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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GREGORY HALL, FAUSTO AGUILAR,)
GONZALO AGUILAR, CHARLES) Case No. 08-CV-3447 CW
CHILTON, DOUGLAS GIVENS, ROBERT)
IVY, QUINCY MOUTON, RICHARD)
RANKIN, HECTOR RODRIGUEZ, LLOYD)
THIBEAUX, ARNULFO CARRANZA-)
RIVAS, TERRY MACKEY,) **JOINT STIPULATION REQUESTING**
) **AN ORDER FOR BRIEFING SCHEDULE**
) **AND HEARING DATE FOR MOTIONS**
Plaintiffs,) **FOR SUMMARY JUDGMENT**
)
vs.)
)
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.)
)

COME NOW Plaintiffs and Defendants Apartment Investment and Management Company,
AIMCO Capital Inc., All Hallows Preservation, L.P., Bayview Preservation, L.P., La Salle
Preservation, L.P., and Shoreview Preservation, L.P. (collectively the “AIMCO Defendants”), Fortney
& Weygandt, Inc., who respectfully make this stipulated joint request, pursuant to Local Rules 56-1,
7-2 and 7-3, for an order setting a briefing schedule and re-setting the date to hear Defendants’

1 Motions for Summary Judgment.

2 The AIMCO Defendants, as well as Defendant Fortney & Weygandt, Inc., will file summary
3 judgment motions attempting to dispose of all claims against each of them. These will be lengthy,
4 complex motions both in terms of fact and law. (Defendants IMR Contractor Corp. and Bay Area
5 Construction Framers, Inc. will not be filing a motion for summary judgment; Defendant Bay Building
6 Services, Inc. is in default). The commentary to Local Rule 7-2 states:

8 The time periods set forth in Civil L.R. 7-2 and 7-3 regarding notice, response and reply to
9 motions are minimum time periods. For complex motions, parties are encouraged to stipulate
10 to or seek a Court order establishing a longer notice period with correspondingly longer
periods for response or reply.

11 The parties have met and conferred over the issue of Plaintiffs having only two weeks under the Local
12 Rules to respond to two complex motions for summary judgment. Under the current schedule, the last
13 date for hearing dispositive motions is January 6, 2011. This would yield a last day for filing of
14 December 2, 2010. The parties have also met and conferred concerning the page limits for the
15 memoranda and agreed to increase the number of pages. Therefore respectfully parties respectfully
16 request the following:

- 18 1. That the last day for filing a dispositive motion is December 2, 2010;
- 19 2. That the last day for filing an opposition is December 23, 2010;
- 20 3. That the last day for filing a reply to an opposition is January 6, 2011;
- 21 4. That the hearing date for the dispositive motions is January 20, 2011;
- 22 5. Increase the number of pages for each opening memorandum to 35 pages;
- 23 6. Increase the number of pages for each opposing memorandum to 35 pages;
- 24 7. Increase the number of pages for each reply memorandum to 20 pages;
- 25 8. Increase the number of pages for each set of objections to new evidence in reply
- 26
- 27

28 **JOINT STIPULATION REQUESTING AN ORDER FOR BRIEFING SCHEDULE AND
HEARING DATE FOR MOTIONS FOR SUMMARY JUDGMENT**

(Local Rule 7-3) to 10 pages;

The parties respectfully make this request in order to provide adequate space to brief the issues and adequate time to file responses, given the number and complexity of the motions and the holiday time period.

Jointly stipulated this 22nd day of November, 2010.

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Counsel for Plaintiffs:

Jorge Aguilar II
SUNDEEN SALINAS & PYLE

Counsel for Apartment Investment and
Management Company, AIMCO Capital, Inc., All
Hallows Preservation, L.P., Bayview
Preservation, L.P., La Salle Preservation, L.P.,
and Shoreview Preservation, L.P.:

/s/

Jeffrey T. Johnson
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Counsel for Fortney & Weygandt, Inc.:

/s/

Michael L. Fortney
FORTNEY & KLINGSHIRN

**JOINT STIPULATION REQUESTING AN ORDER FOR BRIEFING SCHEDULE AND
HEARING DATE FOR MOTIONS FOR SUMMARY JUDGMENT**

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ORDER OF THE COURT

IT IS HEREBY ORDERED that the briefing schedule and hearing date for dispositive motions in this matter be set as follows:

1. That the last day for filing a dispositive motion is December 2, 2010;
2. That the last day for filing an opposition is December 23, 2010;
3. That the last day for filing a reply to an opposition is January 6, 2011;
4. That the hearing date for the dispositive motions is January 20, 2011.
5. That the maximum number of pages for each opening memorandum is 30 pages;
6. That the maximum number of pages for the omnibus opposing memorandum is 60 pages;
7. That the maximum the number of pages for each reply memorandum is 20 pages;
8. That the maximum number of pages for each set of objections to new evidence in reply (Local Rule 7-3) is 10 pages;

However, Defendants must collaborate so they do not repeat the same arguments and Plaintiffs must file a single brief in opposition to both.

Dated: November 23, 2010


HONORABLE CLAUDIA WILKEN