

1 honesty. He was pretty forthright with me about what
2 had occurred. His trustworthiness, I had no reason
3 not to trust him at that point. And when I think of
4 fitness as a judge, I think that's a pretty high bar
5 to meet. And I didn't, at that time, have a concern
6 about his fitness to serve as a judge. I had already
7 decided under "C," however, that this was something
8 that, even though it was a set of facts that I had
9 never seen before in my 30+ years as a judge, I felt
10 there was an obligation to let the Judicial Conduct
11 Committee know about it.

12 Q Did you tell the Judicial Conduct Committee?

13 A Did I tell the Judicial Conduct Committee what?

14 Q About what you had found regarding the transcript in
15 the Albrecht case?

16 A Yes.

17 Q Okay. Did you provide this email to the Judicial
18 Conduct Committee?

19 A No.

20 Q Okay.

21 A And let me just be clear. When I say "Judicial
22 Conduct Committee," I had a conversation with Robert
23 Mittelholzer after I spoke with Master DalPra about
24 this incident. So I didn't have any communication

1 with the committee itself. I didn't send them
2 anything. I had a phone conversation with Robert
3 Mittelholzer.

4 Q Did you - STRIKE THAT. Were you aware of the fact
5 that Master DalPra had decided to self-report?

6 A I was aware that Master DalPra was going to self-
7 report. I had a conversation with him on Wednesday,
8 November 18th. I had sent him the email on Friday. I
9 think he was either - he either had a writing day that
10 day or he was on vacation. I had tried to call him on
11 his extension, which is typically how I try to reach a
12 judge. I don't like to call the clerk's office and,
13 you know, "The administrative judge is calling.
14 What's going on?" So I'm usually pretty low key about
15 these things. I was not able to get him. I tried a
16 couple of times during the day on Friday. So I sent
17 the email that's been marked as Exhibit 1. Didn't
18 hear back from him, I think until Tuesday, the 17th.
19 He said he had left his laptop at work and he'd been
20 working from home - circumstances that he didn't see
21 my email. So I think we spoke on Tuesday, or we
22 exchanged emails on Tuesday, and we agreed to speak on
23 Wednesday, the 18th at 12:30 during a break in his
24 cases.

1 Q Okay. Two questions about what you just said. For
2 people who are unaware, what is a writing day for a
3 judge?

4 A Rare. But it's a day when the judge is scheduled to
5 not have any scheduled cases so that they can catch up
6 on writing orders for cases that they've already
7 heard.

8 Q And then second, is it uncommon for judges to work
9 outside the courtroom on a writing day?

10 A Not during COVID-19, it wasn't.

11 Q And for the record, this took place in November of
12 2020, which was during the pandemic?

13 A Correct.

14 Q Okay. Did anything about the delay between when you
15 sent the email and when Master DalPra got back to you
16 indicate that he was trying to be deceptive or
17 concealing? Did you have any reason to believe that?

18 A No.

19 Q Okay. To this day, do you know whether or not the
20 committee has seen this email?

21 A I have no idea.

22 Q Okay. To this day, are you aware of whether or not
23 the committee has accessed and listened to either of
24 the two audio files contained in this email?

1 A I don't. I do know that in December of 2020, I
2 provided those to Robert Mittelhozer. It took me a
3 couple of tries because I sent them the first time in
4 a - probably use the wrong word here - but format that
5 he couldn't open. And so Kathy Yee was kind enough to
6 help me re-send them in a different format so that he
7 was able to open them.

8 Q Okay. And the same goes for the - the same question
9 for the two snippets. To your knowledge, do you know
10 if they've seen these snippets as like set apart from
11 the rest of the transcript in the way that you did in
12 this email?

13 A I do not.

14 Q Okay.

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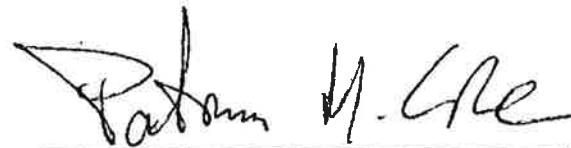
CorrectionsPage No. 9, Line No. 15Correction: "Cosign" should be "Co-signed"Page No. 11, Line No. 3Correction: "as" should be "has"Page No. , Line No. Correction: Page No. , Line No. Correction:



Deponent

STATE OF NEW HAMPSHIRE
COUNTY OF McGinnick

Subscribed and sworn to before me this 27 day of
September 2022.



