

DISTRICT COURT, DENVER COUNTY, COLORADO	
Court Address: 1437 Bannock Street, Rm 256, Denver, CO, 80202	
Plaintiff(s) GERALD ROME SECURITIES COM FOR THE ST OF	DATE FILED: November 29, 2018 11:03 AM CASE NUMBER: 2018CV33011
v.	
Defendant(s) GARY DRAGUL et al.	
⚠ COURT USE ONLY ⚠	
Case Number: 2018CV33011 Division: 424 Courtroom:	
Order: Receiver's Second Unopposed Motion for Extension of Time to Respond to MLMT's Motion for Relief from Stipulated Order Appointing Receiver	

The motion/proposed order attached hereto: GRANTED.

Issue Date: 11/29/2018



MARTIN FOSTER EGELHOFF
District Court Judge

<p>DISTRICT COURT, DENVER COUNTY, STATE OF COLORADO Denver District Court 1437 Bannock St. Denver, CO 80202</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Plaintiff: Gerald Rome, Securities Commissioner for the State of Colorado</p> <p>v.</p> <p>Defendants: Gary Dragul, GDA Real Estate Services, LLC, and GDA Real Estate Management, LLC</p>	
<p>Attorneys for Receiver:</p> <p>Patrick D. Vellone, #15284 Michael T. Gilbert, #15009 Rachel A. Sternlieb, #51404 ALLEN VELLONE WOLF HELFRICH & FACTOR P.C. 1600 Stout St., Suite 1100 Denver, Colorado 80202 Phone Number: (303) 534-4499 pvellone@allen-vellone.com mgilbert@allen-vellone.com rsternlieb@allen-vellone.com</p>	<p>Case Number: 2018CV33011</p> <p>Division/Courtroom: 424</p>
<p style="text-align: center;">RECEIVER’S SECOND UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO MLMT’S MOTION FOR RELIEF FROM STIPULATED ORDER APPOINTING RECEIVER</p>	

Harvey Sender, the duly-appointed receiver (“Receiver”) for Gary Dragul (“Dragul”), GDA Real Estate Services, LLC, GDA Real Estate Management, LLC, and related entities (collectively, “Dragul and the GDA Entities”), hereby requests a second extension of time in which to respond to the Motion for Relief from Stipulated

Order Appointing Receiver filed by MLMT 2005-LC1 Yale Retail, LLC (“MLMT Motion”).

Certification Pursuant to C.R.C.P. Rule 121, § 1-15(8):

Counsel for the Receiver has conferred with counsel for MLMT 2005-LC1 Yale Retail, LLC (“Lender”) and the Lender consents to the requested extension.

MOTION

1. This Court’s August 30, 2018, Stipulated Order Appointing Receiver (“Receivership Order”) enjoins all actions in equity or at law against the Receiver, Dragul, the GDA Entities, or the Receivership Estate, absent an order from this Court. Receivership Order ¶ 26, at 18.

2. Lender extended a \$4.4 million commercial loan (the “MLMT Loan”) to a Dragul-related entity, YM Retail 07 A, LLC (“YM Retail”), secured by two parcels of real property located at Yale and Monaco in Denver, Colorado, 6460 East Yale Avenue, Units E and G, (the “Property”).

3. The Property has been under the control and oversight of a receiver, Brian Baker, who was appointed in October 2013 by another division of the Denver District Court upon YM Retail’s default on the MLMT Loan.

4. On October 24, 2018, Lender the MLMT Motion seeking (a) an order excluding the Property and rents from the Receivership Order; (b) lifting the stay imposed by the Receivership Order, (c) allowing Lender to commence, continue and

complete foreclosure proceedings, and (d) deferring the oversight and control of the Property to Mr. Baker.

5. Under C.R.C.P. 121, § 1-15(1)(b), the Receiver's response to MLMT's Motion was originally due by November 14, 2018. On November 7th, the Court granted the Receiver's first unopposed motion for an extension to respond to MLMT's through November 28, 2018.

6. Contemporaneously with the filing of this motion, the Receiver is filing his Motion to Abandon Property (YM Retail 07 A, LLC And Safeway Marketplace Manager 07, Inc.) ("Motion to Abandon"). Pursuant to paragraph 34 of the Receivership Order, objections to that motion are due by Friday, December 7, 2018.

7. If the Motion to Abandon is granted, it will moot the relief sought in MLMT's Motion. Accordingly, Lender has agreed to extend the Receiver's time to respond to the MLMT Motion until after the Court rules on the Motion to Abandon. If the Court grants the Motion to Abandon, Lender has agreed to withdraw the MLMT Motion. If the Motion to Abandon were to be denied, MLMT has agreed to extend the Receiver's time to respond to the MLMT Motion for 14 days from the date of denial.

8. The requested extension is likely to reduce the issues to be decided by this Court, reduce expenses to the Estate and MLMT, and will not prejudice any party in interest or unnecessarily delay proceedings.

WHEREFORE, the Receiver asks the Court to enter an Order extending the Receiver's time to respond to the MLMT Motion until 14 days after the Court rules on the Motion to Abandon.

Dated: November 28, 2018.

ALLEN VELLONE WOLF HELFRICH & FACTOR P.C.

Rachel A. Sternlieb

By: s/ Rachel A. Sternlieb

Patrick D. Vellone, #15284

Michael T. Gilbert, #15009

Rachel A. Sternlieb, #51404

ATTORNEYS FOR THE RECEIVER

Attachment to Order 18CV00033-1

CERTIFICATE OF SERVICE

I hereby certify that on the November 28, 2018, a true and correct copy of **The Receiver's Unopposed Motion for Extension of Time to Respond to MLMT's Motion for Relief from Stipulated Order Appointing Receiver** was filed and served via the Colorado Courts E-Filing system to the following:

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