

DISTRICT COURT, BOULDER COUNTY, STATE OF COLORADO 1777 6th Street, Boulder, Colorado 80302 303-441-3750	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
In re the Marriage of: CHARLES BELL, Petitioner, v. Alyson G. Varvel, f/k/a Alyson Bell, Co-Petitioner,	
Charles R. Bell Pro Se 210 Emery Street Unit 12 Longmont, Co 80544 bell@partnersandbell.com 303-931-6101	Case No: 2022DR30458 Division: 14
PETITIONER’S LIMITED MOTION TO RECONSIDER THE APRIL 30, 2026 RULE 97 DENIAL	

(Filed pursuant to the May 13, 2026 Order Granting Leave)

Petitioner Charles R. Bell, appearing pro se under approved ADA accommodations, respectfully submits this Limited Motion to Reconsider the Court’s April 30, 2026 Order denying Petitioner’s renewed verified motion under C.R.C.P. 97.

This motion stays within the May 13, 2026 leave order. It does not ask the Court to decide fraud, grant C.R.C.P. 60 relief, impose sanctions, reconsider Permanent Orders, or alter any order pending on appeal. It asks only whether reconsideration is warranted because the objective record creates an appearance that Petitioner’s fraud-upon-the-tribunal access issue has been closed before two predicate questions were addressed. The pending appeal of related orders does not prevent Rule 97 review because

Petitioner seeks only a ruling on the Court's present authority to continue presiding over the access issue, not substantive reconsideration of the appealed orders.

Reconsideration is warranted because the April 30 order treated the prior motion primarily as a chronology of adverse rulings. It did not address whether the unresolved predicate questions create an independent Rule 97 appearance concern.

Petitioner incorporates the prior Rule 97 exhibit packet filed April 23, 2026. Petitioner attaches Exhibits 001–007 only to supply additional materials not included in that packet: a neutral timeline roadmap, sworn affidavit, foundation affidavit, custodian affidavit, Exhibit III-UR, Wilkerson, and the May 13, 2026 leave order. Exhibit 001 is offered only as a narrative roadmap to authenticated record materials identified in Exhibits 002, 003, and 004. It is not offered as a request that the Court decide fraud, grant C.R.C.P. 60 relief, impose sanctions, reconsider Permanent Orders, or alter any order pending on appeal. The sworn factual support is supplied by Exhibits 002, 003, and 004, and the source billing record is supplied as Exhibit 005. Petitioner submits these materials in good faith to assist the Court in evaluating the limited Rule 97 appearance issue authorized by the May 13, 2026 leave order.

I. The Objective-Person Test Is Met by the Unresolved Predicate Questions

The April 30 order identifies the controlling objective-person test: whether a reasonable person, informed of the facts, would question the Court's impartiality. Petitioner does not rely on subjective belief, adverse rulings alone, or a request that the Court decide fraud. The Rule 97 question is whether a reasonable observer would question impartiality where Petitioner's fraud-upon-the-court access issue appears to have been closed before two predicate questions were addressed.

This motion reduces the procedural history to those two threshold questions. First, what lawful procedural bridge, if any, authorized the Six Consulting / Freedberg expert track under the December 9, 2022 Case Management Order and the January 31, 2023 Joint Expert Stipulation adopted as an order of the Court? Second, what order, if any, adjudicated the identified fraud-upon-the-tribunal acts under C.R.C.P. 60(b)'s final paragraph?

Those questions are not merits attacks on the Permanent Orders. They are Rule 97 appearance questions. If the record does not identify a lawful procedural bridge for the Six Consulting / Freedberg track, then a neutral observer could question whether later rulings connected to that track, or to objections concerning it, treated an unresolved predicate issue as settled. A neutral observer would not need to decide fraud, revisit Permanent Orders, or grant C.R.C.P. 60 relief to recognize the appearance concern; the observer would need only ask whether the record identifies a lawful procedural bridge.

Exhibit III-UR makes that predicate issue concrete by showing Six Consulting / Freedberg activity before the June 16 disclosure, including earlier Six cost entries, Harkness-file activity, witness-disclosure drafting, and the June 15, 2023 Glassman-Freedberg telephone conference. Viewed against the Case Management Order and Joint Expert Stipulation, the later motions seeking suspended conferral, filing limits, non-joint trial management, no-response treatment, and expanded restrictions are relevant only as procedural context for whether the predicate expert-framework question was meaningfully reviewed.

The same predicate is also relevant to the fee-and-enforcement sequence as part of the cumulative Rule 97 appearance record. Petitioner does not ask this Court, through this motion, to alter any fee, enforcement, or Permanent Orders ruling. The point is only that a neutral observer could view later fee-and-enforcement consequences as

increasing the importance of whether the predicate expert-framework question was ever addressed.

II. The Record Does Not Identify a Ruling Under the Final Paragraph's Distinct Framework

The appearance concern is not merely that evidence was later developed. The concern is that the record before Petitioner does not identify an order adjudicating whether any identified act constituted fraud upon the tribunal under C.R.C.P. 60(b)'s final paragraph. The issue has been referenced, screened, limited, and treated as settled, but not adjudicated under the final paragraph's distinct framework. The April 8 and May 30, 2025 screening orders treated fraud-related review through procedural and timeliness frameworks applicable to C.R.C.P. 60(b)(2) and (b)(3). The final paragraph of C.R.C.P. 60(b) operates under a distinct no-time-bar framework. A reasonable observer could question whether the absence of any ruling under the final paragraph's distinct framework, combined with the screening process that produced practical adjudication of related issues without an evidentiary presentation, contributes to the appearance question. The October 2 and November 13 orders are currently on appeal in 2025CA2070. Petitioner does not ask this Court to evaluate their substantive correctness; the orders are identified only as part of the cumulative procedural record relevant to the appearance analysis.

III. The Cross-Division Sequence Created a Procedural Loop

The original judgment in this matter was entered following the August 2023 Permanent Orders hearing. The matter has since been reassigned to Division 14. Civil Division 2 has held that Rule 60(b) motions addressing tribunal-deception allegations must be

brought to the tribunal whose judgment is challenged. The combined effect, for Rule 97 appearance purposes, is a procedural loop that appears to limit Petitioner's ability to place the complete record before the tribunal where the underlying judgment was entered.

IV. Requested Relief

WHEREFORE, Petitioner respectfully requests that the Court reconsider the April 30, 2026 Rule 97 denial; determine whether the unresolved predicate questions create an objective appearance concern under C.R.C.P. 97 and Wilkerson; enter findings limited to that issue; and grant appropriate Rule 97 relief.

Alternatively, Petitioner requests a limited response identifying: (1) what lawful procedural bridge, if any, authorized the Six Consulting / Freedberg expert track under the Case Management Order and Joint Expert Stipulation; and (2) what order, if any, adjudicated the identified fraud-upon-the-tribunal acts under C.R.C.P. 60(b)'s final paragraph. If a response is ordered, Petitioner requests identification of the responding party or counsel.

Respectfully submitted,

/s/ Charles R. Bell

Charles R. Bell, Petitioner, Pro Se

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CERTIFICATE OF SERVICE

I certify that, on **May 15, 2026**, I caused to be served on the following a true and correct copy of the foregoing by electronic service pursuant to **C.R.C.P. 121 §1-26** directed to:

Alyson G Varvel

Alyson G. Varvel

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Niwot, CO 80502

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/s/Charles R. Bell