

<p>DISTRICT COURT, DENVER COUNTY  STATE OF COLORADO  Denver District Court  1437 Bannock St.  Denver, CO 80202</p>	<p>DATE FILED: February 17, 2021 5:11 PM  FILING ID: 2CAF7BD0A2D69  CASE NUMBER: 2018CV33011</p>
<p>TUNG CHAN, Securities Commissioner for the State of Colorado,   Plaintiff,   v.   GARY DRAGUL, GDA REAL ESTATE SERVICES, LLC, and GDA REAL ESTATE MANAGEMENT, LLC,   Defendants.</p>	<p>▲ COURT USE ONLY ▲</p>
<p>Attorneys for Defendant Gary Dragul:  Paul L. Vorndran, Atty. Reg. No. 22098  Christopher S. Mills, Atty. Reg. No. 42042  Jones &amp; Keller, P.C.  1675 Broadway, 26<sup>th</sup> Floor  Denver, CO 80202  Phone: 303-573-1600  Email: <a href="mailto:pvorndran@joneskeller.com">pvorndran@joneskeller.com</a>  <a href="mailto:cmills@joneskeller.com">cmills@joneskeller.com</a></p> <p>Michael C. Van  Shumway Van  8985 S Eastern Ave., Suite 100  Las Vegas, Nevada 89123  Phone: 702 478-7770  Email: <a href="mailto:Michael@shumwayvan.com">Michael@shumwayvan.com</a></p>	<p>Case No. 2018CV33011   Courtroom: 424</p>
<p align="center"><b>DEFENDANT GARY DRAGUL’S UNOPPOSED MOTION TO SPLIT TIME AT HEARING ON RECEIVER’S MOTION TO APPROVE SETTLEMENT WITH BROWNSTEIN</b></p>	

Defendant Gary Dragul, through counsel, requests leave of Court for Mr. Dragul’s counsel with Jones & Keller, and Mr. Dragul’s counsel with Shumway Van, to both appear and split argument and presentation time at the February 19, 2021 hearing set to address the

Receiver's Motion to Approve Settlement Agreement with Brownstein Hyatt Farber Schreck, LLP ("Brownstein Settlement Motion"). In support, Mr. Dragul states as follows:

### **CERTIFICATE OF CONFERRAL**

Pursuant to C.R.C.P. 121 § 1-15(8), counsel for Mr. Dragul conferred with counsel for Brownstein Hyatt Farber Schreck, LLP ("Brownstein"), and the Receiver, regarding the relief requested herein. Neither Brownstein nor the Receiver oppose this motion. Counsel for Mr. Dragul also reached out by email and phone multiple times to Plaintiff Commissioner, however the Commissioner never responded. Consistent with the Commissioner's past practice of not articulating a position on recent motions filed in this proceeding, and based on the fact that the Commissioner did not convey any opposition here, Mr. Dragul believes the Commissioner also does not oppose.

1. On October 7, 2020, Mr. Dragul and his two entities in receivership, GDA Real Estate Services, LLC and GDA Real Estate Management, LLC (the two entities are collectively "GDA Entities"), filed a complaint in Nevada ("Brownstein Complaint") against Brownstein. The law firm Shumway Van researched, drafted, and filed that complaint on behalf of Mr. Dragul and the GDA Entities. The Nevada Complaint expressly states that the Receiver controls the GDA Entities' claims.

2. Mr. Dragul provided a copy of the Brownstein Complaint to the Receiver in this matter, Harvey Sender, and asked if the Receiver wanted to take up and prosecute the GDA Entities' claims against Brownstein, or whether he wanted to abandon them. In response, the Receiver said he would require more time to research the claims alleged.

3. After following up and receiving no response from the Receiver, Mr. Dragul filed a motion to deem the GDA Entities' claims alleged in the Brownstein Complaint abandoned.

4. In response, the Receiver filed his Brownstein Settlement Motion on November 16, 2020. That motion was fully briefed.

5. The Court then ordered the Receiver to confer with the parties and set a hearing to address the Brownstein Settlement Motion. The hearing is set for February 19, 2021.

6. In anticipation of the hearing, Mr. Dragul's counsel who filed the Brownstein Complaint in Nevada, Shumway Van, moved *pro hac vice* for admission to this Court to address issues related to the Brownstein Complaint. That motion was granted.

7. Mr. Dragul's undersigned counsel from Jones & Keller is familiar with the proceeding before this Court and related Colorado actions, and the history of the Receivership. Mr. Dragul's counsel from Shumway Van is familiar with the Brownstein Complaint and facts alleged in it. Both are relevant to the Brownstein Settlement Motion. For that reason, Mr. Dragul seeks leave of Court for his counsel with Jones & Keller and his counsel with Shumway Van to split time at the hearing to ensure that all relevant topics are adequately addressed. For clarity, Mr. Dragul proposes for his counsel from Jones & Keller and Shumway Van to argue and present one at a time, and not to, for example, both question the same witness or both object to questions of the same witness.

8. No party will be prejudiced by the relief sought herein. Indeed, none of the parties oppose.

9. Allowing Mr. Dragul's counsel to split time arguing and presenting witness testimony and exhibits will allow the issues related to the Brownstein Settlement Motion to be fully and competently addressed so that the Court will have all relevant information in order to rule on that motion.

10. A Proposed Order is attached.

WHEREFORE, Defendant Gary Dragul respectfully requests the Court grant leave for his counsel from Jones & Keller and his counsel from Shumway Van to split time at the February 19, 2021 hearing.

Respectfully submitted this 17th day of February, 2021.

*s/ Christopher S. Mills*

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Paul L. Vorndran, #22098

Christopher S. Mills, #42042

*ATTORNEYS FOR DEFENDANT GARY J.  
DRAGUL*

**CERTIFICATE OF SERVICE**

I certify that on this 17th day of February, a true and correct copy of the foregoing **DEFENDANT GARY DRAGUL'S UNOPPOSED MOTION TO SPLIT TIME AT HEARING ON RECEIVER'S MOTION TO APPROVE SETTLEMENT WITH BROWNSTEIN** was filed and served via the Colorado Court's E-Filing system upon the following:

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