~~JUSTICE OF THE PEACE/NOTARY PUBLIC~~

My Commission Expires PATRICIA M. COLE, Notary Public

State of New Hampshire

My Commission Expires October 3, 2023

FIRST JUDICIAL DISTRICT COURT
 STATE OF NEW MEXICO
 COUNTY OF Santa Fe, Rio Arriba or Los Alamos

2005 DEC 15 PM 2:06


COLLEEN NESTLER
 Plaintiff

vs.

No. D-001-CV-200502772

DAVID LETTERMAN
 Defendant

APPLICATION FOR A RESTRAINING ORDER

I am the Plaintiff and I request a RESTRAINING ORDER, for these reasons:

1. I live in SANTA FE County, New Mexico.
2. The person or persons I want a Restraining Order against live at this address:
 [include address, city, state and zipcode] → work address:
I don't have a phone address. 1697 Broadway
ny ny 10019

3. Defendant and Plaintiff are not married or formerly married to each other, nor are they members of the same family, nor relatives nor co-parents of a child. This is not a family case.

4. Defendant has done some acts that seriously harm me. Those acts
 are: BANKRUPTCY, MENTAL C DUELTY, SLEEP
DEPRIVATION May 1994- NJ, JULY 1994- NOV 94 --
Brooklyn, NOV '94 - 2005 - CAMDEN, NJ. MUST
INTENSELY from 2000-2005 - TO PRESENT ADDRESS

[include the place, the date and the time and add extra pages if needed.]

5. I have no adequate remedy at law for the harm threatened by Defendant [such as money damages] and, if the court doesn't act to stop the Defendant, I ^{have} ~~suffer~~ irreparable harm.

PLAINTIFF REQUESTS THE COURT TO ISSUE THE FOLLOWING ORDERS:

- A Temporary Restraining Order until a hearing can be had on this matter;
- B. A Preliminary Injunction effective until a final decision made on the merits;
- C. A Permanent Restraining Order effective until further notice from the Court.

Page 2/TRO

PLAINTIFF SPECIFICALLY REQUESTS THAT THE COURT ORDER THAT:

Defendant not threaten, harm, alarm or annoy me or my family and household members;

Defendant stay at least 3 yards away from me, my residence, my workplace and my childrens' school. (I have no children)

Defendant not telephone me or contact me any way;

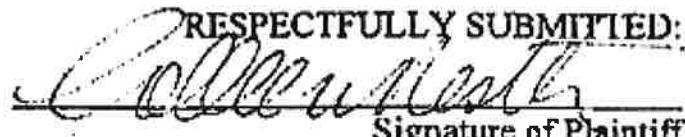
Defendant not block me in public places or roads;

I also request that Defendant be ordered not do the following:

Think of me, and RELEASE ME from
his mental harassment & hammering

PLAINTIFF ALSO REQUESTS the Defendant pay me back for the costs and expenses I incurred in bringing this case and for any other relief that the Court deems proper.

RESPECTFULLY SUBMITTED:

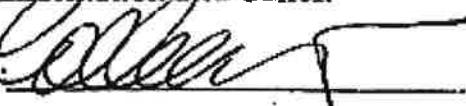


Signature of Plaintiff

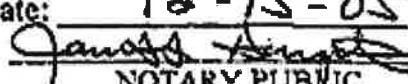
COLLEEN NESTLER
Print Name
323 1/2 STAAB ST.
Address
SANTA FE NM 87501
City/State/Zip
Telephone: 505-

STATE OF NEW MEXICO)
 COUNTY OF Santa Fe)

I, the Plaintiff, being first duly sworn upon my oath, depose and state that I am the Plaintiff in the above-entitled cause. I have read the Application for Restraining Order.. I state that the contents thereof are true and correct to the best of my information and belief.

Signature: 

SUBSCRIBED AND SWORN TO before me this date: 12-15-05
 My Commission Expires: 11-03-06


 NOTARY PUBLIC

FIRST JUDICIAL DISTRICT COURT
 STATE OF NEW MEXICO
 COUNTY OF Santa Fe, Los Alamos or Rio Arriba

2005 DEC 15 PM 2:58

904

Colleen Nester

Plaintiff

v.

