

<p>DISTRICT COURT, DENVER COUNTY, STATE OF COLORADO Denver District Court 1437 Bannock St. Denver, CO 80202 720.865.8612</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Plaintiff: David S. Cheval, Acting Securities Commissioner for the State of Colorado</p> <p>v.</p> <p>Defendants: Gary Dragul; GDA Real Estate Services, LLC; and GDA Real Estate Management, LLC</p>	
<p>Attorneys for Receiver: Patrick D. Vellone, #15284 Michael T. Gilbert, #15009 Rachel A. Sternlieb, #51404 ALLEN VELLONE WOLF HELFRICH & FACTOR P.C. 1600 Stout St., Suite 1100 Denver, Colorado 80202 Phone Number: (303) 534-4499 E-mail: pvellone@allen-vellone.com E-mail: mgilbert@allen-vellone.com E-mail: rsternlieb@allen-vellone.com</p>	<p>Case Number: 2018CV33011</p> <p>Division/Courtroom: 424</p>
<p>RECEIVER’S MOTION FOR ALLOWANCE OF ADMINISTRATIVE EXPENSE</p>	

Harvey Sender, the duly-appointed receiver (“Receiver”) for Gary Dragul (“Dragul”), GDA Real Estate Services, LLC, GDA Real Estate Management, LLC, and related entities (collectively, “Dragul and the GDA Entities”), asks the Court to enter

an order approving the payment of \$2,840.00 to Lewis Roca Rothgerber Christie LLP (“Lewis Roca”) as an administrative expense.

1. On August 15, 2018, the Securities Commissioner for the State of Colorado (the “Commissioner”), filed his Complaint for Injunctive and Other Relief against Dragul and the GDA Entities.

2. On August 29, 2018, the Commissioner and Dragul and the GDA Entities filed a Stipulated Motion for Appointment of Receiver, consenting to the appointment of a receiver over Dragul and the GDA Entities pursuant to COLO. REV. STAT. § 11-51-602(1), C.R.C.P. 66.

3. On August 30, 2018, the Court entered a Stipulated Order Appointing Receiver (the “Receivership Order”), appointing Harvey Sender receiver for Dragul and the GDA Entities, and their respective properties and assets, and interests and management rights in related affiliated and subsidiary businesses (the “Receivership Estate” or the “Estate”). Receivership Order at 2, ¶ 5.

4. Paragraph 13(l) of the Receivership Order grants the Receiver the authority, at his discretion, to hire professionals to assist him with his duties, and paragraph 22(a) grants those professionals a first priority claim to payment.

5. In 2015, before the Receiver was appointed, Dragul hired Lewis Roca to represent an Estate entity, Rose, LLC, in litigation in Nevada state court commenced against it by Treasure Island Casino. Lewis Roca represented Rose at trial and on appeal, both of which were decided in favor of Treasure Island.

6. Lewis Roca has submitted a late-filed claim against the Estate for \$74,030.34 for unpaid legal fees it incurred representing Rose in the Treasure Island case. Most of those fees relate to work performed at Dragul’s request and before the Receiver was appointed.

7. After the Nevada Court of Appeals rendered its decision on June 6, 2019, at the Receiver’s request, Lewis Roca performed legal services for the Estate that resulted in the Estate receiving \$350,000 from the cash appeal bond Rose had posted, notwithstanding that Treasure Island had a legitimate claim to retain the entire \$850,000 bond. *See* Receiver’s Motion to Approve Settlement Agreement with Treasure Island, LLC (filed July 8, 2019).

8. The legal services Lewis Roca performed at the Receiver’s request and which the Receiver seeks authority to pay as an administrative expense are detailed in the time entries on Exhibit 1, and are as follows:

Inv. #	Hours	Amount
1322884	.4	166.00
1326253	.2	33.00
1330830	.3	192.50
1314894	5.9 (entries from 6/13-6/24/19)	2,448.50
Total		2,840.00

9. The services Lewis Roca performed at the Receiver’s request, and which the Receiver requests authority to pay as an administrative expense, substantially contributed to the Estate receiving \$350,000.

WHEREFORE, the Receiver asks the Court to grant this Motion and approve the payment of \$2,840.00 to Lewis Roca as an administrative expense.

Dated: January 3, 2020.

ALLEN VELLONE WOLF HELFRICH & FACTOR P.C.



By: /s/ Michael T. Gilbert

Patrick D. Vellone

Michael T. Gilbert

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ATTORNEYS FOR THE RECEIVER

CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2020, I served a true and correct copy of the foregoing **RECEIVER'S MOTION FOR ALLOWANCE OF ADMINISTRATIVE EXPENSE** via CCE to the following:

Robert W. Finke
Sueanna P. Johnson
Ralph L. Carr Judicial Building
1300 Broadway, 8th Floor
Denver, Colorado 80203
Sueanna.Johnson@coag.gov
Robert.Finke@coag.gov

Jeffery A. Springer, Esq.
Springer and Steinberg P.C.
1600 Broadway, Suite 1200
Denver, Colorado 80202
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*Counsel for David S. Cheval, Acting
Securities Commissioner for the State of
Colorado*

*Counsel for Defendants, Gary Dragul, GDA
Real Estate Services, LLC and GDA Real
Estate Management, LLC*

CERTIFICATION OF E-SERVICE ON KNOWN CREDITORS

In accordance with this Court's February 1, 2019 Order clarifying notice procedures for this case, I also certify that a copy of the foregoing is being served by electronic mail on all currently known creditors of the Receivership Estate to the addresses set forth on the service list maintained in the Receiver's records.

s/Teresa Silcox 
Allen Vellone Wolf Helfrich & Factor P.C.

