

<b>DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO</b> 1437 Bannock Street Denver, CO 80202	
<b>Plaintiff:</b> CHRIS MYKLEBUST SECURITIES COMMISSIONER FOR THE STATE OF COLORADO, v. <b>Defendants:</b> GARY DRAGUL, et al.	<b>▲ COURT USE ONLY ▲</b> Case No: 2018CV033011
<i>Attorney for Non-Party Hagshama:</i> Kenneth F. Rossman, IV, No. 29249 LEWIS ROCA ROTHGERBER CHRISTIE LLP 1200 17th Street, Suite 3000 Denver, CO 80202-5835 303.623.9000 <a href="mailto:krossman@lrrc.com">krossman@lrrc.com</a>	Courtroom: 424
<p style="text-align: center;"><b>HAGSHAMA’S UNOPPOSED MOTION TO FILE SURREPLY IN SUPPORT OF OBJECTION TO RECEIVER’S MOTION FOR ORDER AUTHORIZING SALE OF HICKORY CORNERS</b></p>	

Hagshama Hickory NC, LLC and CoFund 6, LLC (jointly “Hagshama”) move for leave to file a Surreply in Support of Hagshama’s Objection to Receiver’s Motion for Order Authorizing Sale of Hickory Corners. The Receiver does not object to the filing of the Surreply.

1. On or about February 8, 2019, the Receiver filed his Motion for Order Authorizing Sale of Hickory Corners. Hagshama timely responded on February 19, 2019, with its Objection to Receiver’s Motion for Order Authorizing Sale of Hickory Corners.

2. On March 8, 2019, the Receiver filed his Reply in Support of Hickory Corners Sale Motion and In Response to Hagshama’s Objection. The Reply is 15 pages, exceeding the limit prescribed under C.R.C.P. 121, Section 1-15(1) by 5 pages. More importantly, the Reply

contains a lengthy discussion of new factual material and legal arguments regarding the Receiver's purported authority to conduct the sale of Hickory Corners.

3. Hagshama has prepared a brief surreply, attached as Exhibit A. The surreply addresses the following: the Receiver's approach is inconsistent with Colorado receivership law, *People v. District Court of First Judicial Dist.*, 74 Colo. 58 (1923), and North Carolina property law, *LDDC, Inc. v. Pressley*, 322 S.E. 2d 416 (N.C. 1984), and equity cannot trump the law, contrary to the Receiver's new argument in his Reply.

4. C.R.C.P. 121, Section 1-15 does not address the circumstances under which a surreply may be filed. Here, leave should be granted in order to afford Hagshama a full and fair opportunity to respond to the Receiver's arguments and ensure that the Court has complete access to applicable case law.

WHEREFORE, Hagshama respectfully requests that the Court enter its Order authorizing the filing of its Surreply and for such other and further relief as is appropriate.

Respectfully submitted this 14th day of March, 2019.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

*s/Kenneth F. Rossman, IV*

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Kenneth F. Rossman, IV, No. 29249

*Attorney for Hagshama*

## CERTIFICATE OF SERVICE

I certify that on the March 14, 2019, the foregoing was served electronically by the Colorado Court's E-filing service, which caused electronic notice to be served on:

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