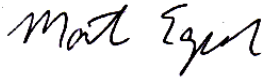


DISTRICT COURT, DENVER COUNTY, COLORADO	
Court Address: 1437 Bannock Street, Rm 256, Denver, CO, 80202	
Plaintiff(s) HARVEY SENDER et al.	DATE FILED: October 22, 2019 2:32 PM
v.	CASE NUMBER: 2019CV33374
Defendant(s) RUSSELL BECKER et al.	
	△ COURT USE ONLY △
	Case Number: 2019CV33374
	Division: 424 Courtroom:
Order: MOTION FOR ENTRY OF DEFAULT AGAINST DEFENDANT KEN STOLTZFUS	

The motion/proposed order attached hereto: DENIED.

Plaintiff's motion is non-compliant with C.R.C.P. 5(a) and 121 1(b). There is no certificate of mailing addressing service on defendant Ken Stoltzfus.

Issue Date: 10/22/2019



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>Plaintiff: Harvey Sender, as Receiver for Gary Dragul, GDA Real Estate Services, LLC, and GDA Real Estate Management, LLC.</p> <p>v.</p> <p>Defendants: Russell Becker, Joseph J. Pierce, and Ken Stoltzfus.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Attorneys for Receiver:</p> <p>Michael T. Gilbert, #15009 Patrick D. Vellone, #15284 Jeremy T. Jonsen, #48859 Rachel A. Sternlieb, #51404 ALLEN VELLONE WOLF HELFRICH & FACTOR P.C. 1600 Stout St., Suite 1100 Denver, Colorado 80202 Phone Number: (303) 534-4499 mgilbert@allen-vellone.com pvellone@allen-vellone.com jjonsen@allen-vellone.com rsternlieb@allen-vellone.com</p>	<p>Case Number: 19CV33374</p> <p>Division/Courtroom: 269</p>
<p>MOTION FOR ENTRY OF DEFAULT AGAINST DEFENDANT KEN STOLTZFUS</p>	

Plaintiff, Harvey Sender, solely in his capacity as Receiver for Gary Dragul, GDA Real Estate Services, LLC, and GDA Real Estate Management, LLC (the “Receiver”), pursuant to C.R.C.P. 55(a), asks the Clerk to enter default against Defendant Ken Stoltzfus (“Defendant”).

I. Certificate regarding conferral pursuant to C.R.C.P. 121, § 1-15(8):

Defendant has been served with the summons and complaint but has not contacted counsel for the Receiver, entered an appearance, or filed a responsive pleading. Accordingly, no conferral is required.

II. Request for entry of default

1. The Receiver filed his Complaint against Defendant, among others, on August 30, 2019.

2. Defendant was served with the Complaint in Pennsylvania on September 11, 2019. *See* Affidavit of Service filed with the Court on September 19, 2019.

3. Pursuant to C.R.C.P. 12(a)(2), Defendant was required to respond to the Complaint within 35 days, by October 16, 2019. To date, Defendant has not contacted the Receiver to request an extension to respond to the Complaint, filed a responsive pleading, or otherwise defended.

4. C.R.C.P. 55(a) provides that, “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter his default.”

5. Because Defendant was properly served and has failed to timely file a responsive pleading, default should enter.

WHEREFORE, the Receiver requests that the Clerk enter default against Defendant Ken Stoltzfus.

Dated: October 21, 2019

ALLEN VELLONE WOLF HELFRICH & FACTOR P.C.


By: /s/ *Jeremy T. Jonsen*

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ATTORNEYS FOR THE PLAINTIFF, AS RECEIVER

CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2019, I served a true and correct copy of the foregoing on the Colorado Courts E-Filing system, where no parties or counsel have yet entered an appearance in this case.


s/ Lisa A. Vos

Allen Vellone Wolf Helfrich & Factor P.C.

Attachment to Order - 2019CV33374