

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

John M. Palmeri, #14252

Margaret L. Boehmer, #45169

555 Seventeenth Street, Ste. 3400

Denver, Colorado 80202

(303) 534-5160

jpalmeri@grsm.com

mboehmer@grsm.com

DATE FILED: May 11, 2020 2:39 PM
FILING ID: 15A03D19BB5FE
CASE NUMBER: 2020CV30255

COURT USE ONLY

Case No.: **2020 CV 30255**

Division: **414**

**SECOND 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 Second 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. On April 23, 2020, the Court granted the Law Firm's Motion for Extension of Time to Respond to the Receiver's Motion to Dismiss. The Law Firm's response to the Receiver's Motion to Dismiss is currently due May 19, 2020. The extension was requested due to the Receiver's first Motion for Extension of Time to file an Amended Complaint.

3. On April 30, 2020, the Receiver filed a Second Motion for Extension of Time to file an Amended Complaint. The Receiver has through May 31, 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 June 15, 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 June 15, 2020.

Dated this 11th day of May, 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 11th day of May, 2020, which will serve the following.

Patrick D. Vellone, Esq.
Rachel A. Sternlieb, Esq.
Michael T. Gilbert, Esq.
Allen Vellone Wolf Helfrich & Factor, P.C.
1600 Stout Street, Ste. 1100
Denver, Colorado 80202

Lucas T. Ritchie, Esq.
Eric B. Liebman, Esq.
Joyce C. Williams, Esq.

Moye White LLP
16 Market Square, 6th Floor
1400 16th Street
Denver, Colorado 80202
Paul L. Vorndran, Esq.
Christopher S. Mills, Esq.
Jones & Keller, P.C.
1999 Broadway, Ste. 3150
Denver, Colorado 80202

/s/ Linda J. Bustos