

DISTRICT COURT, CITY AND COUNTY OF DENVER STATE OF COLORADO Court Address: 1437 Bannock Street Denver, CO 80202 Telephone: 303-606-2429	DATE FILED: February 11, 2020 7:25 PM FILING ID: 6350DD05B3374 CASE NUMBER: 2020CV30255
<b>Plaintiff:</b> HARVEY SENDER, AS RECEIVER FOR GARY DRAGUL, GDA REAL ESTATE SERVICES, LLC, and GDA REAL ESTATE MANAGEMENT, LLC,  v.  <b>Defendants:</b> GARY J. DRAGUL, BENJAMIN KAHN, THE CONUNDRUM GROUP, LLP, SUSAN MARKUSCH, ALAN C. FOX, ACF PROPERTY MANAGEMENT, INC., MARLIN S. HERSHEY, PERFORMANCE HOLDINGS, INC., JOHN and JANE DOES 1–10, and XYZ CORPORATIONS 1–10.	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<i>Attorneys for Defendants ACF Property Management, Inc., and Alan C. Fox</i> Lucas T. Ritchie, Atty. Reg. No. 35805 Eric B. Liebman, Atty. Reg. No. 27051 Joyce C. Williams, Atty. Reg. No. 52930 MOYE WHITE LLP 16 Market Square 6 <sup>th</sup> Floor 1400 16 <sup>th</sup> Street Denver, CO 80202-2900 Telephone: 303-292-2900 Email: Luke.Ritchie@moyewhite.com Eric.Liebman@moyewhite.com Joyce.Williams@moyewhite.com	Case No.: 2020CV30255  Courtroom 414
<b>DEFENDANT ACF PROPERTY MANAGEMENT, INC.’S UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFF’S COMPLAINT</b>	

Defendant ACF Property Management, Inc. (“ACF”), through counsel, moves the Court for an order granting it a twenty-eight day enlargement of time, to and including, Tuesday, March 17, 2020, within which to answer or otherwise respond to Plaintiff Harvey Sender’s (the “Receiver”) Complaint. As good cause for the requested relief, ACF states as follows:

**C.R.C.P. 121 §1-11 CERTIFICATE OF SERVICE ON CLIENTS**

The undersigned certifies that a copy of this motion has been served upon ACF.

**C.R.C.P. 121 §1-15, ¶ 8 CERTIFICATE OF CONFERRAL**

The undersigned certifies that he has, in good faith, conferred with the Receiver's counsel and Defendant Gary J. Dragul's ("Mr. Dragul") counsel about this motion and, based thereon, advises the Court that neither the Receiver nor Mr. Dragul oppose ACF's requested enlargement. At the time of filing, appearances had not yet been entered on behalf of the other parties.

1. On January 28, 2020, Plaintiff served ACF with process. Pursuant to C.R.C.P. 12(a)(1), ACF's current deadline to answer or otherwise respond to the Complaint is thus Tuesday, February 18, 2020.

2. ACF's requested twenty-eight day enlargement of time is necessary because of the following:

- a. ACF and Mr. Fox<sup>1</sup> retained the undersigned and his law firm to represent them in this action just last week;
- b. the complexity of the Complaint's 271 allegations plus subparts and fourteen claims for relief, all of which must be assessed before answering or otherwise responding;
- c. the complicated and lengthy procedural history of the underlying receivership action, which must be assessed before answering or otherwise responding;
- d. office closures attendant to the snowstorm on February 7, 2020, and the Presidents' Day holiday on February 17, 2020; and

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<sup>1</sup> On February 11, 2020, the undersigned waived and accepted service of process on behalf of Mr. Fox, which—pursuant to C.R.C.P. 12(a)(2)—makes his answer or other response also due on Tuesday, March 17, 2020.

- e. the general press of business, including the undersigned's preparation for and travel to the trial of an unrelated administrative proceeding in Washington, D.C., during the week of February 17, 2020.

3. The requested enlargement will not interfere with any time currently set for the completion of discovery, for a hearing of a motion, or for trial.

4. The Receiver has already agreed to the requested enlargement and thus will not be prejudiced. Further, the requested enlargement is not sought for improper purposes or to unnecessarily delay this action.

5. ACF has not previously sought an extension of time in this action.

WHEREFORE, ACF respectfully requests that the Court enter an order granting it a twenty-eight day enlargement of time, to and including Tuesday, March 17, 2020, within which to answer or otherwise respond to the Receiver's Complaint.

A proposed order granting the requested relief is submitted herewith.

Dated: February 11, 2020

Respectfully submitted,

MOYE WHITE LLP

*s/ Lucas T. Ritchie*

Lucas T. Ritchie,

Eric B. Liebman,

Joyce C. Williams

*Attorneys for Defendants ACF Property  
Management, Inc., and Alan C. Fox*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 11, 2020, a true and correct copy of the foregoing was electronically filed and served via CCEF upon the following:

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*s/ Lucas T. Ritchie*  
Lucas T. Ritchie