

DISTRICT COURT, CITY AND COUNTY OF DENVER,
COLORADO

1437 Bannock Street
Denver, Colorado 80202

HARVEY SENDER, as Receiver for GARY DRAGUL;
GDA REAL ESTATE SERVICES, LLC; and GDA REAL
ESTATE MANAGEMENT, LLC,

Plaintiffs,

v.

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,

Defendants.

Attorneys for Defendants: Benjamin Kahn and
The Conundrum Group, LLP

GORDON & REES LLP

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Case No.: **2020 CV 30255**

Division: **414**

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO
RESPOND TO RECEIVER’S MOTION TO DISMISS COUNTERCLAIMS**

Defendants Benjamin Kahn and The Conundrum Group, LLP (collectively “the Law Firm”) submit this Unopposed Motion for Extension of Time to Respond to the Receiver’s Motion

to Dismiss the Law Firm's counterclaims.

1. Pursuant to C.R.C.P. 121 § 1-15.8, undersigned counsel conferred with counsel for the Receiver regarding this motion. The Receiver does not oppose the relief requested.

2. The Law Firm filed its Counterclaims on March 17, 2020. On April 7, 2020, the Receiver filed a Motion to Dismiss. The Law Firm's response to the Receiver's Motion to Dismiss is currently due April 28, 2020.

3. On April 6, 2020, the Receiver filed a Motion for Extension of Time to file an Amended Complaint. The Receiver has through May 1, 2020 to file his Amended Complaint.

4. The Law Firm requires sufficient time to evaluate what, if any, impact the Amended Complaint has on the Law Firm's Counterclaims and the Receiver's Motion to Dismiss. The Law Firm requests an extension of up to and including May 19, 2020 within which to respond to the Receiver's Motion to Dismiss.

5. C.R.C.P. 6(b) governs requests to enlarge deadlines. Antolovich v. Brown Group Retail, Inc., 183 P.3d 582, 593 (Colo. App. 2007). Under this rule, the court has discretion to grant an extension of time if the request is made before the expiration of the period originally prescribed. In re: Marriage of Talbott, 43 P.3d 734, 736 (Colo. App. 2002). A court has broad latitude to permit an enlargement of time. People v. McBeath, 709 P.2d 38, 39 (Colo. App. 1985).

6. Pursuant to C.R.C.P. 121 §1-11, the undersigned certifies that a copy of this motion has been served upon his clients.

WHEREFORE, Defendants request the Court enter an Order granting an extension of time to respond to the Receiver's Motion to Dismiss, up to and including May 19, 2020.

Dated this 21st day of April, 2020.

GORDON & REES LLP

Pursuant to C.R.C.P. 121 § 1-26(7), a printed copy of this document with original signatures shall be maintained by the undersigned and will be made available for inspection by other parties or the court, upon request.

/s/ John M. Palmeri

John M. Palmeri, #14252

Margaret L. Boehmer, #45169

ATTORNEYS FOR DEFENDANTS

BENJAMIN KAHN and

THE CONUNDRUM GROUP, LLP

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the above and foregoing was filed and served via the CO-Courts electronic filing system this 21st day of April, 2020, which will serve the following.

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