

DISTRICT COURT, CITY AND COUNTY OF DENVER
COLORADO

1437 Bannock Street
Denver, Colorado 80202

HARVEY SENDER, as Receiver for GARY DRAGUL;
GDA REAL ESTATE SERVICES, LLC; and GDA REAL
ESTATE MANAGEMENT, LLC,

Plaintiffs,

v.

GARY J. DRAGUL, an individual; BENJAMIN KAHN, an
individual; THE CONUNDRUM GROUP, LLP, a
Colorado Limited Liability Company; SUSAN
MARKUSCH, an individual; ALAN C. FOX, an
individual; ACF PROPERTY MANAGEMENT, INC., a
California Corporation, MARLIN S. HERSHEY, an
individual; and PERFORMANCE HOLDINGS, INC., a
Florida Corporation; JOHN AND JANE DOES 1 – 10; and
XYZ CORPORATIONS 1-10,

Defendants.

Attorneys for Defendants: Benjamin Kahn and
The Conundrum Group, LLP

GORDON & REES LLP

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Case No.: **2020 CV 30255**

Division: **414**

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO
RESPOND TO COMPLAINT**

Defendants Benjamin Kahn and The Conundrum Group, LLP (collectively “Kahn”) submit

this Unopposed Motion for Extension of Time to Respond to Plaintiff's Complaint.

1. Pursuant to C.R.C.P. 121 § 1-15.8, undersigned counsel conferred with counsel for Plaintiff regarding this motion. Plaintiff does not oppose the relief requested.

2. Plaintiff filed the Complaint in this action on January 21, 2020.

3. Counsel for Kahn executed a waiver of service of the Complaint on January 31, 2020, making a responsive pleading due on February 21, 2020.

4. Kahn requests an extension of up to and including March 17, 2020 within which to respond to Plaintiff's Complaint.

5. C.R.C.P. 6(b) governs requests to enlarge deadlines. Antolovich v. Brown Group Retail, Inc., 183 P.3d 582, 593 (Colo. App. 2007). Under this rule, the court has discretion to grant an extension of time if the request is made before the expiration of the period originally prescribed. In re: Marriage of Talbott, 43 P.3d 734, 736 (Colo. App. 2002). A court has broad latitude to permit an enlargement of time to file a pleading. People v. McBeath, 709 P.2d 38, 39 (Colo. App. 1985).

6. Pursuant to C.R.C.P. 121 §1-11, the undersigned certifies that a copy of this motion has been served upon his clients.

WHEREFORE, Defendants request the Court enter an Order granting an extension of time to move, answer or otherwise respond to Plaintiff's Complaint, up to and including March 17, 2020.

Dated this 21st day of February, 2020.

GORDON & REES LLP

Pursuant to C.R.C.P. 121 § 1-26(7), a printed copy of this document with original signatures shall be maintained by the undersigned and will be made available for inspection by other parties or the court, upon request.

/s/ John M. Palmeri

John M. Palmeri, #14252

Edward J. Hafer, #40230

Margaret L. Boehmer, #45169

ATTORNEYS FOR DEFENDANTS
BENJAMIN KAHN and
THE CONUNDRUM GROUP, LLP

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the above and foregoing was filed and served via the CO-Courts electronic filing system this 21st day of February, 2020, which will serve the following.

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