. Strickler went
5 further in her analysis and concluded that the \$15,000 award
6 was objectively reasonable under the circumstances. Mr. Bell
7 has presented no evidence to refute those conclusions.

8 With regard to the appellate attorney fees, that's
9 what was briefed by Co-Petitioner's counsel. The \$15,089
10 request for appellate attorney fees is reasonable and supported
11 by a lodestar analysis, as set forth in Co-Petitioner's brief
12 and supported by the affidavits of both Ms. Sharlene Aitken and
13 myself in our detailed billing records for our representation
14 of Ms. Varvel throughout the appeal.

15 Despite requesting that this issue be decided on
16 briefs -- that was Mr. Bell's request, Mr. Bell submitted no
17 responsive pleading, which would have been due September 23rd.
18 Mr. Bell also failed to provide timely financial documentation,
19 which should have been produced on September 2nd, and this
20 Court is therefore requested to draw a negative inference from
21 the fact that he did not comply with this Court's order. This
22 was stated by the Court in its order dated July 25th, 2025.

23 Mr. Bell has submitted no reliable evidence of
24 changed financial circumstances that would justify a
25 determination of income disparity that is any different than

1 what this Court found in permanent orders, or what this Court
2 found on the June 11th, 2025 hearing. In the permanent orders,
3 this Court found that Mr. Bell's monthly income was \$16,433.
4 Ms. Bell's current income from her primary employment is
5 \$6,161. The Court should impute income to Mr. Bell
6 commensurate with his historic earning capacity, and award
7 attorney fees to Ms. Varvel accordingly.

8 With regard to Ms. Varvel's request for attorney fees
9 related to the litigation associated with the remanded issues.
10 Ms. Varvel is requesting that the Court award her a total of
11 \$22,110.25 in attorney fees that were reasonable and
12 necessarily incurred during the preparation for the remand
13 issues. Given the disparity between the parties' incomes, Mr.
14 Bell's conduct, which again increased Ms. Varvel's fees, I
15 think the Court can take notice of the volume of pleadings that
16 Mr. Bell files. You only have to look at a Monday morning to
17 see on a weekly basis what Mr. Bell submits to this Court. The
18 fees that she has incurred are reasonable considering the
19 directives of the MERL case, and she should be awarded her fees
20 pursuant to 14-10-119.

21 I would also like to renew our request to this Court.
22 On May 2nd, 2025, this Court cautioned one of many cautions to
23 Mr. Bell about his filings. This Court referred to them as
24 substantially frivolous, as harassing, and certainly that
25 pattern has continued without -- it has not diminished in any

1 way. On May 7th, 2025, I filed a request that this Court limit
2 Mr. Bell's ability to file pleadings, and the Court on May 30th
3 imposed an order that has not been scrupulously adhered to, as
4 this Court has recently cautioned Mr. Bell. He continues to
5 abuse the process.

6 And so on Ms. Varvel's behalf, I'm now asking the
7 Court to take its May 30th, 2025, order one step further and to
8 preclude Mr. Bell from filing pleadings with this Court,
9 request to file pleadings, the volume of exhibits attached to
10 the requests, even though they're supposed to be one page
11 without going through counsel. This is part of what this Court
12 can do under the applicable case law.

13 And I think that Mr. Bell has demonstrated that
14 nothing deters him. That he will continue to file and abuse
15 the process of what these Courts are intended to provide. He
16 only will stay focused on his convictions. None of the Court's
17 orders deter him or are a meaningful in any way, as he has
18 demonstrated this morning, by continuing to argue legal
19 theories, to cite legal theories that have been rejected by
20 this Court, to cite what this Court has now characterized as AI
21 hallucinations case law that does not have any -- sometimes it
22 doesn't exist. And even if the case exists, it doesn't stand
23 for what Mr. Bell asserts it does.

24 This is abuse of process because Ms. Varvel pays for
25 all of this abuse. He continues to abuse her through this

1 process on almost a daily basis. We are barraged with not only
2 requests to this Court's clerk, to the court clerk downstairs,
3 to the chambers, or in-camera review or motions under seal.
4 But the emails that this Court doesn't see are nonstop. And so
5 on her behalf, I am renewing my request that was first raised
6 on May 7th for an expanded limitation of Mr. Bell's access to
7 the Courts.

8 THE COURT: Thank you, Ms. Glassman.

9 All right. That will conclude the hearing on the
10 attorney fees. I'm going to allow Mr. Bell to finalize his
11 record. But this is -- the evidentiary side has been
12 completed. The Court's going to take the matter under
13 advisement, and I'll issue a written ruling as quickly as
14 possible on this as to the issues that were presented today.

