

DISTRICT COURT, DENVER COUNTY STATE OF COLORADO Denver District Court 1437 Bannock St. Denver, CO 80202	<p style="text-align: center;">▲ COURT USE ONLY ▲</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, et al.	
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	Case No.: 2020CV30255 Division/Courtroom: 414
RECEIVER’S RESPONSE TO NOTICE OF PENDING DISMISSAL	

Plaintiff, Harvey Sender, solely in his capacity as Receiver for the “Estate” described below (the “**Receiver**”), hereby responds to the Court’s Notice of Dismissal as to Defendant Juniper Consulting Group, LLC.

1. Since the First Amended Complaint was filed on June 1, 2020, the Receiver and Juniper’s counsel have been discussing settlement. To minimize fees and costs, they have agreed informally to extend Juniper’s date for responding to the complaint while those discussions continued.

2. On November 2, 2020, Plaintiff and Juniper agreed in principal to the terms of settlement and are in the process of documenting that agreement, which will need to be submitted to and approved by the Receivership Court in the underlying Receivership action, *Chan v. Dragul, et al.*, 2018 CV 33011. Pursuant to the Receivership Order in that case, responses to motions filed by the Receiver are due within ten days.

3. Upon approval of the Receiver/Juniper settlement agreement by the Receivership Court, plaintiff's claims in this case against Juniper will be dismissed with prejudice. The Receiver anticipates that this is likely to occur within 21 days.

4. The Receiver therefore requests that the Court refrain from dismissing the claims against Juniper in this case pending Receivership Court approval of their settlement agreement. This will not delay the prosecution of the case or prejudice any party. The Court denied defendants' motions to dismiss the First Amended Complaint on October 28, 2020, so their answers are not due until November 11, 2020, and the case is not yet at issue.

5. The Receiver proposes to either file a notice dismissing his claims against Juniper in this case with prejudice on or before December 2, 2020, or a status report concerning the settlement, and in the interim requests that the Court refrain from dismissing his claims against Juniper.

Dated: November 3, 2020.

ALLEN VELLONE WOLF HELFRICH & FACTOR P.C.

Rachel A. Sternlieb

By: *s/ Rachel A. Sternlieb*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 3, 2020 a true and correct copy of **RECEIVER'S RESPONSE TO NOTICE OF PENDING DISMISSAL** 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.