

<p>DISTRICT COURT, DENVER COUNTY, STATE OF COLORADO Denver District Court 1437 Bannock St. Denver, CO 80202 720.865.8612</p>	<p>DATE FILED: January 22, 2020 10:59 AM FILING ID: 359CD2B72468A CASE NUMBER: 2018CV33011</p>
<p><b>Plaintiff:</b> David S. Cheval, Acting Securities Commissioner for the State of Colorado</p> <p>v.</p> <p><b>Defendants:</b> Gary Dragul; GDA Real Estate Services, LLC; and GDA Real Estate Management, LLC.</p>	<p>▲ COURT USE ONLY ▲</p>
<p>Attorneys for Receiver:</p> <p>Patrick D. Vellone, #15284 Michael T. Gilbert, #15009 Rachel A. Sternlieb, #51404 ALLEN VELLONE WOLF HELFRICH &amp; 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 No: 2018CV33011</p> <p>Division/Courtroom: 424</p>
<p style="text-align: center;"><b>NOTICE OF RELATED CASE</b></p>	

**Case Number of Related Case:** 2020CV30255 – *Harvey Sender, as Receiver v. Gary J. Dragul, Benjamin Kahn, the Conundrum Group, LLP, Susan Markusch, Alan C. Fox, ACF Property Management, Inc.; Marlin S. Hershey, and Performance Holdings, Inc.*

**Judge Assigned to Related Case:** Robert L. Mcgahey, Jr.

**Type of Action of Related Case:** Fraud, COCCA, avoidance of fraudulent transfers and turnover pursuant to terms of this Court's August 30, 2018, Order Appointing Receiver.

**Status of Related Case:** The complaint was filed January 21, 2020. No defendant has yet been served.


**State Reasons the Case is Related and Should be Assigned to this Court:** In the related case, the Receiver is attempting to recover assets for the benefit of the Receivership Estate under the authority granted to him by this Court's August 30, 2018, Order Appointing Receiver. Gary Dragul is a defendant in both cases and the remaining defendants in the related case were instrumental in implementing the fraudulent scheme that led to the appointment of the Receiver. Defendant Markusch was a long-time Dragul employee and worked for the entities now under this Court's supervision. Defendants Kahn and The Conundrum Group represented various Receivership entities for years. This Court is familiar with the background and facts concerning the related case and is charged with overseeing the administration of the Estate and the collection of Estate assets. Due to its familiarity, having this Court preside over the related case will promote judicial efficiency.

**Attorney Representing Parties in Related Case:**

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*Counsel for Plaintiff as Receiver, Harvey  
Sender*

Dated: January 20, 2020

ALLEN VELLONE WOLF HELFRICH & FACTOR  
P.C.

By:   
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ATTORNEYS FOR HARVEY SENDER, RECEIVER

**CERTIFICATE OF SERVICE**

I hereby certify that on January 22, 2020, I served a true and correct copy of the foregoing **NOTICE OF RELATED CASE** via CCE to the following:

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s/ Teresa Silcox



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