

GRANTED BY COURT

01/07/2021

DATE FILED: January 7, 2021 1:43 PM

CASE NUMBER: 2018CV33011



MARTIN FOSTER EGELHOFF
District Court Judge

DISTRICT COURT, DENVER COUNTY
STATE OF COLORADO

1437 Bannock St.
Denver, CO 80202
(720) 865-8612

Plaintiff: Tung Chan, Securities Commissioner for the
State of Colorado

v.

Defendants: Gary Dragul, GDA Real Estate Services,
LLC, and GDA Real Estate Management, LLC

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Case No. 2018CV33011

Courtroom: 424

**DEFENDANT GARY DRAGUL'S UNOPPOSED MOTION FOR EXTENSION OF
TIME TO FILE REPLY BRIEF RE RECEIVER'S MOTION TO APPROVE
BROWNSTEIN SETTLEMENT**

Defendant Gary Dragul, through undersigned counsel, seeks an unopposed fourteen (14) day extension of time, up to and including January 21, 2021, to file his reply brief in connection with the Receiver's Motion to Approve Settlement Agreement with Brownstein Hyatt Farber Schreck, LLP ("Brownstein Motion"), on which the Court ordered a hearing and additional briefing. In support thereof, Mr. Dragul states as follows:

Certification of Conferral

Pursuant to C.R.C.P. 121 § 1-15(8), counsel for Mr. Dragul conferred with counsel for the Plaintiff Commissioner, the Receiver, and Brownstein Hyatt Farber Schreck, LLP

(“Brownstein”) about the relief requested herein. Neither the Commissioner, nor Receiver, nor Brownstein oppose the requested extension.

1. On November 16, 2020, the Receiver filed the Brownstein Motion.
2. On November 23, 2020, Mr. Dragul filed an objection to the Brownstein Motion.
3. On November 30, 2020, the Receiver filed his reply in support of the Brownstein Motion.
4. On December 11, 2020, the Court issued an order (“Order”) directing the Receiver to confer with the parties and set a hearing on the proposed settlement with Brownstein. In that Order, the Court also authorized Brownstein to file a brief on the proposed settlement within 28 days of the Order, and for Mr. Dragul to file a reply within 7 days thereafter.
5. Thus, Brownstein’s brief was due no later than January 8, 2021.
6. On December 31, 2020, Brownstein filed its brief early. Mr. Dragul’s reply brief is therefore due no later than January 7, 2021.
7. Mr. Dragul seeks an extension up to and including January 21, 2021 to file its reply brief for several reasons.
8. First, and most significantly, one of Mr. Dragul’s undersigned counsel contracted COVID a few days ago. Though he is, thankfully, convalescing at home and is not hospitalized, it appears he will be unable to materially contribute to this matter for the foreseeable near future.
9. Second, Mr. Dragul’s counsel anticipated that Brownstein would file its brief closer to its January 8th deadline and had made (socially-distanced) family plans for the New Year’s holiday. The holiday interfered with undersigned counsel’s ability to work on the reply when Brownstein unexpectedly filed its brief on New Year’s Eve.

10. Third, Brownstein's brief focuses heavily on the underlying merits of the complaint Mr. Dragul filed in Nevada against Brownstein. Mr. Dragul's Nevada-based counsel, who researched, drafted, and filed that complaint, and is familiar with Nevada law, is best positioned to address those underlying merits. Mr. Dragul will seek to have his Nevada counsel admitted *pro hac vice* to address those issues, but is unable to gather the supporting material for such a motion in time to file it under the current deadline.

11. No party will be prejudiced by the requested extension. All interested parties do not oppose this extension. Mr. Dragul does not seek to postpone the anticipated hearing and sees no reason why any other deadlines in this case would be affected by the extension. Mr. Dragul has not previously sought an extension to file this brief.

12. A Proposed Order is attached.

WHEREFORE, Mr. Dragul respectfully requests an extension up to and including January 21, 2021 to file the reply brief the Court directed in its December 11th Order.

Respectfully submitted this 6th day of January, 2021.

JONES & KELLER, P.C.

/s/ Christopher S. Mills

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **DEFENDANT GARY DRAGUL'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF RE RECEIVER'S MOTION TO APPROVE BROWNSTEIN SETTLEMENT** was filed and served via the ICCES e-file system on this 6th day of January 2021 to the following counsel of record for the parties to the action and interested third parties:

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