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<b>DISTRICT COURT, DENVER COUNTY, COLORADO</b> 1437 Bannock St. Denver, CO 80202	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
<b>Plaintiff:</b> GERALD ROME, Securities Commissioner for the State of Colorado,  v.  <b>Defendant:</b> GARY DRAGUL, GDA REAL ESTATE SERVICES, LLC and GDA REAL ESTATE MANAGEMENT, LLC.	
<u>Attorneys for Defendants, via special appearance:</u> Jason B. Wesoky, Reg. No. 34241 Darling Milligan PC 1331 17th Street, Suite 800 Denver, CO 80202 Phone: (303) 623-9133 Fax: (303) 623-9129 E-mail: <a href="mailto:jwesoky@darlingmilligan.com">jwesoky@darlingmilligan.com</a>	Case No: <b>2018CV33011</b>  Courtroom: <b>424</b>
<b>SPECIAL APPEARANCE AND UNOPPOSED MOTION TO TEMPORARILY LIFT STAY FOR LIMITED PURPOSE</b>	

Undersigned counsel makes this special appearance to temporarily lift the stay entered in this case for the limited purpose of seeking to vacate a judgment entered in Arapahoe County District Court against Defendants Gary Dragul and GDA Real Estate Services, LLC (“GDA Res”).

Pursuant to C.R.C.P. 121 § 1-15, conferral with counsel for all parties to the litigation in this Court occurred. Messrs. Finke and Gilbert do not oppose the relief requested.

Two of the Defendants in this case are also defendants in two civil cases pending in Arapahoe County District Court before Judge Martinez: *Helms v. GDA Real Estate Services, LLC and Gary Dragul*, Case No. 2018-cv-31582 (“Helms 82”) and *Helms v. GDA Real Estate Services, LLC and Gary Dragul*, Case No. 2018-cv-31358 (“Helms 58”). Collectively, the cases are referred to as the “Helms Cases.”

Mr. Dragul was indicted by the State of Colorado on April 12, 2018 in Arapahoe County District Court Case No. 2018-cr-1092.

Helms 58 was filed on June 8, 2018. Helms 82 was filed on July 3, 2018. Undersigned counsel, on behalf of GDA Res and Mr. Dragul, answered the complaints in the Helms Cases on July 30, 2018. On August 15, 2018, this Court entered a temporary restraining order that *inter alia* froze all of Mr. Dragul's and GDA Res' assets and funds.

On August 17, 2018, the plaintiff in Helms 58 filed a motion for summary judgment seeking judgment in Helms' favor for \$556,150. Pursuant to C.R.C.P. 121, any response to that motion was due September 6, 2018.

On August 30, 2018, this Court entered the stipulated order appointing receiver on behalf of Defendants ("Stay Order"), which, *inter alia*, stayed all civil pending litigation by or against the Defendants in this case. By the terms of the Stay Order, the Helms Cases were subject to the Stay Order. Based on the terms of the Stay Order, undersigned counsel was instructed that because the Helms Cases were subject to the Stay Order, no response to the motion for summary judgment should be filed nor any other action taken in the Helms Cases.

On September 13, 2018, the court in Helms 58 granted the summary judgment motion and entered an order confirming such. On September 21, 2018, undersigned counsel attended a case management conference in Helms 58. At that conference, counsel informed the court of the Stay Order and that the Stay Order should have prevented the court from entering summary judgment. The court asked the parties to attend a status conference on November 7, 2018 and that the receiver or its counsel be present at that conference so that the Stay Order, the judgment, and related matters could be discussed.

At the November 7, 2018 status conference, the court in the Helms Cases stayed the Helms Cases pursuant to the Stay Order but did not vacate or alter the judgment in Helms 58. The court stated it was unable to do so because no motion to vacate the judgment establishing good cause had been filed. However, because the court stayed the Helms Cases, no such motion can be filed presently.

Mr. Dragul and GDA Res, accordingly, request that this Court temporarily lift the stay for the limited purpose of allowing them to file a motion to vacate the judgment in Helms 58, which they believe was entered in violation of the Stay Order and because good cause exists to vacate that judgment.

**RESPECTFULLY SUBMITTED** this 16<sup>th</sup> day of November, 2018.

**DARLING MILLIGAN PC**



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Jason B. Wesoky, Reg. No. 34241  
Attorneys for Defendant

*In accordance with C.R.C.P. Rule 121 §1-26(7), a printed copy of this document with original or scanned signatures is being maintained by the filing party and will be made available for inspection by other parties or the court upon request.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 16<sup>th</sup> day of November, 2018, a true and correct copy of the foregoing **SPECIAL APPEARANCE AND UNOPPOSED MOTION TO TEMPORARILY LIFT STAY FOR LIMITED PURPOSE** was filed with the Court via CCEF and served upon the following parties via method indicated:

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*via Email and US Mail, 1<sup>st</sup> Class*

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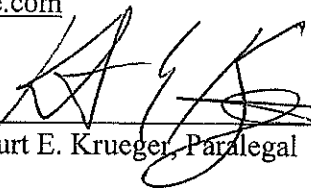
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*via Email and US Mail, 1<sup>st</sup> Class*

  
Kurt E. Krueger, Paralegal

<b>DISTRICT COURT, DENVER COUNTY, COLORADO</b> 1437 Bannock St. Denver, CO 80202	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p> Case No:  <b>2018CV33011</b>  Courtroom: 424
<b>Plaintiff:</b> GERALD ROME, Securities Commissioner for the State of Colorado,  v.  <b>Defendant:</b> GARY DRAGUL, GDA REAL ESTATE SERVICES, LLC and GDA REAL ESTATE MANAGEMENT, LLC.	
<b>Re: SPECIAL APPEARANCE AND UNOPPOSED MOTION TO TEMPORARILY LIFT STAY FOR LIMITED PURPOSE</b>	

The Court, having reviewed the file makes the following findings and orders:

The Court recognizes and permits Jason Wesoky to enter a special appearance in this matter on behalf of Gary Dragul and GDA Real Estate Services, LLC (“GDA Res”) to file the unopposed motion to temporarily lift the stay for a limited purpose.

The Court accepts the unopposed motion.

The Court finds Defendants Gary Dragul and GDA Res are defendants in Arapahoe County District Court case *Helms v. GDA Real Estate Services, LLC and Gary Dragul*, Case No. 2018-cv-31358 (“Helms 58”).

The Court finds that the judgment entered in Helms 58 was entered while the stay in this case was in effect and that Defendants Gary Dragul and GDA Res’ response to the motion for summary judgment was due while the stay in this case was in effect. The Court further finds that the stay precluded Defendants Gary Dragul and GDA Res from taking action in Helms 58, such as responding to the motion for summary judgment.

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The Court finds that Defendants Gary Dragul and GDA Res have shown good cause to temporarily lift the stay this Court imposed on August 15, 2018 and as extended and amended by this Court's August 30, 2018 order appointing the receiver for the limited purpose of seeking to vacate the judgment entered in Helms 58.

The Court orders the stay lifted for the limited purpose to enable Gary Dragul and GDA Res to file a motion in Helms 58 seeking to vacate the judgment entered in that case.

**ENTERED** this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
District Court Judge



Darling  
Milligan  
PC

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