

District Court, County of Denver, State of Colorado
1437 Bannock Street, Room 256
Denver, Colorado 80202
Telephone: (720) 865-7800

GERALD ROME, Securities Commissioner for the State
of Colorado,

Plaintiff,

v.

GARY DRAGUL; GDA REAL ESTATE SERVICES,
LLC; and GDA REAL ESTATE MANAGEMENT, LLC,

Defendants

John O'Brien (#15183)
Spencer Fane LLP
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Attorney for the Rosenbaum Family

▲ COURT USE ONLY ▲

Case Number: 2018CV33011

Ctrm: 424

MOTION TO VACATE ORDER GRANTING MOTION TO INTERVENE

Martin Rosenbaum, Melissa Rosenbaum, Adam Rosenbaum, Leora Rosenbaum, and Aaron Steinberg (collectively, the "Rosenbaum Family") by and through their attorneys, John O'Brien and Spencer Fane LLP, for their Motion to Vacate Order Granting Motion To Intervene state as follows:

1. On January 10, 2019, the court granted the Rosenbaum Family's unopposed motion to intervene. When it was filed the Rosenbaum Family thought it was unopposed. However it is now apparent that it is opposed by the Plaintiff.

2. The Rosenbaum family is a substantial creditor of the receivership, and has a significant interest a transparent, efficient and smooth receivership maximizing return to receivership creditors.

3. The Receiver is unopposed to the concept of keeping creditors informed, and the Rosenbaum Family's December 31, 2018 Entry of Appearance was unopposed. Unfortunately the December 31, 2018 Entry of Appearance was insufficient to docket the Rosenbaum Family's counsel in a manner to receive electronic copies of court filings.

4. The Rosenbaum Family's counsel was informed that a motion to intervene was needed to log the Rosenbaum family's counsel into electronic notification system. So the motion to intervene was filed for the purposes of e-filing the Entry of Appearance previously filed on December 31, 2018. The motion seemed straightforward, and typical for a receivership proceeding accountable to creditors.

5. However, the Plaintiff has objected to the intervention. The Plaintiff does not oppose the fundamental right of the Rosenbaum Family to participate in motions practice on motions that affect their interests. As of the date of this filing the Rosenbaum Family has not deemed it necessary to make any filings except the filing needed to receive electronic notification of pleadings.

6. The receiver's counsel has agreed to serve its filings upon counsel for the Rosenbaum Family to minimize the chance of filings without due notice to the Rosenbaum Family's counsel.

7. To avoid motions practice and an intervention controversy which at this juncture is not necessary, and the Rosenbaum Family moves the court to vacate the Order Granting

Intervention without prejudice of the Rosenbaum Family's right to participate in motions practice on matters that affect their interest as a substantial creditor of the receivership.

WHEREFORE, the Rosenbaum Family respectfully requests the Court to enter its order granting the Motion to Vacate Order Granting Motion To Intervene.

Dated this 11th day of January, 2019.

Respectfully submitted,

SPENCER FANE LLP

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CERTIFICATE OF SERVICE

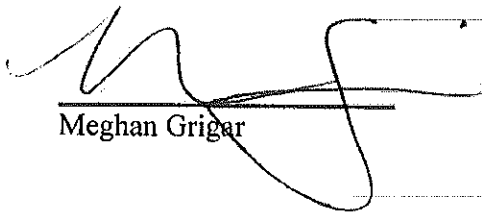
I hereby certify that on January 11, 2019 a copy of the foregoing **MOTION TO VACATE ORDER GRANTING MOTION TO INTERVENE** was served via U.S. Mail first class postage prepaid on the following:

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<p>District Court, County of Denver, State of Colorado 1437 Bannock Street, Room 256 Denver, Colorado 80202 Telephone: (720) 865-7800</p> <hr/> <p>GERALD ROME, Securities Commissioner for the State of Colorado,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>GARY DRAGUL; GDA REAL ESTATE SERVICES, LLC; and GDA REAL ESTATE MANAGEMENT, LLC,</p> <p style="text-align: center;">Defendants</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number: 2018CV33011</p> <p>Ctrm: 424</p>
<p>ORDER GRANTING MOTION TO VACATE ORDER GRANTING MOTION TO INTERVENE</p>	

This matter is before the Court on the Rosenbaum Family's Motion to Vacate Order Granting Motion To Intervene. The Court has reviewed the Motion. The Court, being duly advised, hereby orders that the relief sought by the Order Granting Motion to Vacate Order Granting Motion To Intervene should be granted as follows:

IT IS ORDERED that the Motion is GRANTED;

IT IS FURTHER ORDERED that the Court's Intervention Order is vacated without prejudice.

Dated: _____, 2019

District Court Judge



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JAN 14 2019

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