

DISTRICT COURT, CITY AND COUNTY OF DENVER,
STATE OF COLORADO

Court Address: 1437 Bannock Street
Denver, CO 80202
Telephone: 303-606-2429

FILED: February 27, 2020 4:50 PM
FILING ID: 2847CDDEAF49F
CASE NUMBER: 2020CV30255

Plaintiff: HARVEY SENDER, AS RECEIVER FOR GARY DRAGUL, GDA REAL ESTATE SERVICES, LLC, and GDA REAL ESTATE MANAGEMENT, LLC,

v.

Defendants: GARY J. DRAGUL, BENJAMIN KAHN, THE CONUNDRUM GROUP, LLP, SUSAN MARKUSCH, ALAN C. FOX, ACF PROPERTY MANAGEMENT, INC., MARLIN S. HERSHEY, PERFORMANCE HOLDINGS, INC., and JANE DOES 1-10, and XYZ CORPORATIONS 1-10.

▲ COURT USE ONLY ▲

Applicant Attorney

Gary S. Lincenberg, California #123058
BIRD MARELLA BOXER WOLPERT NESSIM DROOKS
LINCENBERG & RHOW, P.C.
1875 Century Park East, 23rd Floor
Los Angeles, CA 90067
Telephone: 310-201-2100
Email: glincenberg@birdmarella.com

Case Number: 2020CV30255

Courtroom 414

Sponsoring/Associate Attorneys

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 6th Floor
1400 16th Street
Denver, CO 80202
Telephone: 303-292-2900
Email: Luke.Ritchie@moyewhite.com
Eric.Liebman@moyewhite.com
Joyce.Williams@moyewhite.com

**VERIFIED MOTION REQUESTING *PRO HAC VICE* ADMISSION FOR
GARY S. LINCENBERG**

Out-of-State attorney Gary S. Lincenberg (“Movant”) of Bird, Marella, Boxer, Wolpert, Nessim, Dooks, Lincenberg & Rhow, P.C. moves, pursuant to C.R.C.P. 121 § 1-2, and C.R.C.P. 205.3, for *pro hac vice* admission to practice before this Court in the above-captioned action. As grounds therefor, Movant states the following:

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

The undersigned certifies that he has, in good faith, conferred with counsel for the Receiver, Defendant Gary J. Dragul, Defendant Benjamin Kahn, and Defendant The Conundrum Group, LLC about this motion and, based thereon, advises the Court that these parties do not oppose Movant’s requested *pro hac vice* admission. At the time of filing, appearances had not yet been entered on behalf of the remaining parties.

1. C.R.C.P. 205.3 provides that an attorney and counselor at law in good standing from any other jurisdiction in the United States may, in the discretion of a Colorado court of record, be permitted to participate before the Court in a trial, argument, and other proceeding in the particular case in which the attorney is employed, provided that a member in good standing of the Bar of the State of Colorado is associated in such case at all stages of the case.

2. Movant is a member in good standing of the Bar of the State of California and has been assigned California bar admission number 123058. Movant has also been admitted in the following jurisdictions: U.S. Supreme Court (admitted November 2002), Ninth Circuit Court of Appeals (admitted July 1987), Fourth Circuit Court of Appeals (admitted May 2003), U.S. District Court for the Southern District of California (admitted September 1998), U.S. District Court for the Central District of California (admitted July 1986), and U.S. District Court for the Northern District of California (admitted December 1999).

3. Movant has not previously sought *pro hac vice* admission in any Colorado court.

4. Movant is in good standing in all Bars wherever admitted and has not been subject to any order of discipline or disability by any Bar, or had any request for *pro hac vice* admission denied or revoked.

5. Movant represents ACF Property Management, Inc. and Alan C. Fox and hereby verifies that he has notified ACF Property Management, Inc. and Alan C. Fox of this verified motion.

6. Movant hereby acknowledges that he is subject to the Colorado Rules of Professional Conduct, the Colorado Rules of Civil Procedure, and other Court rules, and that he will follow such rules throughout the *pro hac vice* admission, and that this verified motion complies with such rules.

7. Sponsoring/Associate Attorneys Lucas T. Ritchie, Eric B. Liebman, and Joyce C. Williams of Moye White LLP, Denver, Colorado, 80202, are all members in good standing of the Bar of the State of Colorado. Mr. Ritchie, Mr. Liebman, and/or Ms. Williams will be present and participate in a meaningful and substantial manner throughout all proceedings and the trial of this action.

