

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER          COLORADO          Court Address: 1437 Bannock Street                                          Denver, CO 80202          Telephone:                  303-606-2429</p>	<p>DATE FILED: September 21, 2020 2:40 PM          FILING ID: 36D7A24A446B3          CASE NUMBER: 2020CV30255</p>
<p><b>Plaintiff:</b> HARVEY SENDER, AS RECEIVER FOR GARY DRAGUL, GDA REAL ESTATE SERVICES, LLC, and GDA REAL ESTATE MANAGEMENT, LLC,           v.   <b>Defendants:</b> GARY J. DRAGUL, BENJAMIN KAHN, THE CONUNDRUM GROUP, LLP, SUSAN MARKUSCH, ALAN C. FOX, ACF PROPERTY MANAGEMENT, INC., MARLIN S. HERSHEY, PERFORMANCE HOLDINGS, INC., OLSON REAL ESTATE SERVICES, LLC, JUNIPER CONSULTING GROUP, LLC, and JOHN AND JANE DOES 1-10, and XYZ CORPORATIONS 1-10.</p>	<p>▲ COURT USE ONLY ▲</p>
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**DEFENDANTS ACF PROPERTY MANAGEMENT, INC. AND ALAN C. FOX'S  
PARTIAL JOINDER IN CO-DEFENDANTS' REPLIES IN SUPPORT OF  
MOTIONS TO DISMISS**

Defendants ACF Property Management, Inc. and Alan C. Fox (collectively "ACF"), through counsel, hereby join in and adopt as their own the following:

1. The entirety of Argument Sections II(A) and II(C) of Defendants Marlin S. Hershey's and Performance Holdings, Inc.'s Reply in Support of Motion to Dismiss Pursuant to C.R.C.P. 12(b)(1) and (5), which was filed and served on September 8, 2020, to the extent those arguments and legal authorities in support thereof are applicable to the Receiver's claims against ACF.

2. The entirety of Argument Sections I, IV, and V of Defendant Gary Dragul's Motion to Dismiss First Amended Complaint, which was filed and served on September 8, 2020, to the extent those arguments and legal authorities in support thereof are applicable to the Receiver's claims against ACF.

In so joining, ACF reserves all rights and does not waive any arguments set forth in its own Motion to Dismiss Pursuant to C.R.C.P. 12(b)(1), 12(b)(5), and 9(b), which was filed and served on September 8, 2020.

Dated: September 21, 2020

Respectfully submitted,

MOYE WHITE LLP

*s/ Eric B. Liebman* \_\_\_\_\_

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Eric B. Liebman

Joyce C. Williams

and

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## CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2020, a true and correct copy of the foregoing was electronically filed via CCEF and served on the following:

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*s/ Brenda K. Sussman*