

EXHIBIT FP-18 - MISUSE OF EXHIBIT III AND FALSE “BURDEN OF DEBT” NARRATIVE

(Submitted under C.R.E. 1006 to summarize voluminous record materials; supports C.R.C.P. 60(a) and 60(b) final paragraph motion.)

I. Purpose

This exhibit demonstrates that **Exhibit III** a redacted billing statement later reused at the October 7, 2025 remand hearing;

1. was never properly admitted under the Court’s own directive,
2. was mischaracterized to conceal duplicate payments already made by Tool Studios LLC, and
3. enabled a false “burden of debt” narrative that produced an improper \$15,000 fee award.

II. The Court’s Admission Directive

During trial, **Judge Nancy W. Salomone** made explicit that exhibits would be considered only if referenced in testimony or argument:

“Know that, in a record that contains something like 50 or 60 or more exhibits … if you don’t reference them, either in testimony or in argument, I am unlikely to hunt them up …”

Exh. AA p. 9 II. 3-13

“There is no need to lay foundation for them … but you must reference them in testimony or argument if you want me to consider them.”

Exh. AA pp. 10-11 II. 25-2

Permanent Orders p. 2 lists the exhibits considered. Exhibit III is included only as a *demonstrative exhibit* with the footnote:

“The Court does not maintain or file any physical exhibits ... Counsel is directed to e-file any exhibits offered or admitted ... Pro se parties’ admitted exhibits will be scanned ... Admitted as demonstrative exhibits only.”

III. Procedural Facts

1. **No Post-Trial Filing.** No post-trial submission of Exhibit III occurred within the seven-day window.
2. **No JTMC Reference.** Exhibit III was omitted from the Joint Trial Management Certificate.
3. **Single Trial Reference.** The only mention occurred when Ms. Glassman asked:

“Turn to Exhibit III ... through July, have you incurred \$79,000 in fees and \$12,000 in costs?”

Alyson Varvel: “Sadly, yes.” This isolated exchange cannot establish admissibility, authenticity, or reliability under C.R.E. 901 or 702.

4. **No Argument or Foundation.** Neither counsel nor witness laid foundation or connected Exhibit III to any financial exhibit admitted as evidence.
5. **Later Reliance.** Despite the record silence, Exhibit III was treated as evidentiary in the remand hearing contrary to the trial directive.

IV. False “Burden of Debt” Narrative

At the October 7, 2025 remand hearing before **Judge Timothy L. Johnson**, Ms. Glassman elicited the same false narrative used at trial:

“Turn to Exhibit III ... through July, have you incurred \$79,000 in fees and \$12,000 in costs?”

Alyson Varvel: “Sadly, yes.”

(Ex. AAA, Vol. II, p. 206) Adapted by Court of Appeals. July 2023.” (¶ 38, p. 17)

This statement was misleading for multiple reasons:

- **Tool Studios LLC**, wholly owned by Petitioner, had already paid more than **\$91,000** of Ms. Glassman's invoices (**Exhibits 68 & III**).
- The Court of Appeals (24CA0141) reversed the prior \$15,000 award *for lack of evidentiary support*.
- The same exhibit now redacted was recycled to fabricate an appearance of personal debt.

By mischaracterizing corporate payments as Ms. Varvel's personal obligation, counsel shifted perceived equity: the marital home retained full **\$470,107** value, while Petitioner's business asset was reduced to **\$116.000** and then burdened with phantom debt an inequity of approximately **\$91,000**.

V. Fraud Indicators (Timeline Cross-Reference FP-17 and FP-16)

Date	Event	Evidentiary Source	Significance
07/13 2023	<i>"Redact Alyson's historical invoices ..."</i>	<i>Exh. III p. 30</i> <i>File ID</i> <i>FED53E8356F6C</i>	<i>Confirms concealment prep.</i>
07/31 2023	<i>Objected to RFP No. 3 billing production</i>	<i>File ID</i> <i>CF8F8C70A1A21</i>	<i>Obstructed discovery of same data later used as evidence.</i>
08/23 2023	<i>Trial concluded – Exh. III not argued</i>	<i>Exh. AA</i>	<i>Fails directive test.</i>
07/23 2025	<i>Status Conf.: Glassman misrepresents redactions as privilege</i>	<i>Minute Order</i>	<i>Judicial gaslighting → Court accepts false premise.</i>
10/07 2025	<i>Remand hearing – reuse of Exh. III for "burden of debt"</i>	<i>Transcript</i>	<i>Renewed fraud upon tribunal.</i>

VI. Legal Significance

- **C.R.C.P. 16.2(e)(3):** Full financial disclosure required; concealment violates the rule.
- **C.R.E. 901 & 702:** No foundation or qualified testimony supports admission.

- **Colo. RPC 3.3(a)(1):** False statement of material fact to tribunal.
- **People v. Buckley, 848 P.2d 353 (Colo. 1993):** Fraud on the court exists when misrepresentations prevent impartial adjudication.
- **C.R.C.P. 60(b) (final paragraph):** Allows correction of judgments obtained through such fraud.

Events summarized herein are integrated into Exhibit FP-23 for unified record reconstruction under C.R.E. 1006.

VII. REQUESTED FINDINGS

Petitioner respectfully requests that the Court:

1. Find that Exhibit III was never properly admitted or authenticated and therefore cannot constitute evidence.
2. Find that counsel's statement that "un-redacted billing has never been produced" was false and misleading.
3. Declare that the "burden of debt" narrative was unsupported and materially distorted the asset division and fee rulings.
4. Strike or disregard Exhibit III and any derivative references in remand or fee proceedings.
5. Correct the record under **C.R.C.P. 60(a) and (b) (final paragraph).**

Petitioner was at all relevant times the 100 percent owner and managing member of Tool Studios, LLC, while Co-Petitioner Alyson Varvel served as acting financial officer. The un-redacted billing files were obtained from Tool Studios' standard Dropbox backups maintained under Petitioner's ownership and lawful control. These documents were part of the company's discovery materials and are admissible under C.R.E. 1006 as summaries of business records.

Events summarized herein are integrated into Exhibit FP-23 for unified record reconstruction under C.R.E. 1006.