No. D-0101-CU-200508772

David Letterman

Defendant

TEMPORARY RESTRAINING ORDER

THIS MATTER came before the Court on Application and the Court, being fully advised, FINDS:

1. Immediate and irreparable injury will result to the Plaintiff if a restraining order is not issued immediately as requested by Plaintiff.
2. No notice need be given to Defendant as required by the Rules of Civil Procedure.
3. There are good grounds to show a preliminary injunction may be needed in this case.
4. This order shall be effective for a period of ten days unless extended or modified.

IT IS THEREFORE ORDERED that:

X Defendant not threaten, harm, alarm or annoy Plaintiff.

_____ Defendant not threaten, harm, alarm or annoy Plaintiff or Plaintiff's family and household as named here: _____

X Defendant stay at least 100 yards away from Plaintiff and from Plaintiff's residence, workplace and childrens' school.

Defendant not telephone Plaintiff or contact Plaintiff in any way, either directly or through others;

Defendant not block Plaintiff in public places or roads;

Further, Defendant is ordered not do the following:

IT IS FURTHER ORDERED that Defendant appear and show cause before the Court why the Temporary Restraining Order should not be extended or a preliminary injunction issued as Plaintiff requests by appearing before the Court in the Santa Fe County Judicial Complex, located at the corner of Grant and Catron Avenues, Santa Fe, New Mexico as follows::

Date: January 12, 2006
Time: 9:00 AM

In the Courtroom of the Honorable Judge _____.

Donnit Scammon

District Judge

Date Issued: 12-15-05

Time Issued: 2:55 PM

12/18/03

Dear Mr. Fuller,

The enclosed is, a highly in-complete remembrance of the "happenings" of the saga of the relationship I still have with Dave since 1993.

After you read it, and if you think you can have a case to successfully sue him, wonderful. I truly don't want to sue. It would be better for Dave to face up to it on his own (grow up),...but my life is at the edge of the abyss.

Anyway, if you do think we can do it....my handwriting would ensure that anything you initially send, would reach Dave's and Kelsey's hands for their reading. Their lawyers might never let them see it.

Also, I've enclosed a letter to Kelsey that I think might be smart to send along. It is written like all my other letters. Actually, Kelsey & I shared a lot. (without in-depth info here).

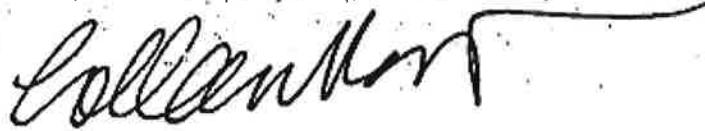
Regis is owned by Dave, and I don't think Dave would offer him any money to lie about the relationship. But I do think he could, with a phone conversation, nix it. Regis has a "soft spot" for me...but is loyal to Dave.

Kelsey will do nothing that would cause trouble with the management of NBC, but...NBC strongly dis-likes Dave. In fact, Dave has many enemys. He once thought Kelsey was HIS friend, and I wrote him, "no, Kelsey is not your friend, but you CAN say, that, he is not your enemy."

Thank you for reading all this.

I'll call you in a couple of days after you receive it.

Sincerely yours,



This explanation to my recent bankruptcy is rather lengthy, reson being, it is a story 10 years in the making, and it is, even though for most, highly believable, it is ENTIRELY TRUE. It began the end of August, 1993.

It involves primarily, David Letterman as the root cause to my bankruptcy, but also involves Regis Philbin, Kathie Lee Gifford, and Kelsey Grammer. Reason being the latter three; they were entirely aware of the reality of me being the person Mr. Letterman wanted to marry, and at the same time, was the person, through my willingness to learn, who wanted to train^{me} via intense observation, to be his co-host on the Late Show with David Letterman. In reality, I was opening myself to years of mis-leading intentions and excuses in order for Mr. Letterman to effectually suppress, dis-arm, in order to use me as his puppet and more as this story unfolds. It involves every taped Late Show when Dave functioned as the host, at CBS, since the beginning.

