

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 Lloyd Thibeaux and Robert Ivy and Defendant Bay Area
Construction Framers, Inc. 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 plaintiffs with
prejudice. In support of their Joint Stipulation of Dismissal, the Parties show as follows:

- 1. Plaintiffs are Lloyd Thibeaux and Robert Ivy. Defendant is Bay Area Construction Framers, Inc.

1 2. Plaintiffs filed a Complaint initiating this action on December 14, 2007. After
2 amendments the current complaint in this action is the Fourth Amended Complaint filed on May 11,
3 2009.

4 3. Plaintiffs Lloyd Thibeaux and Robert Ivy desire to dismiss the following causes of
5 action with prejudice against Defendant Bay Area Construction Framers without affecting their rights
6 in the remaining claims in this litigation and without affecting the rights of the remaining plaintiffs in
7 this litigation:
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- 9 a. Tenth Cause of Action - Wrongful Termination in Violation of California
10 Public Policy Based on Race;
- 11 b. Eleventh Cause of Action - Wrongful Termination in Violation of California
12 Public Policy Based on National Origin;
- 13 c. Twelfth Cause of Action - Retaliatory Termination in Violation of California
14 Public Policy Protesting Unlawful Failure to Pay Wages and Unlawful
15 Deductions;
- 16 d. Thirteenth Cause of Action - Retaliatory Termination in Violation of California
17 Public Policy Protesting Race and National Origin Discrimination;
- 18 e. Fourteenth Cause of Action - Intentional Infliction of Emotional Distress; and
- 19 f. Seventeenth Cause of Action - Retaliation, Cal. Gov C § 12940.

20 4. Defendant Bay Area Construction Framers has answered the Fourth Amended
21 **Complaint.**

22 5. This case is not a class action.

23 6. This dismissal is with prejudice to re-filing.

24 7. 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 and Terry Mackey.

27 8. Plaintiffs Gregory Hall, Charles Chilton, Douglas Givens, Quincy Mouton and Richard
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Rankin maintain all of their causes of actions against all Defendants.

9. Plaintiffs Fausto Aguilar, Gonzalo Aguilar, Terry Mackey, Hector Rodriguez and Arnulfo Carranza-Rivas maintain all of their claims against Defendants IMR Contractor Corporation and Bay Building Services;

10. Plaintiffs Robert Ivy and Lloyd Thibeaux maintain their FIFTEENTH (Race, National Origin and/or ancestry Discrimination) and SIXTEENTH (Hostile Work Environment – race, national origin and/or ancestry) causes of action 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 TENTH, ELEVENTH, TWELFTH, THIRTEENTH, FOURTEENTH and SEVENTEENTH causes of action of LLOYD THIBEAUX and ROBERT IVY be dismissed with prejudice as to Defendant Bay Area Construction Framers, Inc.

Jointly stipulated this 4th day of March, 2011.

Counsel for Plaintiffs:

Counsel for Bay Area Construction Framers, Inc.:

Robert Salinas
SUNDEEN SALINAS & PYLE

Joseph E. Powell
LAW OFFICES OF JOSEPH E. POWELL

ORDER OF THE COURT

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2 IT IS HEREBY ORDERED that, as to the complaints of Plaintiffs LLOYD THIBEAUX and
3 ROBERT IVY, the TENTH, ELEVENTH, TWELFTH, THIRTEENTH, FOURTEENTH and
4 SEVENTEENTH causes of action against Defendant BAY AREA CONSTRUCTION FRAMERS,
5 INC. are HEREBY DISMISSED WITH PREJUDICE. Plaintiffs LLOYD THIBEAUX and
6 ROBERT IVY maintain their FIFTEENTH AND SIXTEENTH causes of action against Defendant
7 Bay Area Construction Framers, Inc.
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10 Dated: March 9, 2011


11 HONORABLE CLAUDIA WILKEN
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