

District Court, Denver County 1437 Bannock Street Denver, CO 80202	DATE FILED: July 7, 2022 12:14 PM FILING ID: B6734400C8747 CASE NUMBER: 2022CV31451 ▲ COURT USE ONLY ▲
Plaintiff(s): Universal Herbs, LLC by and through Gary Schwartz in his capacity as Court-Appointed Receiver v. Defendant(s): Titan Health, LLC	Case Number: 2022CV31451 Div: 209 Ctrm:
<i>Attorneys for Plaintiff:</i> John A. Chanin, Reg. No. 20749 Katherine A. Roush, Reg. No. 39267 Jason M. Spitalnick, Reg. No. 51037 Foster Graham Milstein & Calisher LLP 360 S. Garfield Street, 6 th Floor Denver, Colorado 80209 Phone: (303)333-9810 Fax: (303)333-9786 Email: jchanin@fostergraham.com ; kroush@fostergraham.com ; jspitalnick@fostergraham.com	
PLAINTIFF’S UNOPPOSED MOTION TO ENTER AMENDED ORDER APPOINTING RECEIVER	

Plaintiff Universal Herbs, LLC, through Gary Schwartz as Receiver, (“Plaintiff”), hereby requests the Court enter an amended Order Appointing Receiver and in support, states as follows.

Certificate of Conferral: Undersigned counsel states they conferred with counsel for Titan Health, LLC regarding the relief requested in this motion and is authorized to state that Titan does not oppose the relief requested, although Titan reserves the right to, and does not waive any rights or position with respect to, seeking its own amendments to the order at a later date.

ARGUMENT

1. Plaintiff’s emergency motion to appoint receiver in this matter was heard on an expedited basis and an *ex parte* hearing¹ was conducted on May 25, 2022. At the conclusion of the hearing, the Court granted the motion. The Court therefore entered an order appointing Gary

Schwartz as Receiver on May 25, 2022 (“Order”).

2. In the intervening weeks, the Plaintiff and Receiver have been working with Colorado Marijuana and Enforcement Division (MED) to resolve longstanding issues between the MED and Titan.

3. The MED, though counsel at the Attorney General’s office, requested that the Order be slightly amended to allow the MED as well as the Department of Revenue, both through the AG, to enforce MED Rules and hold administrative action regarding licensure and/or disciplinary issues, and to allow the Department of Revenue to send notices of deficiency and notices of final determination and demand for payment pursuant to 39-21-103, C.R.S., to the Receiver on behalf of the Receivership Property.

4. Amending the Order will avoid the need for the AG to intervene to seek this same relief and is in the best interests of all parties and the Court.

5. Accordingly, the Plaintiff requests the Court enter the proposed Amended Order Appointing Receiver that is filed along with this motion. The amendments discussed above are incorporated in Paragraph 14 of the Proposed Order. There are no other changes to the Proposed Order.

WHEREFORE, Plaintiff respectfully requests that the Court enter the proposed Amended Order Appointing Receiver.

DATED this 7th Day of July, 2022.

FOSTER GRAHAM MILSTEIN
& CALISHER, LLP

By: /s/ John A. Chanin
John A. Chanin, #20749
Katherine A. Roush, #39267
Jason M. Spitalnick, #51037
ATTORNEYS FOR UNIVERSAL HERBS, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 7, 2022 a true and correct copy of the foregoing was served via *Colorado Courts E-filing* upon all parties of record.

By: /s/ Lucas Wiggins
Lucas Wiggins, Paralegal