To begin, to explain how Dave "operates in order to conceal, and keep private what he wants to keep private, Dave talks in a "code"....it is common in the television industry and is also how Kelsey "communicated" to me, as well as to Dave, as while in the process, using the plot of his tv show Frasier, a vehicle of total communication. I had to learn this code...as he "had me" up in the early hours, watching, of course his show, but as well, World News Now...on ABC, as well as Good Morning America, which eventually extended to The Today Show, and of course, Live, with Regis and Kathie Lee.

In the summer of 1993, I was married to Frank Nestler. We lived in the Carson Valley, Nevada, and had a small art gallery of our work. It was not your conventional marriage, for it was more like a brother-sister arrangement. He was 26 years older, and although I had a great respect for him, it was a marriage without passion. In actuality, I was very unhappy and privately wanted to divorce, but had no reason to. Plus, I tried to honor the marriage commitment. But when Dave walked out onto the stage of the Ed Sullivan Theatre for the first time under his new CBS contract, something happened inside me. My entire being "alit" so to say. It was as if I had dis-engaged from gravity and was no longer aware of anything but his eyes and voice. Yet, even at that time in August and September, with nightly, devotional watchings, I didn't truly REALIZE what had happened to me. All I remember was saying to myself : "Well, I'm going to have to stay up and watch him." And I did, from that moment on-every Show until 1998.

That fall of '93, my heart was alive with joy. I had a home that was paid for. A husband-brother, wonderful pet birds, and most importantly, an art gallery, for which I worked totally to benefit Frank. I worked harder at that time than ever before in my life. And loved it, for, for me, work has

always been a necessity to emotional and personal happiness.

Meanwhile, while I watched the Late Show, I became more and more enchanted with Dave on a conscious level, and since I was of the philosophy that "thoughts are things", I sent supportive thoughts of love to him. (At that time, I thought he had been given a bum-rap having been fired from NBC, and personally thinking, as did many, that Jay Leno was no more than a thief in acquiring The Tonight Show.)

Dave responded to my thoughts of love, and, on his show, in code words & obvious indications through gestures and eye expressions, he asked me to come east. He even mentioned in Showtime conversation "Nevada" before I had a chance to get a letter off letting him know that, in fact, I did live in Nevada. So, I wrote to him, telling him who I was and that I was married & had an art gallery. At first, his response was: "Well, that's that then."

I continued to watch with great enthusiastic support and a sincere best wishes for each show. He asked me to write some more, and I did, explaining a little about myself and my life in Nevada. And three days before Thanksgiving '93, in code, over the TV he asked me to marry him in a 2 or 3 second spot teaser before the Show aired: "Marry me Oprah". (Oprah had become my first of many code-names.)

I was stunned. That night, on the Show, he pointed to the ring finger in his monolog, and every following night, he indicated that he didn't want to wait long for an answer. (as time passed, the code-vocabulary increased & changed, but in the beginning, things like "C" on baseball caps referred to me, and specific messages through the songs sung by his guests, were the beginnings of what became an elaborate means of communication between he and myself....between the contents of my letters, and his response.)

It took a week for me to decide, not realizing at the time that his persistent hammering was only a hint to his basic MO with everything.

I wrote a letter saying "yes", but by Jan. '94 winter had set in in the east, and I was finding it difficult to work up the nerve to go through with the divorce. Dave encouraged me. Frank had agreed to one, and was actually sympathetic to my situation. But with Dave's insistence and implication that he'd come for me on his up-coming vacation, I divorced....leaving everything to Frank except my car and immediate personal belongings...that could fit in if Dave didn't come. He went to the Caribbean instead and the first Show back, "apologized" with the song sung that night with words to the effect that he's a mouse and not a man. But with profuse love songs that followed, and insistence that he was "Mad about you" as he showed on the show in tape, I finally worked up the nerve to leave after he additionally said: "If you're

coming, come now"., for he was going to be leaving for San Francisco's week-long taping of Shows there. (I left on a Sat. am and arrived in New Jersey Tues. night. Exhausted.) My hotel room had a view of the Empire State Building, and I collapsed that night. I must say, that the night before, I had called from PA and had phoned him, and had spoken to one of his secretaries and said when I'd be arriving. On Wednesday night I was parked on 53rd beside the side door and had sent a note with "G". But nothing happened. I drove back to the hotel in Jersey not understanding the rejection. I should have known then that this man was someone who was not who he seemed to be. But I was in-love, and believed in him.

