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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GREGORY HALL, FAUSTO AGUILAR,  
GONZALO AGUILAR, CHARLES  
CHILTON, DOUGLAS GIVENS, ROBERT  
IVY, QUINCY MOUTON, RICHARD  
RANKIN, HECTOR RODRIGUEZ, LLOYD  
THIBEAUX, ARNULFO CARRANZA-  
RIVAS, ROY EDWARDS, TERRY  
MACKEY, and DOUGLAS TURNER,

Plaintiffs,

v.

APARTMENT INVESTMENT AND  
MANAGEMENT COMPANY, AIMCO  
CAPITAL, INC., FORTNEY &  
WEYGANDT, INC., IMR CONTRACTOR  
CORPORATION, BAY BUILDING  
SERVICES, BAY AREA CONSTRUCTION  
FRAMERS, INC., ALL HALLOWS  
PRESERVATION, L.P., BAYVIEW  
PRESERVATION, L.P., LA SALLE  
PRESERVATION, L.P., SHOREVIEW  
PRESERVATION, L.P., and DOES 1-50,

Defendants.

Case No. 08-CV-3447 CW

**JOINT STIPULATION FOR STAY OF  
DISCOVERY AND EXTENSION OF  
FACT DISCOVERY CUTOFF [AND  
ORDER]**

The parties hereto, by their respective counsel, hereby stipulate and jointly move the Court for an order staying discovery in the case and extending the fact discovery cutoff, as more fully set forth below. As grounds for this motion, the parties hereto state as follows:

1. On July 28, 2010, Defendant Fortney & Weygandt, Inc. filed its Notice of Motion to Disqualify Plaintiffs' Attorneys (and supporting papers) (Dkt. No. 85, *et seq.*), in the above-captioned matter. The motion is to be heard on September 9, 2010, at 2:00 p.m.

JOINT STIPULATION FOR STAY OF DISCOVERY AND EXTENSION OF  
FACT DISCOVERY CUTOFF [AND ORDER]

1           2.     In light of such motion, the parties hereto believe that it is in the interests of justice,  
2 and the orderly and efficient prosecution of this case, that any further discovery should be stayed  
3 pending the hearing and determination of the Motion to Disqualify Plaintiffs' Attorneys.

4           3.     Plaintiffs intend to file shortly a discovery motion that they that they contend is  
5 directly related to the Motion to Disqualify. Such discovery motion is expressly excluded from this  
6 Joint Stipulation.  
7

8           4.     The fact discovery cutoff in this case is currently set for September 11, 2010. The  
9 parties agree that the remaining time for fact discovery should be tolled while the Motion to  
10 Disqualify is heard and ruled upon.

11           5.     The current status of discovery in the case is set forth in Exhibit A hereto. It is the  
12 intention of the parties to this Joint Stipulation that after such motion is decided by the Court, and  
13 depending upon the Court's ruling, the parties be placed in the same position as they were prior to  
14 the stay, *i.e.*, that they be able to conduct the same fact discovery as previously contemplated.  
15

16           6.     Thus, the parties request that the fact discovery cutoff be extended by the number of  
17 days from July 28, 2010, the date the Motion to Disqualify Plaintiffs' Attorneys was filed, until the  
18 date of the Court's ruling thereupon, or such later date as determined by the Court in its discretion.

19           7.     All parties reserve the right to request that the Court continue any other deadlines as  
20 may be necessary.  
21

22           WHEREFORE, the parties hereto respectfully request that the Court order as follows:

23           1.     That with the exception of Plaintiffs' contemplated discovery motion, all further fact  
24 discovery in this case is hereby stayed pending the hearing and ruling by the Court on Defendant  
25 Fortney & Weygandt, Inc.'s Motion to Disqualify Plaintiffs' Attorneys; and  
26  
27

28                           JOINT STIPULATION FOR STAY OF DISCOVERY AND EXTENSION OF  
  FACT DISCOVERY CUTOFF [AND ORDER]

1           2.       That the fact discovery cutoff, which is currently set for September 11, 2010, shall  
2 be extended by the number of days from July 28, 2010, the date the Motion to Disqualify Plaintiffs'  
3 Attorneys was filed, until the date of the Court's ruling thereupon, or such later date as determined  
4 by the Court in its discretion.

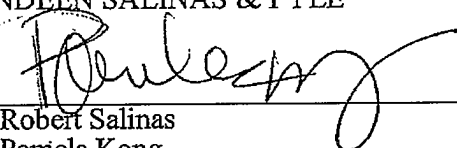
5           IT IS SO ORDERED.

