

DISTRICT COURT, DENVER COUNTY,
STATE OF COLORADO

Court Address:
1437 Bannock Street
Denver, CO 80202

Plaintiffs: HARVEY SENDER, AS
RECEIVER FOR GARY DRAGUL;
GDA REAL ESTATE SERVICES,
LLC; AND GDA REAL ESTATE
MANAGEMENT, LLC

vs.

Defendants: GARY 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 CORPORAT

SO ORDERED BY COURT

04/07/2020

DATE FILED: April 7, 2020 3:42 PM

CASE NUMBER: 2020CV30255

ROBERT LEWIS MCGAHEY JR

District Court Judge

▲ COURT USE ONLY ▲

Case Number: 20CV30255

Courtroom: 414

ORDER

The Court, having reviewed the Motion of Hershey Defendants to Stay Response to Complaint, and being advised in the premises therein, hereby GRANTS the Motion. Accordingly:

1. Defendants Marlin Hershey and Performance Holdings, Inc. (“Hershey Defendants”), shall not be required to file a response to the Complaint until the resolution of their Motion to Intervene in 18CV33011 (“the Receivership Case”), and, if that motion is granted, until the resolution of their challenge in that case to the lawfulness of paragraph 13(s) of the Court’s 30 August 2018 “Stipulated Order Appointing Receiver also filed on behalf of Defendants Gary Dragul and GDA Real Estate Service, and GDA Real Estate Management LLC.”

2. The Hershey Defendants shall keep this Court apprised of the status of their involvement in the Receivership Case by filing a report every 60 days from the date of this Order.

IT IS SO ORDERED THIS _____ day of _____, 2020.

Robert Lewis Mogahey Jr.
District Court Judge