I must write at this point in time, that he had implied happily, that we would have a private life, and would immediately work on bringing in a new born, to which I had agreed-I was 46 at the time and quite capable--being very healthy, wirey and willing.

I lived in that New Jersey hotel for a little over 2 weeks, waiting, and then finally, I called a friend in nearby Englewood, and ended up staying there for nearly six weeks. (Dave even did a skit about "his home" by making it the mess as was the home of my friend.).

At this point, I must say, that while I was in Nevada, he wanted me to watch "Good Morning America"..., but with the time difference, it wasn't live in Nevada...I didn't. As well, I didn't like the show either. He also wanted me to watch "Live, with Regis and Kathie Lee" for which I loathed.. it was exbassting to watch for me. So, I didn't, early on.. But Dave hammers and hammers until he gets his way.

Meanwhile, I watched and waited. Taping his shows so that I could "review" them to be sure of what he was telling me. (I had bought one of those 13" TV's with a VCR built in....

During that time, as usual, I wrote to Dave. He "apologized" for not "starting with me" (in code of course), but after a series of mis-haps, I had to move to Brooklyn where I stayed in the 4 level building owned by a friend of another friend of mine from years before. Carl. For free. They were very kind. Carl became aware of this strange relationship with Dave. For some reason, he understood and believed that the way it was being conducted was only temporary, as I had believed. Songs on the show like "just a heart-beat away"..., kept my spirits high along with other unmistakable indications that Dave "spoke to me" with...communications that are a taped part of his Show. Every night...every night-ever since. Our honeymoon was to have been in the Caribbean for the two-long week's vacation that he took in August. I had moved to Brooklyn the first of July, and had thought the

stay there would be short. Well, even though Dave had said to put a light in the window, he didn't come, but went to the Caribbean without me.

Be that fall '94, my situation regarding money was becoming tight, so I called Frank and asked him advice. He said he had friends in Maine where I could stay (while Dave decided when he would actually begin with me... he admitted that his family was giving him trouble...and all this is documented on tape on his Show). So, I packed what little I had and drove north, arriving Camden that afternoon around 3 PM. (I had told Frank's friends that if I could stay with them, not knowing how long...for I explained the deal regarding Dave...I would find work temporarily). Well, Franks' friends were anything but, and I ended up living in a motel for about 2 weeks. I was frantic. So, I started driving around to find a place to rent and found a vacant house for sale. I phoned Frank, and in summary, he quite willingly decided to sell the house in Nevada, and move here. This house in Maine had two separate living areas-complete...and he said he'd live downstairs, while I "waited for Dave to come get me." I breathed a sigh of relief, still believing that Dave would come soon, and that Frank would be in a place where he had some old friends. For some reason the art gallery that I had worked hard on for Frank, didn't really mean that much to him. By this time, I had begun to watch "Good Morning America" and "Live, with Regis and Kathie Lee" on a regular basis, and found it exhausting....as well, as even tho while in Brooklyn, Dave and I had discussed me being at the office with him and...answering his fan mail, he was communicating to me that he wanted me to be his co-host, and hence, why all the talk show intensities. And also, that he wanted twins. But, I had had a dream about a baby son that would have been ours, and I wrote him about it and described the child to him. (This is not uncommon. Many women have premonitions or dreams where they either actually see or talk to their as yet, unborn child.)

Well, as time passed, Dave seemed to use every excuse to post-pone our "alliance"....even tho he "said"..."I swear we'll start."

My "training" became more intense, for he wanted me to start watching the 11PM news before his Show, and then in addition to that, World News Now in the very early hours of the morning. Dave essentially, doesn't sleep. And I soon found that to survive, I had to sleep when he was in transit from work to home at night 7-11PM, and 1-3 AM, and getting much less sleep than physical body has always required...7min to 8 hours every night. The beginnings of "sleep-deprivation" had begun. By the time Tom Snyder had his show on after the Late Show, a few years hence, Dave said: "This might not be your cup of tea". It wasn't. But I still TRIED.