8. Movant has filed a copy of this verified motion with the Clerk of the Colorado Supreme Court at the Office of Attorney Registration, 1300 Broadway, Suite 510, Denver, Colorado 80203 and paid the requisite fee.

9. Movant hereby certifies that he will serve a copy of this verified motion upon all counsel of record and on ACF Property Management, Inc. and Alan C. Fox.

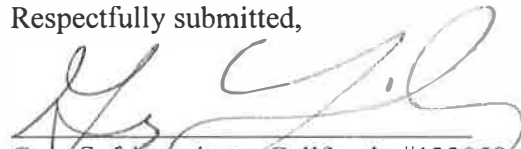
10. By execution of the attached verification, the Sponsoring/Associate Attorney verifies his association on this matter.

WHEREFORE, Movant respectfully requests that the Court admit Gary S. Lincenberg *pro hac vice*, to practice before the Court in this action.

A proposed order granting the requested *pro hac vice* admission is submitted herewith.

DATED: February 26, 2020

Respectfully submitted,



Gary S. Lincenberg, California #123058
BIRD, MARELLA, BOXER, WOLPERT, NESSIM,
DROOKS, LINCENBERG & RHOW, P.C.
1875 Century Park East, 23rd Floor
Los Angeles, CA 90067
Telephone: 310-201-2100



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 6th Floor
1400 16th Street
Denver, CO 80202
Telephone: 303-292-2900

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

VERIFICATION

I, Gary S. Lincenberg, being duly sworn upon oath, hereby verify and affirm that I have read all of the statements contained in the foregoing Motion Requesting *Pro Hac Vice* Admission and that said statements are true and correct to the best of my information, knowledge and belief.

Gary S. Lincenberg, California #123058
BIRD, MARELLA, BOXER, WOLPERT, NESSIM,
DROOKS, LINCENBERG & RHOW, P.C.

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

The foregoing Verification was subscribed to and sworn before me this 26th day of February, 2020 by Gary S. Lincenberg, who was personally identified to me and known by me to be the person who signed above.

Witness my hand and official seal.

My commission expires March 25 2020

Notary Public



VERIFICATION

I, Lucas T. Ritchie, being duly sworn upon oath, hereby verify and affirm that I have read all of the statements contained in the foregoing Motion Requesting *Pro Hac Vice* Admission and that said statements are true and correct to the best of my information, knowledge and belief.

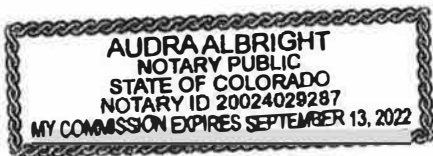
Lucas T. Ritchie, Atty. Reg. No. 35805
MOYE WHITE LLP

STATE OF COLORADO)
) ss
CITY AND COUNTY OF DENVER)

The foregoing Verification was subscribed to and sworn before me this 27th day of February, 2020, by Lucas T. Ritchie, who was personally identified to me and known by me to be the person who signed above.

Witness my hand and official seal.

My commission expires 9/13/2022



Notary Public

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2020 a true and correct copy of the foregoing was electronically filed via CCEF and served on the following:

Patrick D. Vellone, Esq.
Rachel E. Sternlieb, Esq.
Michael T. Gilbert, Esq.
ALLEN VELLONE WOLF
HELFRICH & FACTOR P.C.
1600 Stout St., Suite 1100
Denver, CO 80202
Attorneys for Receiver

John M. Palmeri, Esq.
Edward J. Hafer, Esq.
Margaret L. Boehmer, Esq.
GORDON & REES LLP
555 Seventeenth Street, Ste. 3400
Denver, CO 80202
*Attorneys for Defendants Benjamin Kahn
and The Conundrum Group, LLP*

Paul L. Vorndran, Esq.
Christopher S. Mills, Esq.
JONES & KELLER, P.C.
1999 Broadway, Suite 3150
Denver, CO 80202
Attorneys for Defendant Gary J. Dragul

Thomas F. Quinn, Esq.
Thomas F. Quinn, P.C.
303 E. 17th Avenue, Suite 920
Denver, CO 80203
Attorneys for Defendant Susan Markusch

s/Audra Albright