15 Ms. Glassman, any other issues that we need to
16 address?

17 MS. GLASSMAN: Nothing. Thank you for your time.

18 THE COURT: Mr. Bell, did you want to continue to
19 make your record?

20 (Pause)

21 MR. BELL: Can you explain what that means? Does
22 that mean I get to close or just make my final comments?

23 THE COURT: No. So I have concluded the hearing, the
24 evidentiary side of it --

25 MR. BELL: Yeah.

1 THE COURT: -- because you used all your allotted
2 time.

3 MR. BELL: Yeah.

4 THE COURT: During your cross-examination, you were
5 asking questions, and you were having trouble focusing. I
6 indicated that you could finish your record at the end of the
7 hearing if you wanted to do that.

8 MR. BELL: Oh, yeah. You said I could ask you just
9 off-the-record kind of questions.

10 THE COURT: Yeah.

11 MR. BELL: Okay. That's what I was kind of confused
12 about. So right now, there's pending in front of chief judge,
13 and there's an appeal that's going out this week to the -- to
14 the -- what is it called? Court of Appeals. You made a
15 statement earlier where -- and you said I could have appealed
16 the Rule 50. I filed a one-page to do that, but it was
17 rejected, and I -- that's -- you know, what do you do with
18 that? You can't appeal in your own court. So that I felt -- I
19 didn't know what to do with that, right? And it's like you
20 ruling on a -- on a one-page letter. I don't know what to do
21 with that, Your Honor.

22 MS. GLASSMAN: Your Honor, he did appeal the June
23 11th hearing.

24 THE COURT: I thought there was a --

25 MS. GLASSMAN: He did.

1 THE COURT: -- a request for it.

2 MS. GLASSMAN: And Judge Collins did rule on that and
3 denied the appeal.

4 THE COURT: Okay.

5 MR. BELL: No.

6 THE COURT: Was that the October 2nd? No, that
7 wasn't. I'll have to look for it.

8 MR. BELL: Again, it -- it was a reconsideration of
9 that because he didn't use -- he didn't mention Rule 50.
10 That's what he rejected. I'm sorry. Appealing his decision --

11 THE COURT: Okay.

12 MR. BELL: -- because he didn't mention Rule 50 and
13 Rule 50, it determined everything. And it's not even -- I
14 don't know what to do with that, Judge.

15 THE COURT: I can't give you legal advice.

16 MR. BELL: So I understand that. Sorry. Again, I
17 file because I'm protected under 60(b), final paragraph. And
18 it's been very difficult for me because it's -- I can't get the
19 Courts to recognize it. And I'll just keep doing it until
20 somebody tells me that that rule is inapplicable when it comes
21 to fraud upon the Court by an officer to the Court. You know,
22 I gave you examples today.

23 So anyway, that's on the record as saying that these
24 proceedings for me can only move forward under that final
25 paragraph. And -- and -- and -- and I respect you --

1 THE COURT: Is this the one that -- it looks like
2 that was ruled on on October 2nd?

3 MR. BELL: What was ruled on?

4 THE COURT: The motion for relief from judgment
5 pursuant to Rule 60(b)(2) and 60(b)(3), and the final paragraph
6 of Rule 60 for fraud on the Court.

7 MR. BELL: No. Look, I'm not going to debate that
8 right now. That's what we're appealing. But again, there's --
9 there's nuances to it. And again, I shouldn't -- the rule says
10 -- and that's why I tried the mandate because it's -- it's not
11 a motion. It's nothing -- this is just saying, hey, you know,
12 Court, I found some stuff and I just want you to look at it.
13 That's it. It was not -- it's not --

14 THE COURT: So, Mr. Bell --

15 MR. BELL: -- you know, I mean, it's not --

16 THE COURT: -- that's not how the Court works.

17 MR. BELL: Well, actually, it's supposed to be.

18 THE COURT: No. It's actually not how it works.

19 MR. BELL: I'm saying it's supposed to be how the
20 Court --

21 THE COURT: It is not.

22 MR. BELL: Look, respectfully, you understand 99
23 percent of the law. This one percent that's just ripped at me
24 and just -- to the point where I'm bankrupt, and I have nothing
25 that I've been told I have. So I don't know what to tell you,

1 Judge. And again, I'll -- I'm broken and I'm not frivolous,
2 and I'm not harassing. I'm just a father that haven't seen his
3 kids in a fucking year. You know, because they think -- I
4 don't know.

5 You know, it's just, you know, in my work, I'm
6 finding joy and hope, and I've been helping other men, you
7 know, with what I've learned and what I'm doing in the system.
8 So I don't -- I explained this on the record. You know, you
9 won't look at my medical records, you know, where it says I'm
10 serious PTSD. I barely breathe.

