

<p>DISTRICT COURT, DENVER COUNTY STATE OF COLORADO Denver District Court 1437 Bannock St. Denver, CO 80202</p>	<p>DATE FILED: July 15, 2020 5:32 PM FILING ID: 78AA224CFE6D0 CASE NUMBER: 2020CV30255</p>
<p>Plaintiff: HARVEY SENDER, AS RECEIVER FOR GARY DRAGUL; GDA REAL ESTATE SERVICES, LLC; AND GDA REAL ESTATE MANAGEMENT, LLC v. 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; OLSON REAL ESTATE SERVICES, LLC, a Colorado Limited Liability Company; JUNIPER CONSULTING GROUP, LLC, a Colorado limited liability company; JOHN AND JANE DOES 1 – 10; and XYZ CORPORATIONS 1 – 10.</p>	<p>▲ COURT USE ONLY ▲</p>
<p>Attorneys for Plaintiff: Patrick D. Vellone, #15284 Matthew M. Wolf, #33198 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 mwolf@allen-vellone.com rsternlieb@allen-vellone.com mgilbert@allen-vellone.com</p>	<p>Case No.: 2020CV30255 Division/Courtroom: 414</p>
<p>RECEIVER'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO SUBMIT OMNIBUS RESPONSE TO DEFENDANTS' MOTIONS TO DISMISS AND FOR LEAVE TO FILE IN EXCESS OF PAGE LIMIT</p>	

Plaintiff, Harvey Sender, solely in his capacity as Receiver for the “Estate” described below (the “**Receiver**”), hereby requests (1) an extension of time, through and including August 17, 2020, to submit a single, omnibus response to the motions to dismiss filed by Dragul and the Hershey and Fox Defendants (the “Motions to Dismiss”), and the presumptive motion to be filed by the Markusch Defendants and (2) leave to file the omnibus response an additional twenty pages in excess of the 15-page limit for responses as provided by C.R.C.P. 121, §1-15(1)(a), (a total of 35 pages).

Certificate of conferral

Counsel for the Receiver has conferred with counsel for Dragul, and the Fox and Hershey Defendants, who do not oppose the requested enlargement of time and request for additional pages.

Motion

1. On August 15, 2018, Gerald Rome, the then Securities Commissioner for the State of Colorado (Rome and his three successors are collectively the “Commissioner”), filed his Complaint for Injunctive and Other Relief against Dragul and the GDA Entities, *Chan v. Dragul, et al.*, Case No. 2018CV33011.

2. On August 29, 2018, the Commissioner, Dragul and the GDA Entities filed a Stipulated Motion for Appointment of Receiver in the Receivership Action, consenting to the appointment of a receiver over Dragul and the GDA Entities pursuant to C.R.S. § 11-51-602(1) and C.R.C.P. 66.

3. On August 30, 2018, the Receivership Court entered a Stipulated Order Appointing Receiver (the “Receivership Order”), appointing Harvey Sender receiver for Dragul and the GDA Entities and their respective properties and assets, as well as their interests and management rights in related affiliated and subsidiary businesses (the “Receivership Estate” or the “Estate”). Receivership Order at 2, ¶ 5.

4. On January 21, 2020, the Receiver filed his Complaint commencing this case against the above-captioned Defendants.

5. Following Motions to Dismiss filed by all defendants except for the Kahn Defendants, the Receiver filed his First Amended Complaint on June 1, 2020.

6. On July 6, 2020, Dragul, and the Fox and Hershey Defendants filed three separate Motions to Dismiss the Amended Complaint. The Receiver’s responses are presently due on July 27, 2020.

7. The Markusch Defendants sought and obtained three extensions of time to respond to the Amended Complaint, which is presently due on July 31st. It is anticipated that the Markusch Defendants will also file a Motion to Dismiss.

8. In the interest of efficiency and economy, and since several of the Defendants’ arguments entail overlapping arguments, the Receiver intends to submit a single, omnibus response, which addresses all of the Defendants’ Motions to Dismiss in a single pleading (the “Omnibus Response”). As such, through this Motion, the Receiver seeks both additional time and pages for his Omnibus Response.

9. The Receiver respectfully therefore requests that the Court allow him an additional three weeks, or until August 17th, to submit his Omnibus Response, and requests leave to file that Response in excess of the 15-page limitation set forth in C.R.C.P. 121, § 1-15(1)(a), by an additional pages (for a total of 35 pages).

WHEREFORE, the Receiver asks the Court grant the relief sought herein, namely, an extension of time, through and including August 17, 2020, to file his Omnibus Response to the Defendants' Motions to Dismiss, and leave to file his reply 20-pages in excess of the limit for a total of 35-pages.

Dated: July 15, 2020.

ALLEN VELLONE WOLF HELFRICH & FACTOR P.C.



By: s/ Rachel A. Sternlieb

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 15th day of July, 2020 a true and correct copy of **The Receiver's Unopposed Motion for Extension of Time to File Omnibus Response to Defendants' Motions to Dismiss and for Leave to File in Excess of the Page Limit** 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.