

**DISTRICT COURT, CITY AND COUNTY OF DENVER,
STATE OF COLORADO**

Court Address:
1437 Bannock St., Denver, CO 80202

DATE FILED: March 18, 2021
CASE NUMBER: 2020CV30255

Plaintiffs:

**HARVEY SENDER, AS RECEIVER FOR GARY
DRAGUL; GDA REAL ESTATE SERVICES, LLC; AND
GDA REAL ESTATE MANAGEMENT, LLC**

v.

Defendants:

**GARY J. DRAGUL, BENJAMIN KAHN, THE
CONUNDRUM GROUP, LLP, SUSAN MARKUSCH,
ALLEN C. FOX, ACF PROPERTY MANAGEMENT,
INC., MARLIN S. HERSHEY, PERFORMANCE
HOLDINGS, INC., OLSON REAL ESTATE SERVICES,
LLC, JUNIPER CONSULTING GROUP, LLC, and JANE
DOES 1-10, and XYZ CORPORATIONS 1-10.**

▲ COURT USE ONLY ▲

Case Number: 2020 CV
30255

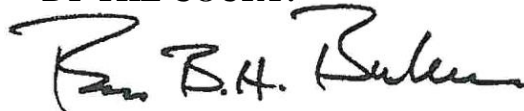
Ctrm: 414

**ORDER RE: DEFENDANT GARY DRAGUL'S MOTION IN THE ALTERNATIVE
FOR RECONSIDERATION OF ORDER DENYING MOTION TO DISMISS FIRST
AMENDED COMPLAINT**

THIS MATTER is before the court on Defendant Gary Dragul's Motion in the Alternative for Reconsideration of Order Denying Motion to Dismiss First Amended Complaint, filed November 12, 2020. The court, having reviewed the Motion, the Receiver's Response filed December 17, 2020, Defendants' Reply, filed December 24, 2020, the court file, the applicable law, and being otherwise fully advised the premises, hereby DENIES THE MOTION AS MOOT. Contemporaneously with the filing of this order, the court has granted both the Defendant's Collective Motion for Certification of Interlocutory Appeal and Defendant Dragul's Motion for Certification of Interlocutory Appeal of Unique Issue.

DATED this 18th day of March, 2021.

BY THE COURT:



Ross B.H. Buchanan, Denver District Court Judge