

ENDORSED
FILED
Superior Court of California
County of San Francisco

FEB 27 2012

CLERK OF THE COURT

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16 Attorneys for PLAINTIFF

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA

18 CITY AND COUNTY OF SAN FRANCISCO

19 CENTER FOR SELF-IMPROVEMENT AND
20 COMMUNITY DEVELOPMENT, a non-profit
corporation, individually and on behalf of the
general public,

21 Plaintiff,

22 vs.

23 LENNAR CORPORATION; LENNAR HOMES
24 OF CALIFORNIA, INC.; LENNAR
COMMUNITIES, INC.; LENNAR-BVHP, LLC;
25 LENNAR ASSOCIATES MANAGEMENT, LLC;
AND GORDON N. BALL, INC.,

26 Defendants.

Case No.: CGC-07-465738

**STIPULATION OF VOLUNTARY
DISMISSAL OF PLAINTIFF'S
PROPOSITION 65 CLAIMS PURSUANT
TO CAL. CODE OF CIV. PROC. § 581**

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STIPULATION OF VOLUNTARY DISMISSAL OF PLAINTIFF'S PROPOSITION 65 CLAIMS PURSUANT TO CAL. CODE OF
CIV. PROC. § 581 - CASE NO.: CGC-07-465738

1 WHEREAS Plaintiff Center for Self-Improvement and Community Development ("Plaintiff")
2 filed its initial Complaint on August 2, 2007, asserting a First and Second Cause of Action based on
3 Proposition 65 violations, Health & Safety Code section 25249.6, *et seq.*, and filed a Second Amended
4 Complaint ("SAC") with the same Causes of Action on February 19, 2010;

5 WHEREAS Defendants Lennar Corporation, Lennar Homes of California, Inc., Lennar
6 Communities, Inc., Lennar-BVHP, LLC, and Lennar Associates Management, LLC ("Lennar
7 Defendants") filed a motion for summary adjudication on December 29, 2011, for an order in their
8 favor as to Plaintiff's Proposition 65 causes of action based on the fact that Lennar-BVHP gave
9 adequate warnings in compliance with Proposition 65 beginning on October 31, 2006 and thereafter
10 and that Plaintiff's alleged Proposition 65 violations prior to October 31, 2006 are barred by the one-
11 year statute of limitations applicable to penalty actions pursuant to California Code of Civil Procedure
12 section 340;

13 WHEREAS Plaintiff's corporate status was suspended on May 1, 2007 and revived on
14 December 21, 2007, more than one year after Lennar Defendants began issuing Proposition 65
15 warnings on October 31, 2006;

16 WHEREAS the Lennar Defendants have been mailing written Proposition 65 warnings to the
17 community on a quarterly basis since October 31, 2006; and

18 WHEREAS Plaintiff's opposition brief to Defendants Lennar's motion for summary
19 adjudication is due on March 2, 2012;

20 THE PARTIES, BY AND THROUGH THEIR COUNSEL, HEREBY STIPULATE AND
21 AGREE AS FOLLOWS:

22 1. Plaintiff Center for Self-Improvement and Community Development hereby dismisses
23 with prejudice all of its Proposition 65 claims asserted in the SAC. Specifically, Plaintiff voluntarily
24 dismisses with prejudice the First and Second Causes of Action of its SAC pursuant to California Code
25 of Civil Procedure Section 581. However, Plaintiff continues to assert its claims for trespass, private
26 nuisance, negligence, and Unfair Competition Law violations.

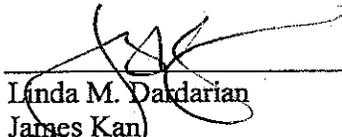
27 2. Defendants Lennar Corporation, Lennar Homes of California, Inc., Lennar
28 Communities, Inc., Lennar-BVHP, LLC, Lennar Associates Management, LLC, and Gordon N. Ball,

1 Inc., agree that they will not seek to recover from Plaintiff any attorney's fees or costs pursuant to
2 California Code of Civil Procedure Section 1032, or any other statute, or to bring any such claims
3 arising from common law, based on this voluntary dismissal of Plaintiff's Proposition 65 claims.

