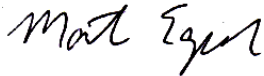


DISTRICT COURT, DENVER COUNTY, COLORADO	
Court Address: 1437 Bannock Street, Rm 256, Denver, CO, 80202	
Plaintiff(s) GERALD ROME SECURITIES COM FOR THE ST OF et al. v. Defendant(s) GARY DRAGUL et al.	DATE FILED: January 15, 2019 5:11 PM CASE NUMBER: 2018CV33011 <p style="text-align: center;">△ COURT USE ONLY △</p> Case Number: 2018CV33011 Division: 424 Courtroom:
Order: MOTION TO VACATE ORDER GRANTING MOTION TO INTERVENE (FILED ON BEHALF OF MARTIN ROSENBAUM, MELISSA ROSENBAUM, ADAM ROSENBAUM, LEORA ROSENBAUM AND AARON STEINBERG)	

The motion/proposed order attached hereto: GRANTED.

Issue Date: 1/15/2019



MARTIN FOSTER EGELHOFF
District Court Judge

FILED IN DENVER
DISTRICT COURT
DENVER, COLORADO

19 JAN 14 AM 10:53

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)
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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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Attorney for the Rosenbaum Family

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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Meghan Grigar