

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:19-CV-02875-WJM

HARVEY SENDER, as Receiver for Gary Dragul, GDA Real Estate Services, LLC,
and GDA Real Estate Management, LLC.

Plaintiff

v.

BANK OF AMERICA, N.A., AMERICAN EXPRESS COMPANY, and DISCOVER
BANK.

Defendants

**STIPULATED NOTICE OF SETTLEMENT AND REQUEST TO HOLD ALL
DEADLINES IN ABEYANCE**

Plaintiff, Harvey Sender, in his capacity as Receiver for Gary Dragul, GDA Real Estate Services, LLC, and GDA Real Estate Management, LLC (“Plaintiff”), and Defendants Bank of America, American Express Company, and Discover Bank (“Defendants”) (collectively, the “Parties”), notify the Court that they have reached settlements in principle and ask the Court to hold all deadlines in this case in abeyance.

1. Plaintiff filed his Complaint against Defendants on August 30, 2019, in Denver County District Court.
2. Defendants removed the case to this Court on October 8, 2019.
3. The Parties have agreed in principle to settlements that resolve the claims in this case and are in the process of finalizing written agreements. The settlements are

contingent on Court approval in the Receivership Action in which Plaintiff was appointed, *Cheval v. Dragul*, Case No. 2018cv33011, Denver County District Court (the “Receivership Action”). Plaintiff anticipates filing a motion to obtain approval within the next two weeks. Pursuant to the order appointing the Receiver in the Receivership Action, objections to motions filed by the Receiver are due within ten days. Absent objection, the Receiver anticipates that orders approving the settlements with the Defendants are likely to be entered within the next 45 to 60 days. Upon approval of the settlements, the Parties will file a stipulation to dismiss this case with prejudice.

4. Until then, the Parties ask the Court to enter an order holding the case and all deadlines in abeyance. Initial disclosures and a proposed scheduling order are due on December 9, 2019, and a scheduling conference is set for December 16, 2019. Holding the case in abeyance for the next 60 days will conserve the resources of the Parties and the Court.

5. If for any reason the settlements are not approved by the Receivership Court, or the Parties are unable to file a stipulation for dismissal by February 2, 2020, Plaintiff will file a status report with the Court.

WHEREFORE, the Parties respectfully ask the Court to enter an order providing that all deadlines are held in abeyance pending the filing of a notice of dismissal or a status report and further order of the Court.

DATED this 4th day of December 2019.



s/ Michael T. Gilbert

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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of December 2019, I electronically filed the foregoing **NOTICE OF SETTLEMENT AND REQUEST TO HOLD ALL DEADLINES IN ABEYANCE** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

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s/ Lisa A. Vos _____
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**[PROPOSED] ORDER GRANTING STIPULATED NOTICE OF SETTLEMENT
AND REQUEST TO HOLD ALL DEADLINES IN ABEYANCE**

The Court, having reviewed the Stipulated Notice of Settlement and Request to Hold
all Deadlines in Abeyance, and being fully advised in the premises, hereby ORDERS:

All deadlines in this matter will be held in abeyance pending the filing of a notice of
dismissal, status report or further Order of the Court.

Date: _____

BY THE COURT:

United States District Court Judge