11 MS. GLASSMAN: Your Honor, I think this is -- goes
12 further than a remand.

13 MR. BELL: I just -- I'm off the record. I'm just
14 trying to say I'm not here -- I just want a fair chance at
15 life. And -- and again, I'm going to -- I'll max out the rest
16 of my credit cards to find a maternity (phonetic), because I'm
17 not -- I'm a good person, and I don't deserve how I'm being
18 treated. And I don't, and I get it, the law. But when you're
19 dealing with this undermining thing, it freaking rips at the
20 gears of the justice system. And I see it.

21 THE COURT: So Mr. Bell --

22 MR. BELL: I'm done.

23 THE COURT: -- I know that you say you see it. I
24 know you say it's there. This Court has seen no evidence of
25 any fraud. The Court has not seen anything to substantiate

1 your claims. Another judge has looked at this, saying the
2 exact same thing.

3 MR. BELL: Six months ago.

4 THE COURT: It doesn't matter. It's still -- there's
5 a finding that there has not been a finding at all.

6 MR. BELL: That's when it happens.

7 THE COURT: No. It's actually not, because right now
8 that's the law of the case. And so Mr. Bell, the best advice
9 that I can give you is you need to move on past this -- is, I
10 mean, what it comes down to is you can take your appeals, you
11 can do that. But what it comes down to is the more you engage
12 in this, where there has not been any kind of finding. I mean,
13 you need to kind of weigh that -- I mean, it's that idea of
14 you're saying you're suffering from PTSD from this, and you're
15 putting yourself right back into it, and it just doesn't seem
16 rational to me.

17 MR. BELL: Well, that's the part that, you know, it's
18 like I was going to show you because I had all my finances
19 together about how that 266,000 -- you know, I don't -- it's
20 like, so try and --

21 THE COURT: Remember what I told you about the law of
22 the case.

23 MR. BELL: I understand.

24 THE COURT: It's already been established what you
25 earned.

1 MR. BELL: But the -- again through Rule 50 is what
2 it was decided on, which is not by law. So again, I'm not the
3 bad guy on that one. I'm sorry. And you have my finances and
4 -- and you didn't let me cross. So -- and again all I can tell
5 you is what happened. And all I can tell you is, you know,
6 there was a civil attorney in there. There's so much
7 undermining, you know, and their best defense is the -- is to
8 make me the bad guy. And I'm not. Sorry.

9 THE COURT: Mr. Bell, I don't call people good guys
10 or bad guys. Everyone that comes in front of me are litigants.
11 What I need to make sure is that there's due process that's
12 afforded, and that I apply the law to the facts that are
13 supplied to me. And so.

14 MR. BELL: If I can just close with this, I just ask
15 the Court -- because you found me to be honest in open court
16 and that you would trust my word. Is that I admit to there
17 being some missteps because I'm not an attorney, but I still
18 believe what I found, and I still believe in the 60(b) final
19 paragraph when it comes to new evidence. If there's new --
20 something new, then that's very important, right? And right?
21 Because -- and I -- everything that's before the Court right
22 now and has been for the last three months is all brand new.
23 There's 13 --

24 THE COURT: Well, the issue is it's not brand new
25 because it was in existence several years ago.

1 MR. BELL: In relation to paragraph -- see that's the
2 part where --

3 THE COURT: So, Mr. Bell --

4 MR. BELL: -- I just ask you to read -- read up on
5 it, and you know, maybe you can give me some advice because --

6 THE COURT: I can't give you any advice.

7 MR. BELL: Okay. I'm saying that I'll -- I just
8 don't want you to think -- I'm just trying to be heard, is all.
9 That's why my filings are being filed.

10 THE COURT: That's why the hearing was held today and
11 why you got extended time instead of a normal 60-minute to 90-
12 minute hearing. You were given the full three hours.

13 MR. BELL: And then lastly, I don't know why you
14 spend \$20,000 on a \$15,000 award. That doesn't make any sense.
15 I didn't -- I didn't know my choice of a hearing or a written
16 had a price tag on it.

17 MS. GLASSMAN: Your Honor, I think we are beyond the
18 point.

19 THE COURT: I agree.

20 MS. GLASSMAN: I think Mr. Bell is starting to
21 testify.

22 THE COURT: And so the Court's going to end this.

23 Mr. Bell --

24 MR. BELL: I appreciate your time, Your Honor. I
25 just -- I just hope you see how hard I am. Sure.

1 THE COURT: Dep. Crane, is it your preference to
2 allow Ms. Varvel to leave first or are you okay with that?

3 Okay. So Mr. Bell, we'll have you go ahead and leave
4 first today.

5 And then Ms. Varvel will follow you.

6 I'll conclude the matter for today. The Court thanks
7 the parties for appearing.

8 (Proceedings concluded at 12:14 p.m.)
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CERTIFICATE

I hereby certify that the foregoing is a true and correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.



ELIZABETH MCINTYRE
Digital Court Transcriber

DATED and SIGNED this 22nd day of February, 2026.