

<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 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 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 Courtroom: 414</p>
<p style="text-align: center;">DEFENDANTS’ UNOPPOSED MOTION FOR EXTENSION OF TIME TO REPLY TO RECEIVER’S OMNIBUS RESPONSE TO DEFENDANTS’ MOTIONS TO DISMISS</p>	

Defendants Gary J. Dragul, Susan Markusch, Olson Real Estate Services, LLC, Alan C. Fox, ACF Property Management, Inc., Marlin S. Hershey, and Performance Holdings, Inc. (collectively “Defendants”), through their respective counsel, move this Court for a 15-day extension of time, to and including September 8, 2020, in which to respond to Receiver’s Omnibus Response to Defendants’ Motions to Dismiss, and state as follows:

1. Pursuant to C.R.C.P. 121 §1-15, the undersigned counsel conferred with counsel for Receiver, who have informed the undersigned that they do not oppose the relief sought herein.

2. The Receiver filed his omnibus response to the Defendants' respective Motions to Dismiss on August 17, 2020. Pursuant to C.R.C.P 121 § 1-15(c), Defendants' Reply is currently due August 24, 2020.

3. Due to the complexity of this case and length of the Receiver's Omnibus Response (59 pages), which the Receiver prepared over 31 day following an extension, Defendants do not believe they can fully reply to Receiver's Omnibus Response by August 24, 2020 date.

4. Defendants have not previously sought an extension to file their replies.

5. The case is not yet at issue, and thus no other deadlines will be impacted by the requested extension. No party will be prejudiced by the delay.

6. A Proposed Order is attached.

WHEREFORE, Defendants Gary J. Dragul, Susan Markusch, Olson Real Estate Services, LLC, Alan C. Fox, ACF Property Management, Inc., Marlin S. Hershey, and Performance Holdings, Inc. respectfully request a 15-day extension of time, to and including September 8, 2020, in which to respond to Receiver's Omnibus Response to Defendants' Motions to Dismiss.

Dated this 19th day of August, 2020.

JONES & KELLER, P.C.

THOMAS F. QUINN, P.C.

s/ Paul L. Vorndran
Paul L. Vorndran
ATTORNEYS FOR DEFENDANT
GARY J. DRAGUL

s/ Thomas F. Quinn
Thomas F. Quinn
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GOODREID AND GRANT, LLC

/s Lucas T. Ritchie
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ATTORNEYS FOR DEFENDANTS ACF
PROPERTY MANAGEMENT, INC. AND
ALAN FOX

/s Thomas E. Goodreid
Thomas E. Goodreid
ATTORNEYS FOR DEFENDANT MARLIN
HERSEY AND PERFORMANCE
HOLDINGS, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of August, 2020, a true and correct copy of the foregoing **DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO RECEIVER'S OMNIBUS RESPONSE TO DEFENDANTS' MOTIONS TO DISMISS** was filed and served via the Colorado Court E-filing system to the following:

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