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Attorneys for Plaintiffs

6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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10 APEX 385, LLC, APEX 27.07, LLC, APEX
53.03, LLC, B E T F H H, G.P. and MASON
11 HARVEY AS TRUSTEE OF THE MASON
HARVEY LIVING TRUST,

Case No.:2:10-CV-00007-JCM-RJJ

12 Plaintiffs,

13 vs.

14 CITY OF NORTH LAS VEGAS, a Municipal
15 Corporation, and DOES I through X,

16 Defendants.

17
18 **STIPULATION TO DISMISS WITHOUT PREJUDICE,**

19 **TOLLING AGREEMENT AND ORDER**

20 The Parties, as part of on-going settlement discussions, and in order to allow those discussions
21 to proceed without prejudice to either party, by and through their counsel of record, hereby stipulate and
22 agree to the following:

- 23 1. The above-entitled matter be dismissed without prejudice;
- 24 2. To toll any applicable statutes of limitations or other applicable rules, ordinances or
25 other laws limiting the time by which to bring the currently pending claims (the
26 "Applicable Limitations Period"), for a period of twelve (12) months from the date of the
27 entry of this Order, after which time the Applicable Limitations Period will begin to run
28 again, and be in full force and effect; provided that this agreement shall not serve to

1 revive any claim for which the Applicable Limitations Period has already expired nor
2 shall it run to the benefit of any person not a party to this action; and

3 3. Each party will bear their own costs and fees incurred to date.
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5 KEMP, JONES & COULTHARD

SNELL & WILMER, LLP

6 /s/ J. Randall Jones

/s/ Richard C. Gordon

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Counsel for Defendant

10 DATED: 4/26/11

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13 **ORDER**

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15 IT IS SO ORDERED this 9th day of May, 2011.

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18 James C. Mahan
UNITED STATES DISTRICT COURT JUDGE

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20 Submitted by:

21 KEMP, JONES & COULTHARD, LLP

22
23 /s/ J. Randall Jones

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