

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

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JAN

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]

I don't have his home address. → work 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 CRUELTY, SLEEP DEPRIVATION, May 1994 - N.J., JULY 1994 - NOV '94 - BROOKLYN, NOV '94 - 2005 - CAMDEN, NJ. MOST INTENSELY - from 2000 - 2005 - TO PRESENT ADDRESSES
[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 ~~will~~ ^{have} suffer irreparable harm.

PLAINTIFF REQUESTS THE COURT TO ISSUE THE FOLLOWING ORDERS:

- A. 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.

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:
Colleen Nestler
Signature of Plaintiff

<u>COLLEEN NESTLER</u>	Print Name
<u>323 1/2 STAAB ST.</u>	Address
<u>SANTA FE NM 87501</u>	City/State/Zip
Telephone: <u>505-982-1402</u>	

STATE OF NEW MEXICO) ss.
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: Colleen Nestler

SUBSCRIBED AND SWORN TO before me this date: 12-15-05

My Commission Expires: 11-02-06

Janette August
NOTARY PUBLIC

1248-03

Dear Mr. Fuller,

The enclosed is, a highly in-complete remembrance of the "happenings" of the sage 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 dislikes Dave. In fact, Dave has many enemies. 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,

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This explanation to my recent bankruptcy is rather lengthy, reason being, it is a story 10 years in the making, and it is, even though for most, highly unbelievable, 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 "altered" 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 made 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 it. Dave didn't come. He went to the Carribean instead and the first Show back, "apologized" with the song sung that night with words to the effect that he was 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-
 ● g 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 "C". 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 exhassting 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 con-
 ducted 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 Carribean 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 the window, he didn't come, but went to the Carribean 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 eithe 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 "traingng" 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 Synder 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 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 ^{with} 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 2003 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, INTENSLY SINCE 9998) 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.*



The Attorneys Office P.A.

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WANDA J. PINKHAM
Non-Lawyer Office Manager

June 7, 2004

Colleen Creitz Nestler
157 Belfast Rd.
Camden, ME 04843

Re: Closing Letter

Dear Ms. Nestler:

I enjoyed working with you on your case. I am pleased that I was assigned to represent you. This letter serves two purposes. First, having completed your case, I am now closing my file on this matter. This means that I am no longer your attorney. Of course, should you need legal assistance in the future, I would be very happy to speak with you about possible representation.

I will keep your file here at the firm, but I understand that you might wish to make other arrangements for its storage. Please let me know if you would like it delivered to you at your expense or, perhaps, you could pick it up at my office. In any event, my firm or I will keep your file, if you elect to have us keep it, for five years and then dispose of it. I will make reasonable efforts to notify you when this will occur and what your options are at that time. To that end, please keep me informed of any change of address.

Once again, I am pleased to have had this opportunity to work with you and hope to do so again, should the need arise.

Thank you for your courtesy and cooperation.

Sincerely yours,

THE ATTORNEYS OFFICE, P.A.

C. Clifton Fuller, III, Esquire

"Non illegitimi carborundum est."

June 13, 2004

Dear Mr. Fuller:

Thank you for your Closing Letter.

At present I am still refusing demands, harrassment, etc. from "David" and await the time when he realizes he will have to let me go and settle. At that time, I plan on coming up to Belfast and collecting my file from you. I'm hoping it won't be too much longer - this August - but he continues to avoid the inevitable. But well before the five year time limit you wrote of, I'll be up!

I remember you said that you knew Bob Kerrey from your Vietnam days...and even though I know you probably support Bush...I've enclosed copy about John Kerry, thinkig it might be of interest. Please excuse if it is an intrusion.

In the meantime, regards to you and Wanda.

Sincerely yours,



Colleen Nestler

