

<p>District Court, Denver County, Colorado Court Address: 1437 Bannock Street Denver, CO 80202 303.606.2433</p>	<p>DATE FILED: June 3, 2024 12:15 PM FILING ID: 33A4E877A5E6B CASE NUMBER: 2018CV33011</p>
<p>Plaintiff:</p> <p>Tung Chan, Securities Commissioner for the State of Colorado</p> <p>v.</p> <p>Defendants:</p> <p>Gary Dragul; GDA Real Estate Services, LLC and GDA Real Estate Management, LLC</p>	<p>▲ COURT USE ONLY ▲</p>
<p>Attorney for LONE PINE RESOURCES, LP</p> <p>Kevin D. Evans, Evans Law PLLC, 5613 DTC Parkway, Suite 850, Greenwood Village, CO 80111</p> <p>Phone Number: 720.738.3970 E-mail: kdevans@evanspllc.law FAX Number: 720.749.4958 Atty. Reg. #: 28218</p>	<p>Case Number: 2018CV33011</p> <p>Division: 424</p>
<p align="center">SUPPLEMENT TO LONE PINE RESOURCES, LP'S JOINDER IN RECEIVER'S MOTION TO APPROVE SETTLEMENT AGREEMENT WITH CLEARWATER BANKRUPTCY ESTATES AND RECEIVER'S OPPOSITION TO OBJECTION BY CHAD HURST</p>	

Lone Pine Resources, LP (“Lone Pine”), an unsecured creditor of Clearwater Collection 15, LLC (“Clearwater”), by its attorney, and based on information it learned upon reading the Receiver’s Ninth Report, hereby supplements its joinder in the Receiver’s motion to approve the

settlement agreement between the Clearwater Bankruptcy Estates and the Receiver (“Motion”) and the Receiver’s opposition to the objection of Chad Hurst. The information in the Receiver’s Ninth Report further demonstrates why the Motion should be granted.

1. Based on the Receiver’s Ninth Report, Lone Pine understands that in addition to calling Chad Hurst (“Hurst”) a “friend of the [Dragul] house,” a house built *not* upon a solid moral and ethical foundation but rather upon defrauding others (including Lone Pine), Gary Dragul (“Dragul”) has ensured that Hurst recovered to date roughly 84% of Hurst’s “losses” and seeks to ensure that Hurst recovers even more (*perhaps even a profit!*)—on the backs of the innocent defrauded creditors and victims. (*See* Receiver’s Ninth Report ¶ 14).

2. Not surprisingly, but quite telling, it appears that Hurst now refuses to produce any formal or informal agreements he has with Dragul, to disclose the nature of his financial relationship with Dragul, and to disclose advances he has made to Dragul and/or Dragul family members. (*Id.*) For this reason, Lone Pine has joined in discovery requests seeking to uncover such information; should Dragul and Hurst continue to refuse to provide it, Lone Pine will participate in a motion to compel.

3. Particularly disturbing is the information contained in Paragraph 21 of the Receiver’s Ninth Report. There, the Receiver notes that a material condition of Dragul’s *felony* plea agreement is that he cooperate with the Receiver. Instead, it appears that Dragul is going out of his way to undermine the Receiver (and the Receiver’s efforts to ensure that innocent creditors and victims receive some level of justice) in an effort to ensure that Dragul’s buddy Hurst benefits (perhaps even profits) even more at the expense of the defrauded creditors. And what is equally curious is that the same lawyers (including Chris Mills of Jones & Keller, P.C.) who withdrew

from representing Dragul in this case turned right around (less than two months later) and entered their appearance for “house of Dragul friend” Hurst.¹ (*See id.* at ¶¶ 18–19). Thus, Mr. Mills and Jones & Keller, P.C. now advocate for Hurst (aided by Dragul) to the detriment of the innocent defrauded creditors and victims.

WHEREFORE, Lone Pine submits this supplement and respectfully requests that the Court grant the Motion and reject Hurst’s objection.

Dated: June 3, 2024

By: s/Kevin D. Evans
Kevin D. Evans, #28218
EVANS LAW PLLC
5613 DTC Parkway, Suite 850
Greenwood Village, CO 80111
Telephone: 720.738.3970
Facsimile: 720.749.4958
kdevans@evanspllc.law

Attorney for LONE PINE RESOURCES, LP

¹ It is worth noting that Mr. Mills and Jones & Keller, P.C. also represented another Dragul friend—who appears to be a creditor in this case—in *RMCO Holdings, LLC, et al. v. Golden Trading & Transport, LLC, et al.*, Civil Action No. 1:22-cv-00650-NYM-KLM. That case had some interesting tentacles to this one.

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of June 2024, a true and correct copy of the foregoing **SUPPLEMENT TO LONE PINE RESOURCES, LP'S JOINDER IN RECEIVER'S MOTION TO APPROVE SETTLEMENT AGREEMENT WITH CLEARWATER BANKRUPTCY ESTATES AND RECEIVER'S OPPOSITION TO OBJECTION BY CHAD HURST** was electronically filed via the Colorado Courts E-filing (CCE) System and served via same to the following:

Robert W. Finke
Janna K. Fisher
Ralph L. Carr Judicial Building
1300 Broadway, 8th Floor
Denver, CO 80203
Robert.finke@coag.gov
janna.fischer@coaa.gov

Attorneys for:
Tung Chan, Securities Commissioner

Patrick D. Vellone
Michael T. Gilbert
Averil K. Andrews
Allen Vellone Wolf Helfrich & Factor, PC
1600 Stout St., Ste. 1900
Denver, CO 80202
pvellone@allen-vellone.com
mgilbert@allen-vellone.com
aandrews@allen-vellone.com

Attorneys for:
Harvey Sender

Christopher S. Mills
Jones & Keller, P.C.
1999 Broadway Street
Suite 3150
Denver, CO 80202
pmills@joneskeller.com

Attorney for:
Chad Hurst

CERTIFICATION OF E-SERVICE ON KNOWN CREDITORS

In accordance with this Court's February 1, 2019, Order clarifying notice procedures for this case, I also certify that a copy of the foregoing **SUPPLEMENT TO LONE PINE RESOURCES, LP'S JOINDER IN RECEIVER'S MOTION TO APPROVE SETTLEMENT AGREEMENT WITH CLEARWATER BANKRUPTCY ESTATES AND RECEIVER'S OPPOSITION TO OBJECTION BY CHAD HURST** is being served by electronic mail on all currently known creditors of the Receivership Estate to the addresses set forth on the service list maintained in the Receiver's records

/s/Kevin D. Evans
Kevin D. Evans