

**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

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**STIPULATION TO DISMISS CLAIMS AGAINST AMERICAN EXPRESS  
COMPANY WITH PREJUDICE**

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Plaintiff, Harvey Sender, in his capacity as Receiver for Gary Dragul, GDA Real Estate Services, LLC, and GDA Real Estate Management, LLC (“Plaintiff”), and Defendant American Express Company (“AMEX”) (collectively, the “Parties”), hereby submit this Stipulation to Dismiss Claims Against American Express Company With Prejudice.

1. Plaintiff filed his Complaint against AMEX, among others, on August 30, 2019, in Denver County District Court.
2. The case was removed to this Court on October 8, 2019.
3. The Parties have finalized a settlement that resolves the claims between them.
4. The settlement between the Parties has received Court approval in the Receivership Action in which Plaintiff was appointed, *Cheval v. Dragul*, Case No.

2018cv33011, Denver County District Court (the “Receivership Action”), and has otherwise been fulfilled.

5. As such, the Parties stipulate to the dismissal of AMEX with prejudice from this action, with each side bearing their own fees and costs.

WHEREFORE, the Parties respectfully request the Court dismiss, with prejudice, all claims asserted against AMEX, with each side bearing their own fees and costs.

DATED this 28th day of January 2020.

  
s/ Jeremy T. Jonsen

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Jeremy T. Jonsen

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*Attorneys for Defendant American Express  
Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28th day of January 2020, I electronically filed the foregoing **STIPULATION TO DISMISS CLAIMS AGAINST AMERICAN EXPRESS COMPANY WITH PREJUDICE** 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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