

<p>DISTRICT COURT, DENVER COUNTY STATE OF COLORADO Denver District Court 1437 Bannock St. Denver, CO 80202</p>	
<p>Plaintiff: HARVEY SENDER, AS RECEIVER FOR GARY DRAGUL; GDA REAL ESTATE SERVICES, LLC; AND GDA REAL ESTATE MANAGEMENT, LLC</p> <p>v.</p> <p>Defendants: 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.</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 & Keller, P.C. 1999 Broadway, Suite 3150 Denver, CO 80202 Phone: 303-573-1600 Email: pvorndran@joneskeller.com cmills@joneskeller.com</p>	<p>Case No. 2020CV30255</p> <p>Courtroom: 414</p>
<p style="text-align: center;">DEFENDANT GARY J. DRAGUL’S NOTICE OF PARTIAL JOINDER IN DEFENDANTS FOX’S & ACF PROPERTY MANAGEMENT’S, & SUSAN MARKUSCH’S MOTIONS TO DISMISS</p>	

Defendant Gary J. Dragul, through undersigned counsel, hereby respectfully gives notice that he joins in and adopts as his own portions of the motions to dismiss filed by Defendants (1) Alan Fox and ACF Property Management, Inc. and (2) Susan Markusch as set forth below.

As to the motion to dismiss filed on March 17, 2020 by Defendants Alan Fox and ACF Property Management, Inc., Mr. Dragul joins in the following sections:

- Portions of Argument Section 1, limited to pages 8-10, first half of page 11, and second two thirds of page 12;
- All of Argument Sections 2(a) and 2(b), and a portion of Section 2(c), limited to pages 14 through the first half of page 15;
- Portions of Argument Section 3, limited to the first paragraph on page 16, all of page 17, and page 18 excluding footnote 8;
- The introductory portion of Argument Section 5 on pages 19-20, and all of Sections 5(a) and 5(b);
- All of Argument Sections 6(a), 6(b), 6(c), and 6(d).

As to the motion to dismiss filed on March 19, 2020 by Defendant Susan Markusch, Mr.

Dragul joins in the following section:

- Section 3, as an argument asserted in the alternative to arguments Mr. Dragul set forth in his own motion to dismiss.

In so joining, Mr. Dragul reserves all rights and does not waive any arguments set forth in his own motion to dismiss. Mr. Dragul reserves the right to file a reply in support of Alan Fox's and ACP Property Management's, and Susan Markusch's, motions to dismiss to the extent the Receiver's response to those motions sets forth any argument or information unique to Mr. Dragul or for which Mr. Dragul is the most appropriate person to address.

Dated this 24th day of March, 2020.

JONES & KELLER, P.C.

s/ Christopher S. Mills

Paul L. Vorndran, #22098

Christopher S. Mills, #42042

*ATTORNEYS FOR DEFENDANT GARY J.
DRAGUL*

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of March, 2020, a true and correct copy of the foregoing **DEFENDANT GARY J. DRAGUL'S NOTICE OF PARTIAL JOINDER IN DEFENDANTS FOX'S & ACF PROPERTY MANAGEMENT'S, & SUSAN MARKUSCH'S MOTIONS TO DISMISS** was filed and served via the Colorado Court E-filing system to the following:

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