

<p>DISTRICT COURT, DENVER COUNTY STATE OF COLORADO Denver District Court 1437 Bannock St. Denver, CO 80202</p>	
<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; 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 style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Attorneys for Defendant Gary J. Dragul Paul L. Vorndran, Atty. Reg. No. 22098 Christopher S. Mills, Atty. Reg. No. 42042 Jones & Keller, P.C. 1999 Broadway, Suite 3150 Denver, CO 80202 Phone: 303-573-1600 Email: pvorndran@joneskeller.com cmills@joneskeller.com</p>	<p>Case No. 2020CV30255</p> <p>Courtroom: 414</p>
<p style="text-align: center;">DEFENDANT GARY DRAGUL’S NOTICE OF PARTIAL JOINDER IN DEFENDANTS SUSAN MARKUSCH’S AND OLSON REAL ESTATE SERVICES, LLC’S MOTION TO DISMISS FIRST AMENDED COMPLAINT</p>	

Defendant Gary Dragul, through undersigned counsel, hereby respectfully gives notice that he joins in and adopts as his own the following portions of the motion to dismiss the Receiver’s First Amended Complaint filed on July 31, 2020 by Defendants Susan Markusch and

Olson Real Estate Services, LLC: Section 1 on pages 3-4; Section 2 on pages 4-8; and Section 3 on pages 8-9.

In so joining, Mr. Dragul reserves all rights and does not waive any arguments set forth in his own motion to dismiss the First Amended Complaint. Mr. Dragul reserves the right to file a reply in support of Susan Markusch's and Olson Real Estate Services, LLC's motion to dismiss the First Amended Complaint to the extent the Receiver's response to that motion sets forth any argument or information unique to Mr. Dragul or for which Mr. Dragul is the most appropriate person to address.

Dated this 10th day of August, 2020.

JONES & KELLER, P.C.

s/ Christopher S. Mills

Paul L. Vorndran, #22098

Christopher S. Mills, #42042

*ATTORNEYS FOR DEFENDANT GARY J.
DRAGUL*

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of August, 2020, a true and correct copy of the foregoing **DEFENDANT GARY DRAGUL'S NOTICE OF PARTIAL JOINDER IN DEFENDANTS SUSAN MARKUSCH'S AND OLSON REAL ESTATE SERVICES, LLC'S MOTION TO DISMISS FIRST AMENDED COMPLAINT** was filed and served via the Colorado Court E-filing system to the following:

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