

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 Plaintiffs 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 dismiss the claims in this action of the above-referenced plaintiffs with
prejudice. In support of their Joint Stipulation of Dismissal, the Parties show as follows:

1 1. Plaintiffs are ROY EDWARDS, DOUGLAS TURNER, ARNULFO CARANZA-
2 RIVAS, ROBERT IVY and LLOYD THIBEAUX. 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. Plaintiffs 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. Plaintiffs ROY EDWARDS and DOUGLAS TURNER desire to dismiss their causes of
11 action with prejudice as to all of their claims against all Defendants, without affecting the rights of the
12 remaining plaintiffs in this litigation.

13
14 4. Plaintiffs ARNULFO CARANZA-RIVAS, ROBERT IVY and LLOYD THIBEAUX
15 desire to dismiss their causes of action with prejudice as to all of their claims against Defendants
16 Apartment Investment and Management Company, AIMCO Capital Inc., Fortney & Weygandt, Inc.,
17 All Hallows Preservation, L.P., Bayview Preservation, L.P., La Salle Preservation, L.P., and
18 Shoreview Preservation, L.P., without affecting the rights of the remaining plaintiffs in this litigation.

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

21 6. This case is not a class action.

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

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

1 9. Plaintiffs Gregory Hall, Fausto Aguilar, Gonzalo Aguilar, Charles Chilton, Douglas
2 Givens, Quincy Mouton, Richard Rankin, Hector Rodriguez, Terry Mackey maintain all of their causes
3 of actions against all Defendants. Plaintiff Arnulfo Caranza-Rivas maintains all of his claims against
4 Defendants IMR Contractor Corporation and Bay Building Services; Robert Ivy and Lloyd Thibeaux
5 maintain all of their claims against Defendant Bay Area Construction Framers, Inc.
6

7 WHEREFORE, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the
8 Parties stipulate and request that the claims of Plaintiffs Roy Edwards and Douglas Turner be
9 dismissed with prejudice. The Parties further stipulate and request that the claims of Arnulfo Caranza-
10 Rivas, Robert Ivy and Lloyd Thibeaux be dismissed with prejudice as to all of their claims against
11 Defendants Apartment Investment and Management Company, AIMCO Capital Inc., Fortney &
12 Weygandt, Inc., All Hallows Preservation, L.P., Bayview Preservation, L.P., La Salle Preservation,
13 L.P., and Shoreview Preservation, L.P.
14

15 Jointly Stipulated this 3rd day of September, 2010.

16 Counsel for Plaintiffs:

17 _____
18 Robert Salinas
19 SUNDEEN SALINAS & PYLE
20

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.:

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

24 Counsel For IMR Contractor Corporation:

25 _____
26 Paul V. Simpson
27 SIMPSON, GARRITY, INNES and JACUZZI
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Counsel for Fortney & Weygandt, Inc.:

Michael L. Fortney
FORTNEY & KLINGSHIRN

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Counsel for Bay Area Construction Framers, Inc.:

Joseph E. Powell
LAW OFFICES OF JOSEPH E. POWELL

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2 ORDER OF THE COURT

3 IT IS HEREBY ORDERED that, as to the complaints of Plaintiffs ROY EDWARDS and
4 DOUGLAS TURNER, all causes of action against all Defendants are HEREBY DISMISSED WITH
5 PREJUDICE.
6

7 IT IS FURTHER ORDERED that, as to the complaints of Plaintiffs ARNULFO CARANZA-
8 RIVAS, ROBERT IVY and LLOYD THIBEAUX, all causes of action against Defendants Apartment
9 Investment and Management Company, AIMCO Capital Inc., Fortney & Weygandt, Inc., All Hallows
10 Preservation, L.P., Bayview Preservation, L.P., La Salle Preservation, L.P., and Shoreview
11 Preservation, L.P., are HEREBY DISMISSED WITH PREJUDICE. Plaintiff ARNULFO
12 CARANZA-RIVAS maintains all of his claims against Defendants IMR Contractor Corporation and
13 Bay Building Services; Plaintiffs ROBERT IVY and LLOYD THIBEAUX maintain all of their claims
14 against Defendant Bay Area Construction Framers, Inc.
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17 **1/19/2011**

18 Dated: September _____, 2010

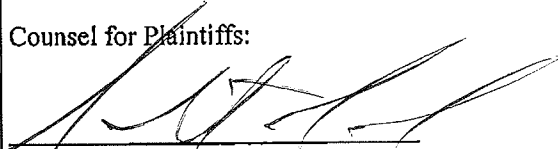
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20 HONORABLE CLAUDIA WILKEN
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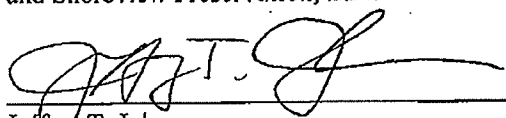
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14 Counsel for Plaintiffs:

15
16 
17
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Preservation, L.P., La Salle Preservation, L.P.,
and Shoreview Preservation, L.P.:

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23 Counsel For IMR Contractor Corporation:

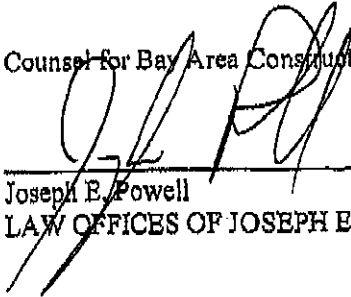
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Counsel for Fortney & Weygandt, Inc.:

28 
Michael L. Fortney
FORTNEY & KLINGSHIRN

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Counsel for Bay Area Construction Framers, Inc.:



Joseph E. Powell
LAW OFFICES OF JOSEPH E. POWELL

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24 Counsel for IMR Contractor Corporation:

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Counsel for Fortney & Weygandt, Inc.:

29 _____
30 Michael L. Fortney
31 FORTNEY & KLINGSHIRN