

**GRANTED BY COURT**

**12/02/2020**

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CASE NUMBER: 2020CV30255

DISTRICT COURT, DENVER COUNTY  
STATE OF COLORADO  
Denver District Court  
1437 Bannock St.  
Denver, CO 80202

  
**MICHAEL ANTHONY MARTINEZ**  
District Court Judge

**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; JOHN AND JANE DOES 1 – 10; and XYZ CORPORATIONS 1 – 10.

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**Attorneys for Plaintiff:**

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Case Number:  
2020CV30255

Division/Courtroom:  
414

**UNOPPOSED MOTION FOR EXTENSION OF TIME**

Harvey Sender, the duly-appointed receiver (the “Receiver”) for Gary Dragul (“Dragul”), GDA Real Estate Services, LLC, GDA Real Estate Management, LLC, and related entities (collectively, “Dragul and the GDA Entities”), hereby submits the following Unopposed Motion for Extension of Time:

**Certificate regarding conferral pursuant to C.R.C.P. 121, § 1-15(8):**

Counsel for the Receiver conferred with counsel for the Defendants and was advised that none of the Defendants oppose the relief requested herein.

1. On November 12, 2020, Defendants Gary Dragul, ACF Property Management, Inc., Alan C. Fox, Marlin S. Hershey and Performance Holdings, Inc. filed their Motion for Certification of Interlocutory Appeal Under C.A.R. 4.2(a) Pursuant to C.R.S. § 13-4-102.1(1). Also on November 12, Defendant Gary Dragul filed (1) Motion in the Alternative for Reconsideration of Order Denying Motion to Dismiss First Amended Complaint, and (2) Motion for Certification of Interlocutory Appeal of Unique Issue Under C.A.R. 4.2(a) Pursuant to C.R.S. § 13-4-102.1(1).

2. The Receiver's responses to the Motions are due December 3, 2020.

3. Due the legal issues raised in their respective Motions, the Receiver requires additional time in which to adequately prepare his Responses.

4. The receiver seeks a fourteen-day extension of time, up to and including December 17, 2020.

5. Plaintiff has not sought any previous extension. No party will be prejudiced by the requested enlargement of time and the request is not made for an improper purpose, such as to delay the proceedings.

6. Pursuant to C.R.C.P. 121, §1-11, the undersigned certifies that a copy of this motion was served on the Receiver.

WHEREFORE, the Receiver requests an extension of time in which to respond to Defendants' pending Motions through and including December 17, 2020, and for such further relief the Court deems just and appropriate.

Dated: November 30, 2020.

ALLEN VELLONE WOLF HELFRICH & FACTOR P.C.

  
By: s/ Patrick D. Vellone

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ATTORNEYS FOR THE RECEIVER

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 30th day of November, 2020 a true and correct copy of the foregoing 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.*