

## EXHIBIT FP-17 – Procedural Fraud Summary: Dual-Expert Substitution and Misrepresentation of Record

**Case:** In re the Marriage of Bell and Varvel, No. 2022DR30458 (Boulder Cty. Dist. Ct.)

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**Purpose:** To document the chain of filings that converted a single-expert stipulation into a false record showing two opposing experts, resulting in contradictory judicial findings and violation of C.R.C.P. 16.2(e)(3).

### I. TIMELINE OF KEY FILINGS AND PROCEDURAL EVENTS

Date	Event	Procedural Significance	File ID
Jan 31 2023	Pre-Trial Order (Division 13) confirming one joint expert / one report rule under C.R.C.P. 16.2(e)(3).*	Establishes binding limitation; no rebuttal expert permitted absent leave of court.	D9F074CCD0FFD
Mar 28 2023	Joint expert Jeremy Harkness, CPA/ABV (Causey Demgen & Moore) issues income analysis \$115,000 annual income.	Starting point of record-verified income figure.	40354C7AF6323/
May 4 2023	Harkness valuation (Exhibit GG) filed – Tool Studios value ≈ \$305,000.	Factual baseline; no contrary expert authorized.	FEFC7A0FD2506
May 17 2023	Co-Petitioner submits CRE 408 offer using \$145,776 “four-year average.”	First inflation of income without expert support.	-
Jun 13 2023	Petitioner’s new counsel appears.	Creates transition window exploited by opposing counsel.	DECA13F3B8AD4
Jun 15 2023	Billing entry: “CEG Telephone conference with Jay Freedberg; revise witness disclosures – 1 hour.”	Evidence of coordination before false filing.	1445DAA19E770 Exhibit 3 vs FED53E8356F6C Exhibit III
Jun 16 2023	Glassman files witness disclosure falsely naming Freedberg as Petitioner’s rebuttal expert.	Procedural fraud; no retainer or Rule 26 packet served.	12E14E22975AD
Jul 17 2023	Unauthorized reports (Exhibits JJ & OO) filed “serve-only,” unsigned.	Violates Rule 16.2(g)(5) timing and Rule 26 disclosure requirements.	44663CF4891B9
Aug 16 2023	Glassman files “Stipulation Regarding Expert Jeremy Harkness’ Reports as Direct Testimony” attaching Exhibits GG, HH, NN but labels them as Co-Petitioner’s Exhibits.	Mislabels joint reports as her own; conceals their neutral status.	FEFC7A0FD2506

Date	Event	Procedural Significance	File ID
Aug 17 2023	Court enters Order (“So Ordered”) approving stipulation under Rule 16.2(e)(3).	Confirms Harkness as sole expert and bars additional expert testimony.	Filed by court ID: NA
Aug 23 2023	Trial begins.	Court operates under misleading record showing two experts.	-
Nov 7 2023	Permanent Orders – Judge Salomone writes: “The third valuation came from Jay Freedberg, Mother’s expert...” and adopts Freedberg’s \$305,000 valuation.	Court treats Freedberg as authorized expert despite the Aug 17 Order.	Filed by court ID: NA
Jun 11-12 2025	Remand hearing – Rule 50 invoked to block cross-exam of Freedberg; unauthenticated Exhibit DD relied upon.	Due-process violation; fraud carried into post-appeal record.	Minute Order Regarding Motion to Modify Maintenance and Child Support

## II. FINDINGS

### 1. Filing Manipulation and Record Misrepresentation

The August 16 2023 e-filing identifies the joint expert’s reports (GG, HH, NN) as “**Co-Petitioner’s Exhibits**,” concealing their neutral origin. That mislabeling, combined with the June 16 false disclosure, caused the case to appear as if each party had its own expert.

### 2. Judicial Reliance on Contradictory Record

The Permanent Orders explicitly reference “Mother’s expert Freedberg,” while acknowledging Harkness as the joint expert. This contradicts the August 17 Order and constitutes a self-conflicting judgment under *C.R.C.P. 60(b) (final paragraph)*.

### 3. Intent and Pattern of Deception

The timeline shows advance coordination (June 15 billing entry) followed by false filing, strategic labeling, and adoption of unauthorized evidence. Each step was calculated to create the illusion of dual experts and thereby legitimize Freedberg’s fabricated report.

### 4. Resulting Harm and Jurisdictional Impact

The Court’s findings on income and valuation rest on an expert who was never approved under Rule 16.2(e)(3). This constitutes fraud upon the court and renders subsequent orders void under *C.R.C.P. 60(b) (final paragraph)*.

## 5. APPLICABLE AUTHORITY

- ***C.R.C.P. 16.2(e)(3)*** – When a joint expert is appointed, no additional expert testimony may be introduced without prior leave of court.
- ***C.R.C.P. 60(b), final paragraph*** – The court retains inherent power to vacate judgments procured by fraud upon the court.
- ***People v. Buckley, 848 P.2d 353 (Colo. 1993)*** – Misconduct by officers of the court “strikes at the integrity of the judicial process.”
- ***Buckley Powder Co. v. State, 70 P.3d 547 (Colo. App. 2002)*** – Once fraud upon the court is shown, the court has no discretion; it must act.

## 4. CONCLUSION

The fraudulent scheme originated on June 15, 2023, during a documented call between Attorney Carol Glassman and Jay Freedberg to “revise witness disclosures.” The following day, June 16, 2023 (Filing ID 12E14E22975AD), Ms. Glassman filed a witness disclosure falsely designating Freedberg as Petitioner’s rebuttal expert, despite no engagement, communication, or authorization. That single filing created a false appearance of dual experts, allowing the Court months later to rule as though two competing opinions existed. Every subsequent act the July 17 “serve-only” reports, the August 16 mislabeled joint expert filing, and the November 2023 Permanent Orders stemmed from that initial misrepresentation. This pattern constitutes intentional deception directed at the tribunal and satisfies every element of fraud upon the court under ***C.R.C.P. 60(b) (final paragraph)***.