

1. Dragul's Second Motion to Abandon asks the Court to deem abandoned legal malpractice claims he caused to be filed on October 26, 2020, in Nevada State Court against the law firm of Brownstein Hyatt Farber Schreck, LLC in the case captioned *Dragul et al., v. Brownstein Hyatt Farber Schreck, LLP*, Case No. A-20822625-C, Eighth Judicial District Court, Clark County, Nevada (the "Nevada Action"). A copy of the Complaint and Jury Demand in the Nevada Action is attached to Dragul's Motion as Exhibit 2.

2. Dragul commenced the Nevada Action without the Receiver's knowledge or consent, and without this Court's approval notwithstanding the Court's October 1, 2020 Order, which denied his first motion to deem the Brownstein claims (and others) abandoned.

3. In the Second Motion to Abandon, Dragul acknowledges that the claims asserted in the Nevada Action are property of the Receivership Estate, but nevertheless seeks this Court's authority to pursue them for his exclusive benefit, purportedly because the Receiver has refused to pursue them for the benefit of the Estate.

4. As reflected by the Receiver's Motion to Approve Settlement Agreement with Brownstein Hyatt Farber Schreck, LLC, which is filed contemporaneously herewith, the Receiver has reached a settlement with Brownstein that will result in the payment of \$250,000 to the Estate. The Receiver has monetized the claims

asserted against Brownstein in the Nevada Action for the benefit of the Estate and its creditors, thereby rendering the Second Motion to Abandon moot.

WHEREFORE, the Receiver asks the Court to deny Dragul's Second Motion to Abandon as moot.

Dated: November 16, 2020.

ALLEN VELLONE WOLF HELFRICH & FACTOR P.C.

/s/ Rachel A. Sternlieb 
Patrick D. Vellone
Michael T. Gilbert
Rachel A. Sternlieb
1600 Stout Street, Suite 1900
Denver, Colorado 80202
(303) 534-4499
pvellone@allen-vellone.com
mgilbert@allen-vellone.com
rsternlieb@allen-vellone.com

ATTORNEYS FOR THE RECEIVER

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2020, I served a true and correct copy of the foregoing **RECEIVER'S RESPONSE TO DRAGUL'S MOTION TO ORDER CLAIMS AGAINST BROWNSTEIN ABANDONED** via CCE to the following:

Robert W. Finke
Janna K. Fischer
Ralph L. Carr Judicial Building
1300 Broadway, 8th Floor
Denver, Colorado 80203
E-mail: robert.finke@coag.gov
E-mail: janna.fischer@coag.gov

Paul L. Vorndran
Christopher S. Mills
JONES & KELLER, P.C.
1999 Broadway, Suite 3150
Denver, CO 80202
pvorndran@joneskeller.com
cmills@joneskeller.com

*Counsel for Plaintiff, David Cheval,
Acting Securities Commissioner*

*Counsel for Defendants, Gary Dragul,
GDA Real Estate Services, LLC and GDA
Real Estate Management, LLC*

s/Christina A. Clerihue

Allen Vellone Wolf Helfrich & Factor, P.C.