

DISTRICT COURT, CITY AND COUNTY OF DENVER  
STATE OF COLORADO

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CASE NUMBER: 2020CV30255

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

**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.

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*Applicant Attorney*

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Case Number: 2020CV30255

Courtroom 414

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**VERIFIED MOTION REQUESTING *PRO HAC VICE* ADMISSION FOR  
JAMES S. THREATT**

Out-of-State attorney James S. Threatt (“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 325317. Movant is also a member in good standing of the Bar of the State of New York and has been assigned New York bar admission number 5699764.

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 25, 2020

Respectfully submitted,



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





**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:

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*s/Audra Albright*\_\_\_\_\_