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JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

CASEY CONNOR MORSE,  
Plaintiff,  
v.  
APARTMENT INVESTMENT AND  
MANAGEMENT COMPANY, d/b/a  
and/or  
a/k/a AIMCO PROPERTIES, LP and  
JOHN DOE HUMAN PERSONS  
and/or  
ENTITY-PERSONS,  
Defendants.

CASE NO. CV11 05492 AHM (Ex)

~~PROPOSED~~ ORDER OF  
DISMISSAL WITHOUT  
PREJUDICE

DATE: September 12, 2011

Complaint Filed: January 19, 2011

[Assigned for All Purposes to Judge A. Howard Matz,  
Courtroom 14]

Discovery Cutoff: None Set  
Motion Cutoff: None Set  
Trial Date: None Set

This cause came before the Court on a Joint Motion To Dismiss Without Prejudice, filed jointly, by Defendant, Apartment Investment And Management Company, d/b/a and/or a/k/a AIMCO Properties, LP and John Doe Human Persons and/or Entity-Persons (hereinafter collectively "AIMCO") and Plaintiff, Casey Connor Morse (hereinafter "Plaintiff"). This

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1 Court, being duly advised, finds, based on and because of the arguments  
2 between AIMCO and Plaintiff judicially admitted in the Joint Motion that the  
3 Joint Motion should be **GRANTED**. Therefore, it is

4 **ORDERED, ADJUDGED AND DECREED** that the above-styled case  
5 should be and the same hereby is dismissed without prejudice;

6 **FURTHER ORDERED, ADJUDGED AND DECREED** that AIMCO, in  
7 California Superior Court, shall not assert any defense, to claims made in  
8 the instant civil action, based on the accrual of any applicable statute of  
9 limitation, contending that the civil action was filed on a date later than  
10 January 19, 2011 or based on res judicata or any similar claim preclusive  
11 doctrine or theory so long as Plaintiff refiles the case in California Superior  
12 Court no more than thirty (30) days after this order is filed, or by October 12,  
13 2011, whichever is the last to occur

14  
15 DATED: September 15, 2011

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17 JS-6

  
UNITED STATES DISTRICT COURT  
JUDGE

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19  
20 APPROVED IN FORM AND SUBSTANCE:

21 Wood, Smith, Henning & Berman, LLP  
22 By: /s/ Matthew O. Kovacs  
23 Victoria L. Ersoff  
24 Matthew O. Kovacs  
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