

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREGORY HALL, FAUSTO AGUILAR,)
GONZALO AGUILAR, CHARLES)
CHILTON, FELIX CORTES, OMAR)
FRANCO, DOUGLAS GIVENS, ROBERT)
IVY, QUINCY MOUTON, LUIS OSUNA,)
RICHARD RANKIN, HECTOR)
RODRIGUEZ, MARTIN SANDOVAL,)
HENRY TAYLOR, LLOYD THIBEAUX,)
MICHAEL BROWN, ASTRIAN CAEL,)
ARNULFO CARRANZA-RIVAS,)
APOLINAR CORNEJO, ROY EDWARDS,)
VICTOR HAMPTON, RANDY KEYS,)
ANDRE LARRIMORE, TERRY MACKEY,)
DOUGLAS TURNER, JEFF WEST, ROBERT)
WHITE, MARQUEZ BOYD,)

Plaintiffs,

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.

Case No. 08-CV-3447 CW

**ORDER GRANTING
AMENDED STIPULATED JOINT
MOTION TO VACATE AND RESET
TRIAL DATE AND MODIFY PRE-TRIAL
DEADLINES**

The parties, by their respective counsel, hereby stipulate and agree, and jointly move the Court for an Order vacating and resetting the current trial date of June 1, 2010 and modifying the pre-trial deadlines in this case. As grounds for this motion, the parties state as follows:

1. This case involves claims by 28 individual Plaintiffs versus 10 Defendants. Plaintiffs allege a number of claims, including for discrimination, retaliation, and other

AMENDED STIPULATED JOINT MOTION TO VACATE AND RESET TRIAL DATE AND MODIFY
PRE-TRIAL DEADLINES, AND ORDER

1 employment-related claims. Defendants deny the material allegations of Plaintiffs' claims and
2 assert a number of affirmative defenses.

3 2. Following the Case Management Conference, the Court, pursuant to its Minute
4 Order and Case Management Order, dated December 29, 2008 (Dkt. #35), ordered that a 20-day
5 jury trial was set to begin June 1, 2010 at 8:30 a.m.; that the deadline for completion of fact
6 discovery was set for November 30, 2009; that all case-dispositive motions were to be heard on or
7 before December 17, 2009; and that the Final Pretrial Conference was set for May 18, 2010 at
8 2:00 p.m. The Minute Order and Case Management Order also contains several other pre-trial
9 deadlines.
10

11 3. As discussed with the Court at the December 18, 2008 case management conference,
12 the parties have attempted to pursue settlement of this case. Two mediation sessions have been held
13 with the court-appointed mediator, Eric Ivary, the first on April 1, 2009 and the second on July 14,
14 2009. The parties deferred most discovery in the case, except for one deposition and limited written
15 discovery, pending those mediation sessions.
16

17 4. On April 2, 2009, Plaintiffs sought leave to file a Fourth Amended Complaint to add
18 new Defendants (the four limited partner entities) and a new theory of liability (Plaintiffs' Twenty-
19 Second Cause of Action, for aiding and abetting discrimination, against the AIMCO Defendants
20 and Fortney & Weygandt, Inc.) (Dkt. #49).
21

22 5. On May 6, 2009, the Court issued its Order Granting Plaintiffs' Motion for Leave to
23 File A Fourth Amended Complaint (Dkt. #57).
24

25 6. After an extension of time, Defendants filed their answers to Plaintiffs' Fourth
26 Amended Complaint, the last of which was the Answer to Fourth Amended Complaint of
27 Defendants Apartment Investment and Management Company, AIMCO Capital, Inc., All Hallows
28

1 Preservation, L.P., Bayview Preservation, L.P., La Salle Preservation, L.P., and Shoreview
2 Preservation, L.P., on August 13, 2009 (Dkt. #66).

3 7. Subsequently, with the additional Defendants in the case, and new counsel appearing
4 for the AIMCO Defendants and Fortney & Weygandt, the parties began, on the one hand,
5 attempting to schedule the discovery necessary to prepare the case for dispositive motions and for
6 trial, and, on the other hand, discussing whether further settlement negotiations through the
7 mediator would be beneficial.
8

9 8. The parties agree that it would be in the interest of all parties to further explore the
10 potential for settlement of this case before the parties invest significant time and expense in
11 depositions and written discovery, and in the filing of dispositive motions. Therefore, a further
12 mediation session has been scheduled for November 10, 2009, the earliest date the calendars of the
13 mediator and counsel would permit.
14

15 9. However, in order to allow the mediation to take place, but then, if the case is not
16 settled, for the case to proceed in an orderly manner, it is necessary to postpone the fact discovery
17 and dispositive motion deadlines, which, in turn, render it necessary to postpone the June 1, 2010
18 trial date in this case.

19 10. Thus, the parties respectfully request that the Court order as follows:

- 20 a. That the current June 1, 2010 trial date and all of the current pre-trial deadlines
21 in the case be vacated;
22
23 b. That a new trial date be set for April 25, 2011 at 8:30 a.m., for a 20-day jury
24 trial;
25
26 c. That the Final Pretrial Conference be set for March 29, 2011 at 2:00 p.m.;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- d. That all case-dispositive motions are to be heard on or before December 16, 2010 at 2:00 p.m.;
- e. That a further case management conference be held on December 16, 2010 at 2:00 p.m.;
- f. That all fact discovery be completed by September 11, 2010;
- g. That all expert witness disclosures and reports are due on or before October 31, 2010; and
- h. That all expert witness discovery be completed no later than December 31, 2010.

DATED: October ____, 2009.

SUNDEEN SALINAS & PYLE

By _____
 Robert Anthony Salinas
 Jorge Aguilar
 Pamela Kong

ATTORNEYS FOR PLAINTIFFS

HOLLAND & HART LLP

By _____
 Jeffrey T. Johnson

ATTORNEYS FOR DEFENDANT
 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FORTNEY & KLINGSHIRN

By _____
Michael L. Fortney

ATTORNEYS FOR DEFENDANT
FORTNEY & WEYGANDT, INC.

SIMPSON GARRITY, INNES and JACUZZI

By _____
Paul Vincent Simpson
Timothy Patrick O'Donnell

ATTORNEYS FOR DEFENDANT
IMR CONTRACTOR CORPORATION

LAW OFFICES OF JOSEPH E. POWELL

By _____
Joseph Edward Powell
Paul Michael Vuksich

ATTORNEYS FOR DEFENDANT
BAY AREA CONSTRUCTION FRAMERS, INC.

IT IS SO ORDERED:

BY THE COURT:

Dated: 10/28/09 _____



Hon. Claudia Wilken
United States District Judge

4636362_1.DOC