

DISTRICT COURT, DENVER COUNTY, STATE OF COLORADO Denver District Court 1437 Bannock St. Denver, CO 80202	DATE FILED: December 17, 2018 11:49 AM FILING ID: 1134CFE65131A CASE NUMBER: 2018CV33011
<p><b>Plaintiff:</b> CHRIS MYKLEBUST Securities Exchange Commissioner for the State of Colorado</p> <p>v.</p> <p><b>Defendants:</b> GARY DRAGUL, GDA REAL ESTATE SERVICES, LLC, and GDA REAL ESTATE MANAGEMENT, LLC</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Attorneys for Receiver:</p> <p>Patrick D. Vellone, #15284          Michael T. Gilbert, #15009          Rachel A. Sternlieb, #51404          ALLEN VELLONE WOLF HELFRICH &amp; 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><b>RECEIVER’S NOTICE CONCERNING EMPLOYMENT OF FROST BROWN TODD, LLC</b></p>	

Harvey Sender, the duly-appointed Receiver in this case, hereby gives notice that he has employed Scott D. Phillips of the law firm, Frost Brown Todd, LLC, as local counsel in Ohio to represent him in matters concerning property of the receivership that is located in Ohio.

1. On August 15, 2018, Gerald Rome, former Securities Commissioner for the State of Colorado (the “Commissioner”), filed his Complaint for Injunctive and Other Relief against Gary Dragul, GDA Real Estate Services, LLC, and GDA Real Estate Management, LLC (collectively, “Dragul and the DGA Entities”).

2. On August 30, 2018, the Court entered its Order Appointing Receiver (“Receivership Order”) which appointed Harvey Sender of Sender & Smiley LLC as receiver for Dragul and the DGA Entities, as well as for their respective properties and assets, and interests and management rights in related affiliated and subsidiary businesses (the “Receivership Estate” or the “Estate”). Receivership Order at p. 2, ¶ 5.

3. The Receivership Order gives the Receiver the authority to “hire and pay general counsel, accounting, and other professionals as may be reasonably necessary to the proper discharge of the Receiver’s duties, and to hire, pay and discharge the personnel necessary to fulfill the obligations of the Receiver hereunder, including the retention of . . . other third parties to assist the Receiver in the performance of its duties hereunder, all within the Receiver’s discretion[.]” Receivership Order at p. 9, ¶ 13(1).

4. The Receiver has retained Scott D. Phillips of the law firm, Frost Brown Todd, LLC, 9277 Centre Pointe Drive, Suite 300, West Chester, OH 45069, Tel: 513.870.8200, as local counsel in Ohio to assist him in administering Receivership Estate assets located in Ohio, namely the Prospect Square, a shopping center located in Cincinnati, Ohio. Mr. Phillips has been retained to advise the Receiver on Ohio law, procedure, and in litigating a foreclosure action filed by US. Real Estate Credit Holdings III, LP seeking to foreclose on assets of the Receivership Estate.

Dated: December 17, 2018.

ALLEN VELLONE WOLF HELFRICH & FACTOR P.C.

By: s/ Michael T. Gilbert  
Patrick D. Vellone, Reg. No. 15284  
Michael T. Gilbert, Reg. No. 15009  
Rachel A. Sternlieb, Reg. No. 51404

ATTORNEYS FOR THE RECEIVER, HARVEY SENDER

**CERTIFICATE OF SERVICE**

I certify that on December 17, 2018, a true and correct copy of **Receiver's Notice Concerning Employment of Frost Brown Todd, LLC** was filed and served via the Colorado Courts E-Filing system to the following:

Robert Finke, Esq.  
Sueanna P. Johnson, Esq.  
Matthew J. Bouillon Mascarenas  
Attorney General  
Ralph L. Carr Judicial Building  
1300 Broadway, 8<sup>th</sup> Floor  
Financial and Health Services Unit  
Denver, CO 80203

**ATTORNEYS FOR PLAINTIFF, CHRIS  
MYKLEBUST, SECURITIES COMMISSIONER FOR  
THE STATE OF COLORADO**

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Denver, CO 80202

**ATTORNEYS FOR DEFENDANTS, GARY  
DRAGUL, GDA REAL ESTATE SERVICES,  
LLC AND GDA REAL ESTATE  
MANAGEMENT, LLC**

*s/ Terri M. Novoa* \_\_\_\_\_

*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.*