4 So agreed by the parties.

5 Dated: 2/24, 2012

GOLDSTEIN, DEMCHAK, BALLER, BORGAN &
DARDARIAN

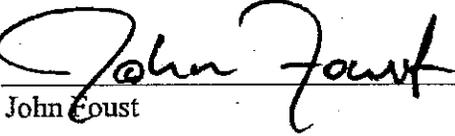
7
8 By: 

Linda M. Dardarian
James Kan
Sarah K. Webb

10 Attorneys for Plaintiff
11 CENTER FOR SELF-IMPROVEMENT AND
COMMUNITY DEVELOPMENT

12 Dated: February 24, 2012

JONES DAY

14 By: 

John Coust

Brienne Wesolek

18 Attorneys for Defendants
19 LENNAR CORPORATION; LENNAR HOMES OF
20 CALIFORNIA, INC.; LENNAR COMMUNITIES,
INC.; LENNAR-BVHP, LLC; LENNAR
ASSOCIATES MANAGEMENT, LLC

21 Dated: _____, 2012

DONGELL LAWRENCE FINNEY LLP

23 By: _____

24 Thomas F. Vandenburg
25 Paul D. Rasmussen

26 Attorneys for Defendant
27 GORDON N. BALL, INC.

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Inc., agree that they will not seek to recover from Plaintiff any attorney's fees or costs pursuant to California Code of Civil Procedure Section 1032, or any other statute, or to bring any such claims arising from common law, based on this voluntary dismissal of Plaintiff's Proposition 65 claims.

So agreed by the parties.

Dated: _____, 2012

GOLDSTEIN, DEMCHAK, BALLER, BORGEN & DARDARIAN

By: _____
Linda M. Dardarian
James Kan
Sarah K. Webb

Attorneys for Plaintiff
CENTER FOR SELF-IMPROVEMENT AND
COMMUNITY DEVELOPMENT

Dated: _____, 2012

JONES DAY

By: _____
John Foust

Brienne Wesolek

Attorneys for Defendants
LENNAR CORPORATION; LENNAR HOMES OF
CALIFORNIA, INC.; LENNAR COMMUNITIES,
INC.; LENNAR-BVHP, LLC; LENNAR
ASSOCIATES MANAGEMENT, LLC

Dated: 2/24, 2012

DONGELL LAWRENCE FINNEY LLP

By: 
Thomas F. Vandenburg
Paul D. Rasmussen

Attorneys for Defendant
GORDON N. BALL, INC.

1 **PROOF OF SERVICE**

2 Case: Center For Self-Improvement & Community Development v. Lennar Corporation, et al.
3 Case No.: CGC 07-465738

4 STATE OF CALIFORNIA)
5 COUNTY OF ALAMEDA) SS

6 I have an office in Alameda County. I am over the age of eighteen years and not a party to the
7 within entitled action. My business address is 300 Lakeside Drive, Suite 1000, Oakland, California
94612. My electronic notification address is jthompson@gdblegal.com.

8 I declare that on the date hereof at approximately 10:50 a.m. (P.S.T.) I served a copy of:

9 **STIPULATION OF VOLUNTARY DISMISSAL OF PLAINTIFF'S PROPOSITION 65**
10 **CLAIMS PURSUANT TO CAL. CODE OF CIV. PROC. § 581**

11 by transmitting via e-mail (per agreement) the documents listed above to the electronic notification
12 addresses set forth below:

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Los Angeles, CA 90017

18
19 I declare under penalty of perjury under the laws of the State of California that the above is true
20 and correct.

21 Executed at Oakland, California on February 27, 2012.

22 Sacquelene Thompson
23 Printed Name

24 Sacquelene Thompson
25 Signature