

DISTRICT COURT, DENVER COUNTY, COLORADO	
Court Address: 1437 BANNOCK STREET, RM 256, DENVER, CO, 80202	
Plaintiff(s) HARVEY SENDER AS RECEIVER FOR GARY DRAG v. Defendant(s) GARY J DRAGUL et al.	DATE FILED: December 2, 2020 5:39 PM CASE NUMBER: 2020CV30255
△ COURT USE ONLY △	
Case Number: 2020CV30255 Division: 414      Courtroom:	
<b>Order Re: Receiver's Status Report Re: Juniper Settlement</b>	

The motion/proposed order attached hereto: APPROVED.

Receiver shall either file a notice dismissing with prejudice his claims against Juniper on or before January 8, 2021, or file another status report concerning the status of the settlement approval.

Issue Date: 12/2/2020



MICHAEL ANTHONY MARTINEZ  
District Court Judge

DISTRICT COURT, DENVER COUNTY STATE OF COLORADO Denver District Court 1437 Bannock St. Denver, CO 80202	▲ COURT USE ONLY ▲
<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, et al.	
<b>Attorneys for Plaintiff:</b> 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
<b>RECEIVER'S STATUS REPORT RE JUNIPER SETTLEMENT</b>	

Plaintiff, Harvey Sender, solely in his capacity as Receiver for Gary Dragul; GDA Real Estate Services, LLC; and GDA Real Estate Management, LLC, and related entities (the “**Receiver**”), submits this status report concerning the pending settlement with Defendant Juniper Consulting Group, LLC (“Juniper”).

1. As discussed in the Receiver’s Response to Notice of Pending Dismissal (filed and granted by the Court on November 6, 2020), the Receiver and Juniper have reached a settlement that will result in the dismissal of Juniper from this case with

prejudice once approved by the Receivership Court. Although the Receiver anticipated this would occur before December 2, 2020, an unexpected email glitch delayed Juniper's counsel receiving the draft settlement agreement, and the agreement not executed until November 17th. The Receiver filed a motion seeking approval of the agreement with the Receivership Court the following day, November 18th.

2. Pursuant to the Receivership Order in the Receivership Case, objections to motions filed by the Receiver are due within ten days. Objections to the Juniper approval motion were therefore due by November 30, 2020. None has been filed. The Receiver anticipates the Receivership Court will shortly enter an order approving the Juniper settlement.


3. Under the terms of the Juniper settlement, Juniper is to make a settlement payment to the Receiver within 14 days after Receivership Court approval, and thereafter the Receiver has agreed to dismiss his claims in this case against Juniper with prejudice.

4. To allow sufficient time to obtain Receivership Court approval and payment, the Receiver asks the Court to continue to refrain from dismissing his claims against Juniper. The Receiver proposes to either file a notice dismissing his claims against Juniper with prejudice on or before January 8, 2021, or file another status report concerning the status of the settlement approval. Given the status of

pending matters in this case, the Receiver does not believe that any party will be prejudiced by this request.

Dated: December 1, 2020.

ALLEN VELLONE WOLF HELFRICH & FACTOR P.C.

By:  s/ Michael T. Gilbert

Patrick D. Vellone, #15284  
Matthew M. Wolf, # #33198  
Rachel A. Sternlieb, #51404  
Michael T. Gilbert, #15009  
1600 Stout Street, Suite 1900  
Denver, Colorado 80202  
Tel: (303) 534-4499  
pvellone@allen-vellone.com  
mwolf@allen-vellone.com  
rsternlieb@allen-vellone.com  
mgilbert@allen-vellone.com

ATTORNEYS FOR THE RECEIVER

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on December 1, 2020, a true and correct copy of **RECEIVER'S STATUS REPORT RE JUNIPER SETTLEMENT** was filed and served via the Colorado Courts E-Filing system to the following:

Paul L. Vorndran  
Christopher S. Mills  
Jones Keller, P.C.  
1999 Broadway Street  
Suite 3150  
Denver, CO 80202  
pvorndran@joneskeller.com  
pmills@joneskeller.com

***Counsel for Defendant, Gary Dragul***

John M. Palmeri  
Margaret L. Boehmer  
Gordon Rees Scully Mansukhani LLP  
555 17th Street,  
Suite 3400  
Denver, CO 80202  
jpalmeri@grsm.com  
mboehmer@grsm.com

***Counsel for Defendants Benjamin Kahn  
and the Conundrum Group, P.C.***

Thomas E. Goodreid  
Goodreid and Grant, LLC  
1801 Broadway, Suite 1400  
Denver, CO 80202  
(303) 296-2048  
t.goodreid@comcast.net

***Counsel for Defendants, Marlin Hershey  
and Performance Holdings, Inc.***

Lucas T. Ritchie  
Eric B. Liebman  
Joyce C. Williams  
Moye White LLP  
1400 16th Street, 6th Floor  
Denver, CO 80202-1486  
Luke.Ritchie@moyewhite.com  
Eric.Liebman@moyewhite.com  
Joyce.Williams@moyewhite.com

And

Gary S. Lincenberg (pro hac vice  
admission pending)  
Sharon Ben-Shahar Mayer (pro hac vice  
admission pending)  
BIRD, MARELLA, BOXER, WOLPERT,  
NESSIM, DROOKS,  
LINCENBERG & RHOW, P.C.  
1875 Century Park East, 23rd Floor  
Los Angeles, CA 90067

***Counsel for Defendants, Alan C. Fox  
and ACF Property Management, Inc.***

John A. Chanin  
Foster Graham Milstein & Calisher,  
LLP  
360 South Garfield St., Suite 600  
Denver, CO 80209  
jchanin@fostergraham.com

***Counsel for Juniper Consulting  
Services, LLC***

Susan Markusch  
Olson Real Estate Services  
6321 S. Geneva Cir.  
Englewood, CO 80111  
Smarkusch96@gmail.com

***Pro Se Defendants***

*s/Salowa Khan*

Allen Vellone Wolf Helfrich & Factor P.C.

*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.*

Attachment to Order 2020CV30255