

<p>DISTRICT COURT, DENVER COUNTY STATE OF COLORADO Denver District Court 1437 Bannock St. Denver, CO 80202</p>	<p>DATE FILED: February 17, 2021 5:05 PM FILING ID: AA67CB1544BD8 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 & Keller, P.C. 1675 Broadway, 26th Floor Denver, CO 80202 Phone: 303-573-1600 Email: pvorndran@joneskeller.com cmills@joneskeller.com</p> <p>Michael C. Van Shumway Van 8985 S Eastern Ave., Suite 100 Las Vegas, Nevada 89123 Phone: 702 478-7770 Email: Michael@shumwayvan.com</p>	<p>Case No. 2018CV33011 Courtroom: 424</p>
<p align="center">DEFENDANT GARY DRAGUL’S WITNESS LIST FOR FEBRUARY 19, 2021 HEARING ON RECEIVER’S MOTION TO APPROVE SETTLEMENT WITH BROWNSTEIN</p>	

Defendant Gary Dragul, through counsel, hereby submits his Witness List for 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”).

WITNESSES

Mr. Dragul will call the following witnesses at the hearing:

1. Harvey Sender, c/o Allen Vellone Helfrich & Factor, P.C., 1600 Stout St., Suite 1900, Denver, CO 80202;

Mr. Dragul may call the following witnesses to testify at the hearing:

2. Douglas Shumway, c/o Shumway Van, 8985 S. Eastern Ave., Suite 100, Las Vegas, NV 89123;

3. Steven Janowaik, c/o Shumway Van, 8985 S. Eastern Ave., Suite 100, Las Vegas, NV 89123;

4. Melinda Harper, CPA/ABV/CFF, CFE, Harper Holfer & Associates, LLC, c/o Shumway Van, 8985 S. Eastern Ave., Suite 100, Las Vegas, NV 89123;

5. Any witness identified by the Receiver or any other participant at the hearing;

6. Any witness necessary to authenticate any document;

7. Any witness necessary for impeachment or rebuttal.

Mr. Dragul reserves the right to amend his witness list prior to the hearing.

Respectfully submitted this 17th day of February, 2021.

s/ Christopher S. Mills

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 WITNESS LIST FOR FEBRUARY 19, 2021 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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***Counsel for Tung Chan,
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State of Colorado***

s/ Christopher S. Mills

Christopher S. Mills

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<p align="center">DEFENDANT GARY DRAGUL'S EXHIBIT LIST FOR FEBRUARY 19, 2021 HEARING ON RECEIVER'S MOTION TO APPROVE SETTLEMENT WITH BROWNSTEIN</p>	

Defendant Gary Dragul, through counsel, hereby submits his Exhibit List for the February 19, 2021 hearing set to address the Receiver's Motion to Approve Settlement Agreement with Brownstein Hyatt Farber Schreck, LLP.

EXHIBITS

Mr. Dragul may use any exhibit identified on the Exhibit List attached as Exhibit 1 hereto. Mr. Dragul further may use any exhibit identified by any other party or participant in the hearing, and any exhibit necessary for impeachment or rebuttal.

Mr. Dragul reserves the right to amend his exhibit list prior to the hearing.

Respectfully submitted this 17th day of February, 2021.

s/ Christopher S. Mills

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 EXHIBIT LIST FOR FEBRUARY 19, 2021 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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***Counsel for Tung Chan,
Securities Commissioner for the
State of Colorado***

s/ Christopher S. Mills
Christopher S. Mills

EXHIBIT 1

GARY DRAGUL'S EXHIBIT LIST

FOR FEBRUARY 21, 2021 HEARING ON RECEIVER'S MOTION TO APPROVE SETTLEMENT WITH BROWNSTEIN

DATE FILED: February 19, 2021 5:05 PM
 FILING ID: AA67CB1544BD8
 CASE NUMBER: 2018CV33011

Chan v. Dragul, Case No. 2018CV33011

Exhibit No.	Date	Description	Witness	Stip.	Offered	Received	Refused	Ruling Reserved
A		The Clearwater Org Chart						
B		Hickory Box - Organizational Chart						
C		Org Chart-Happy Canyon Shoppes						
D		Rose LLC Operating Agreement 2012						
E		Rose LLC Operating Agreement 2013						
F		GDA As Is Cashflows 10-10-18						
G	11/15/12	Hershey Consulting Agreement						
H	2015	Loan documents from the Exhibit N email						
I	3/26/15	Clearwater Org Chart 3.26.15						
J	4/12/15	Email from Kaufmann that shows financial structure of Clearwater						
K	5/14/15	Clearwater Structure-Chotin						
L	8/3/15	FW Clearwater Subscription Documents						
M	8/5/15	Clearwater - Rialto - ACF Note and Pledge Agreement						
N	8/12/15	Email from Kaufmann about representation related to a loan transaction						
O	2016	Operating Agreement – Plaza North						
P	3/28/16	Plaza Mall - Closing Documents						
Q	3/29/16	Guarantee and Undertaking						
R	5/20/18	Dragul--potential defense-Notice						
S	6/4/19	Joint Motion of the Securities Commissioner and the Receiver for an						

		Order Requiring Dragul to Turnover and Account for Property of the Estate						
T	4/10/20	Tolling Agreement—filed under seal						
U	4/27/20	Receiver's Response to Hershey's Motion to Intervene						
V	6/8/20	First Amendment to Tolling Agreement—filed under seal						
W	8/17/20	Receiver's Omnibus Response to Defendants' Motions to Dismiss						
X	9/24/20	Receiver's Response to Dragul's Motion to Order Claims Abandoned						
Y	10/12/20 to 10/23/20	Email chain between Chris Mills and Pat Vellone re conferral re abandonment of claims against Brownstein						
Z	11/16/20	Receiver's Motion to Approve Settlement Agreement with Brownstein Hyatt Farber Schreck, LLP						
AA	11/26/20	Email from Russ Becker to Receiver's and Commissioner's attorneys re Brownstein settlement						
BB	1/28/21	Receiver's Response to Dragul's Motion for Limited Discovery						
		All Exhibits identified by the Receiver or any other participants in the hearing						