ACCT. NO. 302777-00001

August 26, 2019

Invoice No.

1322884

Rose, LLC a GDA Real Estate Services, LLC
Elizabeth Gold, Esq.
GDA Real Estate Services, LLC
5690 DTC Boulevard, Suite 51
Greenwood Village, CO 80111

LEGAL SERVICES RENDERED THROUGH JULY 29, 2019

Rose, LLC, adv Treasure Island, LLC

07-09-2019	A. Smith Call with Michael Gilbert	0.1	41.50
07-09-2019	A. Smith Follow up regarding Michael Gilbert's request for information about cash bond	0.2	83.00
07-29-2019	A. Smith Call with Patrick Sheehan regarding stipulations	0.1	41.50
	TOTAL HOURS	0.4	
	TOTAL FEES		\$ 166.00

TIMEKEEPER SUMMARY

Timekeeper	Billed Per Hour	Hours Billed	Billed Amount
A. Smith	415.00	0.4	166.00
Total All Timekeepers		0.4	\$166.00

TOTAL FEES AND ADVANCES

\$166.00
(U.S. FUNDS)

DUE AND PAYABLE UPON RECEIPT

ACCT. NO. 302777-00001

September 24, 2019

Invoice No. 1326253

Rose, LLC a GDA Real Estate Services, LLC
Elizabeth Gold, Esq.
GDA Real Estate Services, LLC
5690 DTC Boulevard, Suite 51
Greenwood Village, CO 80111

LEGAL SERVICES RENDERED THROUGH AUGUST 6, 2019

Rose, LLC, adv Treasure Island, LLC

08-02-2019	A. Smith Call Gary Dragul regarding stipulations	0.1	41.50
08-06-2019	J. Helm Correspond with opposing regarding dismissal of appeal and underlying action	0.2	33.00
	TOTAL HOURS	0.3	
	TOTAL FEES		\$ 74.50

TIMEKEEPER SUMMARY

Timekeeper	Billed Per Hour	Hours Billed	Billed Amount
A. Smith	415.00	0.1	41.50
J. Helm	165.00	0.2	33.00
Total All Timekeepers		0.3	\$74.50

TOTAL FEES AND ADVANCES

\$74.50
(U.S. FUNDS)

DUE AND PAYABLE UPON RECEIPT

ACCT. NO. 302777-00001

October 23, 2019

Invoice No. 1330830

Rose, LLC a GDA Real Estate Services, LLC
Elizabeth Gold, Esq.
GDA Real Estate Services, LLC
5690 DTC Boulevard, Suite 51
Greenwood Village, CO 80111

LEGAL SERVICES RENDERED THROUGH SEPTEMBER 18, 2019

Rose, LLC, adv Treasure Island, LLC

09-18-2019	D. Polsenberg In-person attendance of hearing with Judge on release of funds	0.2	151.00
09-18-2019	A. Smith Call with Judge Gonzalez regarding release of bond	0.1	41.50
	TOTAL HOURS	0.3	
	TOTAL FEES		\$ 192.50

ADVANCES

09-20-2019	Messenger Services		30.00
09-25-2019	Fedex		46.23
	TOTAL ADVANCES		\$ 76.23

TIMEKEEPER SUMMARY

Timekeeper	Billed Per Hour	Hours Billed	Billed Amount
D. Polsenberg	755.00	0.2	151.00
A. Smith	415.00	0.1	41.50
Total All Timekeepers		0.3	\$192.50

ADVANCE SUMMARY

Description	Amount
Messenger Services	30.00
Federal Express	46.23
Total Advances	\$ 76.23

TOTAL FEES AND ADVANCES **\$268.73**
(U.S. FUNDS)

DUE AND PAYABLE UPON RECEIPT

ACCT. NO. 302777-00001

June 27, 2019

Invoice No. 1314894

Rose, LLC a GDA Real Estate Services, LLC
Elizabeth Gold, Esq.
GDA Real Estate Services, LLC
5690 DTC Boulevard, Suite 51
Greenwood Village, CO 80111

LEGAL SERVICES RENDERED THROUGH JUNE 24, 2019

Rose, LLC, adv Treasure Island, LLC

05-09-2019	A. Smith Call with Ms. K. Willis regarding receivership and collection	0.3	124.50
05-29-2019	A. Smith Prepare claims form	0.6	249.00
06-06-2019	A. Smith Review Court of Appeals' opinion, draft e-mail recommending rehearing and petition for Supreme Court review	1.9	788.50
06-07-2019	A. Smith Draft petition for rehearing (distinguish substantial compliance from strict compliance and actual notice)	0.9	373.50
06-13-2019	A. Smith Call with Michael Gilbert (receiver's counsel) regarding petition for rehearing	0.2	83.00
06-18-2019	A. Smith Draft motion for extension on petition for rehearing (preview arguments on rehearing, invalidity of cited authorities, inconsistency with Nevada law)	4.4	1,826.00
06-24-2019	A. Smith Draft joint motion for extension	1.3	539.50
	TOTAL HOURS	9.6	
	TOTAL FEES		\$ 3,984.00

TIMEKEEPER SUMMARY

Timekeeper	Billed Per Hour	Hours Billed	Billed Amount
A. Smith	415.00	9.6	3,984.00
Total All Timekeepers		9.6	\$3,984.00

TOTAL FEES AND ADVANCES

\$3,984.00
(U.S. FUNDS)

DUE AND PAYABLE UPON RECEIPT