

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, TERRY MACKEY,

Case No. 08-CV-3447 CW

Plaintiffs,

JOINT STIPULATION OF DISMISSAL

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 Plaintiff HECTOR RODRIGUEZ and Defendants, Apartment Investment and
Management Company, AIMCO Capital Inc., Fortney & Weygandt, Inc., IMR Contractor Corporation,
Bay Area Construction Framers, Inc., All Hallows Preservation, L.P., Bayview Preservation, L.P., La
Salle Preservation, L.P., and Shoreview Preservation, L.P., and pursuant to Rule 41(a)(1)(ii) of the
Federal Rules of Civil Procedure, jointly stipulate to partially dismiss the claims in this action of the
above-referenced plaintiff with prejudice. In support of their Joint Stipulation of Dismissal, the Parties

1 show as follows:

2 1. Plaintiff is HECTOR RODRIGUEZ. Defendants are Apartment Investment and
3 Management Company, AIMCO Capital Inc., Fortney & Weygandt, Inc., IMR Contractor Corporation,
4 Bay Area Construction Framers, Inc., All Hallows Preservation, L.P., Bayview Preservation, L.P., La
5 Salle Preservation, L.P., and Shoreview Preservation, L.P.

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7 2. Plaintiff filed a Complaint initiating this action on December 14, 2007. After
8 amendments the current complaint in this action is the Fourth Amended Complaint filed on May 11,
9 2009.

10 3. Plaintiff HECTOR RODRIGUEZ desires to dismiss his causes of action with prejudice
11 as to all of his claims against Defendants Apartment Investment and Management Company, AIMCO
12 Capital Inc., Fortney & Weygandt, Inc., All Hallows Preservation, L.P., Bayview Preservation, L.P., La
13 Salle Preservation, L.P., and Shoreview Preservation, L.P., without affecting the rights of the
14 remaining plaintiffs in this litigation.

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16 5. Defendants have all answered the Fourth Amended Complaint.

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18 6. This case is not a class action.

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20 7. This dismissal is with prejudice to re-filing.

21 8. The following plaintiffs remain in this action: Gregory Hall, Fausto Aguilar, Gonzalo
22 Aguilar, Charles Chilton, Douglas Givens, Robert Ivy, Quincy Mouton, Richard Rankin, Hector
23 Rodriguez, Lloyd Thibeaux, Arnulfo Carranza-Rivas and Terry Mackey.

24 9. Plaintiffs Gregory Hall, Fausto Aguilar, Gonzalo Aguilar, Charles Chilton, Douglas
25 Givens, Quincy Mouton, Richard Rankin, Terry Mackey maintain all of their causes of actions against
26 all Defendants.

1 10. Plaintiffs HECTOR RODRIGUEZ and ARNULFO CARRANZA-RIVAS maintain all
2 of their claims against Defendants IMR Contractor Corporation and Bay Building Services; ROBERT
3 IVY and LLOYD THIBEAUX maintain all of their claims against Defendant Bay Area Construction
4 Framers, Inc.

5 WHEREFORE, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the
6 Parties stipulate and request that the claims of HECTOR RODRIGUEZ be dismissed with prejudice as
7 to all of his claims against Defendants Apartment Investment and Management Company, AIMCO
8 Capital Inc., Fortney & Weygandt, Inc., All Hallows Preservation, L.P., Bayview Preservation, L.P., La
9 Salle Preservation, L.P., and Shoreview Preservation, L.P.

10 Jointly stipulated this 16th day of November, 2010.

11 Counsel for Plaintiffs:

12
13 _____
14 Robert Salinas
15 SUNDEEN SALINAS & PYLE
16

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

22 _____
23 Jeffrey T. Johnson
24 HOLLAND & HART, LLP

25 Counsel For IMR Contractor Corporation:

26 _____
27 Paul V. Simpson
28 SIMPSON, GARRITY, INNES and JACUZZI

29 Counsel for Fortney & Weygandt, Inc.:

30 _____
31 Michael L. Fortney
32 FORTNEY & KLINGSHIRN

33 Counsel for Bay Area Construction Framers, Inc.:

34 _____
35 Joseph E. Powell
36 LAW OFFICES OF JOSEPH E. POWELL

10. Plaintiffs HECTOR RODRIGUEZ and ARNULFO CARRANZA-RIVAS maintain all of their claims against Defendants IMR Contractor Corporation and Bay Building Services; ROBERT IVY and LLOYD THIBEAUX maintain all of their claims against Defendant Bay Area Construction Framers, Inc.

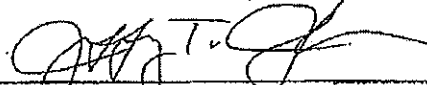
WHEREFORE, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the Parties stipulate and request that the claims of HECTOR RODRIGUEZ be dismissed with prejudice as to all of his claims against Defendants Apartment Investment and Management Company, AIMCO Capital Inc., Fortney & Weygandt, Inc., All Hallows Preservation, L.P., Bayview Preservation, L.P., La Salle Preservation, L.P., and Shoreview Preservation, L.P.

Jointly stipulated this 16th day of November, 2010.

Counsel for Plaintiffs:


Robert Salinas
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.:


Jeffrey T. Johnson
HOLLAND & HART, LLP

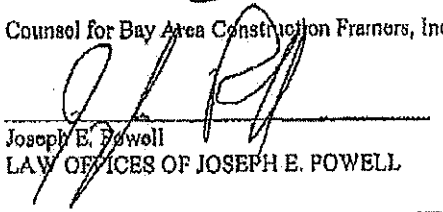
Counsel for IMR Contractor Corporation:


Paul V. Simpson
SIMPSON, GARRITY, INNES and JACUZZI

Counsel for Fortney & Weygandt, Inc.:


Michael L. Fortney
FORTNEY & KLINGSHIRN

Counsel for Bay Area Construction Framers, Inc.:


Joseph E. Powell
LAW OFFICES OF JOSEPH E. POWELL

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ORDER OF THE COURT

IT IS HEREBY ORDERED that, as to the complaints of Plaintiff HECTOR RODRIGUEZ, all causes of action against Defendants Apartment Investment and Management Company, AIMCO Capital Inc., Fortney & Weygandt, Inc., All Hallows Preservation, L.P., Bayview Preservation, L.P., La Salle Preservation, L.P., and Shoreview Preservation, L.P., are HEREBY DISMISSED WITH PREJUDICE. Plaintiff HECTOR RODRIGUEZ maintains all of his claims against Defendants IMR Contractor Corporation and Bay Building Services, Inc.

January 3, 2011

Dated: November _____, 2010



HONORABLE CLAUDIA WILKEN