

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GREGORY HALL, FAUSTO AGUILAR,)
GONZALO AGUILAR, CHARLES)
CHILTON, DOUGLAS GIVENS, QUINCY)
MOUTON, RICHARD RANKIN, HECTOR)
RODRIGUEZ, ARNULFO CARRANZA-)
RIVAS, and TERRY MACKKEY,)

Case No. 08-CV-3447 CW

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., ISMAEL AVILA,)
MOISES AVILA, and DOES 1-50,)

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

Defendants.

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 discovery cutoff, as more fully set forth below. As grounds for this motion, the parties hereto state as follows:

Joint Stipulation for Stay of Discovery and Extension of Fact Discovery Cut-Off

1 1. On September 26, 2011, the parties attended a settlement conference with Magistrate
2 Judge Donna Ryu. At the conference Defendants stated that they were in the process of consulting
3 with a bankruptcy attorney and were likely to file a petition for bankruptcy protection. The parties
4 agreed to stay the current discovery proceedings for three weeks through October 17, 2011 in order to
5 provide the Defendants sufficient time to consult with a bankruptcy attorney and determine whether a
6 bankruptcy petition will be filed. The parties further agreed to extend the discovery cutoff by a
7 corresponding three weeks from November 2, 2011 to November 23, 2011. See ECF Doc. No. 235:
8 Civil Conference Minute Order.
9

10 2. In light of the impact of a bankruptcy stay of the proceedings in this action, the parties
11 hereto believe that it is in the interests of justice, and the orderly and efficient prosecution of this case,
12 that any further discovery should be stayed while Defendants are provided a full opportunity to
13 determine whether they will be filing a bankruptcy petition. The Parties further believe that it is in the
14 interest of justice to extend the discovery period for three weeks past the expiration of the stay.
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16 3. The parties further agreed that for the thirty day period following the settlement
17 conference (through October 26, 2011), defendants shall provide prior notice to plaintiffs' counsel of
18 the transfer or sale of any asset in excess of \$5000, and shall also simultaneously provide supporting
19 documents.
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21 4. The fact discovery cutoff in this case is currently set for November 2, 2011. The parties
22 agree that the remaining time for fact discovery should be tolled for three weeks to November 23, 2011
23 while the discovery stay is in effect.
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1 5. It is the intention of the parties to this Joint Stipulation that after the three week stay,
2 the parties be placed in the same position as they were prior to the stay, i.e., that they be able to
3 conduct the same fact discovery as previously contemplated.

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

5 1. All further fact discovery in this case is hereby stayed for three weeks pending a
6 determination by defendants as to whether they will be filing a bankruptcy petition; and
7

8 2. That the fact discovery cutoff, which is currently set for November 2, 2011, shall be
9 extended by three weeks to November 23, 2011.


10 IT IS SO ORDERED. October 11, 2011 case management conference is continued to
11 November 29, 2011, at 2:00 p.m.

12 BY THE COURT:

13 
14 Hon. Claudia Wilken
15 United States District Court Judge

16 AGREED AND APPROVED:

17 SUNDEEN SALINAS & PYLE

18 By 
19 Robert Salinas
20 Pamela Kong
21 Jorge Aguilar

22 ATTORNEYS FOR PLAINTIFFS

23 PINNACLE LAW GROUP, LLP

24 By 
25 Kevin F. Rooney
26
27
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Joint Stipulation for Stay of Discovery and Extension of Fact Discovery
Cut-Off

ATTORNEYS FOR DEFENDANTS
ISMAEL AVILA AND MOISES AVILA

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Joint Stipulation for Stay of Discovery and Extension of Fact Discovery
Cut-Off

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