Well, Lord knows I tried with every fiber of me to do what he wanted...after all, I loved him...even tho he flirted with every "babe" on his show, using my devoted attention to acquire a brief courage to do so. The times he "broke my heart" are beyond counting, and after so many years, by 1998, I wrote to him that I simply was not going to co-host his Show.

In the process of years..he called himself a "rat-bastard" and would behave like a school boy as far as "showing" a guilt about it. But still, even though he "swore" he was coming...he didn't.

The number of letters, well the Post Office could attest to it...as well as even Dave.....he did a skit on it like a water-fall of letters dumped from a box and making reference to me that I was "a little girl". Little girls are prone to honesty and purity, and one of the better descriptions he made of me was "angel".

In the meantime, sometime in 1996, I had begun to watch "Frasier"...and to my surprise, -found more extenuating code messages going on....Dave had involved Kelsey Grammer, and even Kelsey admitted to being the go-between for Dave and myself....well, I think it was the fall of 1999 when I began to write to Kelsey, for I was actually reaching out for a friend and felt that he, along with Regis, was a sympathetic to the relationship between myself & Dave. Turned out, Kelsey did everything in his power to dissuade me from marrying Dave. While Regis, completely supported the alliance. With Kelsey, entire Frasier plots were "dedicated" to communicating the futility of such an alliance, with his primary argument: "you have nothing in common with each other." He was completely right. So, by 1998, I stopped watching the Late Show with David Letterman, and only watched Frasier, which had become the "relay station". And, unbelievably, Kelsey began his own communication with me...for my letters became with him a response & an excuse to the plot-lines of Frasier...in whole or in part.

In that same year, I also stopped watching the other programs Dave had "prescribed". But it was too late, the bond between he and I was as tight as opening a window and letting the outside air mingle with the air inside.

I must mention at this time, in the beginning, Dave had a strong crush on Kathie Lee, and she knew it--hence, the "Oprah-Umma" skit Dave did when he hosted the Academy Awards in 1995. Kathie Lee was a competitive ruthless person as she tried to "hold on to Dave" for she, as well, had a drastic crush on Dave (and her husband Frank Gifford knew it), and one time, on the show with Regis in the am, she said directly into the camera to Dave: "I'll divorce Frank". But Dave didn't want her children, and later she even made mention of it: "Oh WHY did I have to have children" To which Regis and I simultaneously gasped as we looked at her in total amazement. Any tapes of

Kathie Lee, whether on the "Live.." show, or as a guest on the Late Show, clearly reveal how her heart felt for Dave.

It was when Dave had his bi-pass heart surgery in 2000 that my absence of any kind of feeling for it...I no longer loved him. I wrote him so. And wanted to end the relationship. But he didn't believe me. But Dave had it in his bonnet that I was going to be his co-host and nothing would stop him until that happened. Along with a list of demands he had made of me. All of which I had written I simply was not going to do.

I should mention at this time, that, from the very beginning, Dave wanted me to "burn all bridges"-no contact with any friends, and nearly completely isolating me. Stupidly, I did...trusting that HE would be my full-hearted friend and more. By 1998, my desperation for a friend was evident, for Dave never once "was there" for me...and that is when I turned my attention to Kelsey. I began writing him, in the fall of 1999.

When Dave asked me to burn all bridges, that also meant, to give away my personal belongings. And I did. What things that Frank brought from Nevada and didn't want, I gave to a lady in Bucksport...she said it was like Christmas. Only my paintings, for which I had to sell in the summer of '03 out of desperation for money, in a yard sale, for 20 percent of what they were worth. Dave didn't even want me to have anything that could remind me of the love of various people in my life prior to him.

I could go on and on....for these pages only touch the surface of this story.. But EVERY TAPE OF DAVE's SHOW AT CBS, PLUS EVERY FRASIER (FRASIER, INTENSELY SINCE 1999) CAN PROVE A RESPONSE TO MY LETTERS TO THEM. THEIR SHOWS ARE PRE-WRITTEN, PROGRAMMED AND COMPLETELY PLANNED.. Regis, is completely spontaneous, except for the cue cards of introductions, etc.

I also have xerox copies of MANY of the letters to Kelsey, as well as to Regis, and, the last year and a half, to Dave's secretary...for I didn't want to give Dave a chance to lie to her.

*and/or
a communication
to me.*