

<p><b>DISTRICT COURT, DENVER COUNTY STATE OF COLORADO</b></p> <p>1437 Bannock St. Denver, CO 80202 (720) 865-8612</p>	<p>DATE FILED: March 22, 2020 6:27 PM FILING ID: FB3C55AB37576 CASE NUMBER: 2018CV33011</p>
<p><b>Plaintiff:</b> David S. Cheval, Acting Securities Commissioner for the State of Colorado</p> <p>v.</p> <p><b>Defendants:</b> Gary Dragul, GDA Real Estate Services, LLC, and GDA Real Estate Management, LLC</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Attorneys for Defendant Gary J. Dragul Paul L. Vorndran, Atty. Reg. No. 22098 Christopher S. Mills, Atty. Reg. No. 42042 Jones &amp; Keller, P.C. 1999 Broadway, Suite 3150 Denver, CO 80202 Phone: 303-573-1600 Email: <a href="mailto:pvorndran@joneskeller.com">pvorndran@joneskeller.com</a> <a href="mailto:cmills@joneskeller.com">cmills@joneskeller.com</a></p>	<p>Case No. 2018CV33011</p> <p>Courtroom: 424</p>
<p style="text-align: center;"><b>DEFENDANT GARY DRAGUL’S REPLY IN SUPPORT OF EXPEDITED BRIEFING SCHEDULE FOR MOTION FOR CLARIFICATION OF ORDER APPOINTING RECEIVER AND ORDERS AUTHORIZING ABANDONMENT</b></p>	

On March 20, 2020, the Receiver filed his response (“Response”) to Defendant Gary Dragul’s request for an expedited briefing schedule in connection with Mr. Dragul’s Motion for Clarification of Order Appointing Receiver and Orders Authorizing Abandonment (“Motion”). The Receiver opposes an expedited briefing schedule because, in part, the Receiver believes Mr. Dragul waited too long after the Court entered orders authorizing the Receiver to abandon 23 properties. (Resp. ¶¶ 2-3.) Those orders were entered between 1 year ago and just over two weeks ago. (*Id.*) The Receiver’s argument is incorrect for two reasons.

First, as undersigned counsel explained during the meet and confer process and as expressly set forth in the Motion, the exigent circumstances justifying an expedited briefing schedule are pending foreclosure proceedings involving several of the properties, not the Receiver's motions to abandon properties or the Court's orders granting those motions.

Second, Mr. Dragul's Motion has nothing to do with the Receiver's authority to abandon property. Rather, it exclusively involves the effect of that abandonment. As undersigned counsel explained in a March 15, 2020 email to the Receiver's counsel during the meet and confer process, "our motion has nothing to do with whether the Receiver may abandon properties. It instead is about the effect of that abandonment. The first time the Receiver articulated his unorthodox position on that issue—that abandon does not actually mean abandon—was in your email last Tuesday, March 10<sup>th</sup>." Thus, the Motion was filed within seven days of the disputed issue arising—and much of that seven days was due to Mr. Dragul waiting to file the Motion in order to allow the Receiver's counsel more time to determine whether or not he opposes the Motion.

For the foregoing reasons, the Court should order an expedited briefing schedule for the Motion.

Respectfully submitted this 22<sup>nd</sup> day of March 2020.

**JONES & KELLER, P.C.**

/s/ Christopher S. Mills

Paul Vorndran, #22098

Chris Mills, #42042

1999 Broadway, Suite 3150

Denver, CO 80202

Teleph: (303) 573-1600

Facsimile: (303) 573-8133

*ATTORNEYS FOR DEFENDANT GARY DRAGUL*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **DEFENDANT GARY DRAGUL'S REPLY IN SUPPORT OF EXPEDITED BRIEFING SCHEDULE FOR MOTION FOR CLARIFICATION OF ORDER APPOINTING RECEIVER AND ORDERS AUTHORIZING ABANDONMENT** was filed and served via the ICCES e-file system on this 22<sup>nd</sup> day of March 2020 to all counsel of record for the parties to the action, including the following:

Patrick D. Vellone  
Michael T. Gilbert  
Rachel A. Sternlieb  
Allen Vellone Wolf Helfrich & Factor P.C.  
1600 Stout St., Suite 1100  
Denver, Colorado 80202  
Phone Number: (303) 534-4499  
[pvellone@allen-vellone.com](mailto:pvellone@allen-vellone.com)  
[mgilbert@allen-vellone.com](mailto:mgilbert@allen-vellone.com)  
[rsternlieb@allen-vellone.com](mailto:rsternlieb@allen-vellone.com)

*Counsel for Receiver*

Robert W. Finke  
Janna K. Fischer  
Ralph L. Carr Judicial Building  
1300 Broadway, 8th Floor  
Denver, Colorado 80203  
[Sueanna.Johnson@coag.gov](mailto:Sueanna.Johnson@coag.gov)  
[Robert.Finke@coag.gov](mailto:Robert.Finke@coag.gov)

*Counsel for David S. Cheval, Acting  
Securities Commissioner for the  
State of Colorado*

/s/ Christopher S. Mills  
Christopher S. Mills