

DISTRICT COURT, DENVER COUNTY STATE OF COLORADO Denver District Court 1437 Bannock St. Denver, CO 80202	DATE FILED: March 25, 2020 4:51 PM FILING ID: EBAC715DCB5EB CASE NUMBER: 2020CV30255
<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 Plaintiff: Patrick D. Vellone, #15284 Rachel A. Sternlieb, #51404 Michael T. Gilbert, #15009 ALLEN VELLONE WOLF HELFRICH & FACTOR P.C. 1600 Stout Street, Suite 1900 Denver, Colorado 80202 Phone (303) 534-4499 pvellone@allen-vellone.com rsternlieb@allen-vellone.com mgilbert@allen-vellone.com</p>	<p>Case Number: 2020CV30255</p> <p>Division/Courtroom: 414</p>
<p>PLAINTIFF’S CERTIFICATE OF REVIEW AS TO DEFENDANT BENJAMIN A. KAHN, ESQ.</p>	

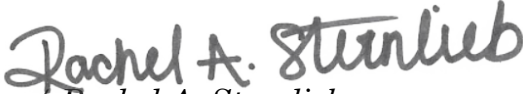
Plaintiff’s attorney, pursuant to C.R.S. § 13-20-602, certifies:

I have consulted with a professional who has expertise in the area of the alleged negligence, breach of fiduciary duty and aiding and abetting breach of fiduciary duty claims asserted (“Claims”) against the BENJAMIN A. KAHN, ESQ.,

and said professional consulted can demonstrate by competent evidence that, as a result of training, education, knowledge, and experience, he is competent to express an opinion as to the Claims, as well as the substandard actions and omissions of the Defendant. Said professional who has been consulted has reviewed the known facts, including such records, documents, and other materials which the professional has found to be relevant to the Claims and, based on the review of such facts, has concluded that the filing of the Claims, does not lack substantial justification within the meaning of C.R.S. § 13-17-102(4), and furthermore has concluded that the Defendant was professionally negligent, breached its fiduciary duties, and aided and abetted a breach of fiduciary duty, and that such actions and omissions were a cause of damages and losses sustained by the Plaintiff.

Dated: March 25, 2020.

ALLEN VELLONE WOLF HELFRICH & FACTOR P.C.

By: 
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 25th day of March, 2020 a true and correct copy of **Plaintiff's Certificate of Review as to Benjamin A. Kahn, Esq.** was filed and served via the Colorado Courts E-Filing system to the following:

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In accordance with C.R.C.P. 121 § 1-26(7), a printed copy of this document with original signatures is being maintained by the filing party and will be made available for inspection by other parties or the Court upon request.