6  
7           BY THE COURT:

8             
9           Hon. Claudia Wilken  
          United States District Court Judge

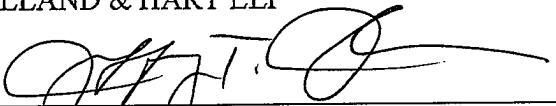
10           AGREED AND APPROVED:

11           SUNDEEN SALINAS & PYLE

12           By   
13           Robert Salinas  
14           Pamela Kong  
15           Jorge Aguilar

16           ATTORNEYS FOR PLAINTIFFS

17           HOLLAND & HART LLP

18           By   
19           Jeffrey T. Johnson

20           ATTORNEYS FOR DEFENDANTS  
21           APARTMENT INVESTMENT AND  
22           MANAGEMENT COMPANY; AIMCO CAPITAL  
23           INC.; ALL HALLOWS PRESERVATION, L.P.;  
24           BAYVIEW PRESERVATION, L.P.;  
25           LA SALLE PRESERVATION, L.P.; and  
26           SHOREVIEW PRESERVATION, L.P.

27  
28           JOINT STIPULATION FOR STAY OF DISCOVERY AND EXTENSION OF  
          FACT DISCOVERY CUTOFF [AND ORDER]

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FORTNEY & KLINGSHIRN

By \_\_\_\_\_  
Michael L. Fortney

ATTORNEYS FOR DEFENDANT  
FORTNEY & WEYGANDT, INC.

SIMPSON, GARRITY, INNES and JACUZZI

By \_\_\_\_\_  
Paul V. Simpson

ATTORNEYS FOR DEFENDANT  
IMR CONTRACTOR CORPORATION

LAW OFFICES OF JOSEPH E. POWELL

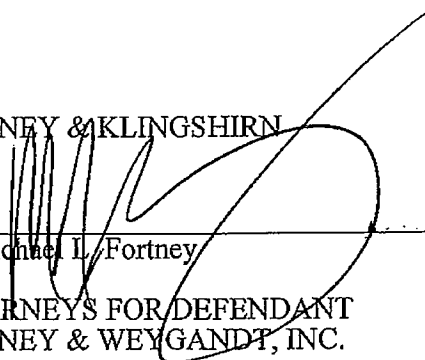
By \_\_\_\_\_  
Joseph E. Powell

ATTORNEYS FOR DEFENDANT  
BAY AREA CONSTRUCTION FRAMERS, INC.

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FACT DISCOVERY CUTOFF [AND ORDER]

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FORTNEY & KLINGSHIRN

By \_\_\_\_\_  
Michael L. Fortney

ATTORNEYS FOR DEFENDANT  
FORTNEY & WEYGANDT, INC.

SIMPSON, GARRITY, INNES and JACUZZI

*August 3, 2010*

By *Robert A. Weinsonne Esq.*  
Paul V. Simpson

ATTORNEYS FOR DEFENDANT  
IMR CONTRACTOR CORPORATION

LAW OFFICES OF JOSEPH E. POWELL

By \_\_\_\_\_  
Joseph E. Powell

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FORTNEY & KLINGSHIRN

By \_\_\_\_\_  
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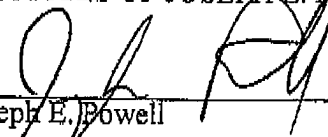
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FORTNEY & WEYGANDT, INC.

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**Exhibit A**  
**to Joint Stipulation for Stay of Discovery**  
**and Extension of Lay Witness Discovery Cutoff [and Order]**

**Discovery Scheduled (as of August 3, 2010), in Hall, et al. v. AIMCO, et al.**

Plaintiffs have scheduled the following depositions:

- a. John Buettner on August 2, 2010
- b. Steve Silva on August 3, 2010
- c. Don Maloy on August 5, 2010
- d. John Scott on August 6, 2010
- e. Marshall Hornstein on August 6, 2010
- f. Elise Johnson on August 18, 2010
- g. Jim Diaz on August 19, 2010
- h. Paul Springthorpe on August 26, 2010
- i. Richard Ingram on September 23, 2010

With the exception of the depositions of Elise Johnson and Jim Diaz, the above deposition dates and times were fully confirmed.

Plaintiffs also served deposition subpoenas on Ken Nim and Chris Iglesias. The only thing left to be done is to find alternative dates because AIMCO and Fortney counsel could not attend on the dates noticed.

Plaintiffs also served a third set of special interrogatories on Defendants IMR and Bay Area Construction Framers on June 28, 2010. Defendant IMR has objected to all of these interrogatories. Bay Area Construction Framers has not responded.

Plaintiffs also served a third set of requests for documents on Fortney and Weygandt on July 9, 2010.



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Defendants AIMCO and Bay Area Construction Framers served subpoenas on the  
Carpenters Union Local 22.