

1 PILLSBURY WINTHROP SHAW PITTMAN LLP
 BRUCE A. ERICSON #76342
 2 bruce.ericson@pillsburylaw.com
 JEFFREY JACOBI #252884
 3 jeffrey.jacobi@pillsburylaw.com
 50 Fremont Street
 4 Post Office Box 7880
 San Francisco, CA 94120-7880
 5 Telephone: (415) 983-1000
 Facsimile: (415) 983-1200

6 Attorneys for All Defendants
 7 Except Credit Suisse Securities (USA) LLC and
 Morgan Stanley & Company Incorporated
 8

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12 PLUMBERS AND PIPEFITTERS LOCAL
 13 UNION NO. 630 PENSION-ANNUITY
 TRUST FUND, Derivatively on Behalf of
 14 CENTURY ALUMINUM COMPANY,
 15 Plaintiff,
 16 vs.
 17 JOHN C. FONTAINE, JACK E.
 THOMPSON, PETER C. JONES, ROBERT
 18 E. FISHMAN, JOHN P. O'BRIEN, WILLY
 R. STROTHOTTE, JARL BERNTZEN,
 19 CATHERINE Z. MANNING, LOGAN W.
 KRUGER, MICHAEL A. BLESS, WAYNE
 20 R. HALE, STEVE SCHNEIDER, CREDIT
 SUISSE SECURITIES (USA) LLC, and
 21 MORGAN STANLEY & CO.
 INCORPORATED,
 22 Defendants,
 23 - and -
 24 CENTURY ALUMINUM COMPANY, a
 25 Delaware corporation,
 26 Nominal Defendant.

No. C-09-4963-SI

**STIPULATION AND [PROPOSED]
 ORDER POSTPONING CASE
 MANAGEMENT CONFERENCE**

Attached hereto: Proposed Order

1 **RECITALS**

2 1. On December 1, 2009, the parties entered into, and on December 9, 2009,
3 the Court (Judge Ware) signed, a stipulation and order coordinating the settling of the
4 pleadings in this derivative action (the “Derivative Action”) with the resolution of motions
5 to dismiss expected to be filed in the related consolidated class actions, No. C-09-1001-SI
6 (the “Class Actions”). *See* Stipulation and Order, Doc. 16 in this action, filed December 9,
7 2009. As stated in their stipulation, the parties did so (inter alia) for two reasons:

8 “7. Although it asserts different legal theories, the Derivative Action
9 arises out of the same transactions and occurrences as the Consolidated Class
10 Actions, and names the same individual defendants and underwriter defendants.

11 “9. The parties agree that it makes sense to postpone further activity in
12 the Derivative Action until the motions to dismiss the Consolidated Class Actions
13 are heard and resolved.”

14 *See* Doc. 16, ¶¶ 7, 9.

15 2. On December 14, 2009, this Court (Judge Illston) entered an Order Relating
16 Case relating this Derivative Action to the Class Actions. *See* Doc. 17 in this case and Doc.
17 57 in C-09-1001-SI.

18 3. As anticipated, the defendants in the Class Actions filed motions to dismiss
19 the Class Actions. *See* Docs. 61 - 65 filed Jan. 15, 2010 in No. C-09-1001-SI. But then the
20 plaintiffs in the Class Actions, rather than oppose the motions to dismiss, sought to file an
21 amended complaint. The parties to the Class Actions ultimately stipulated to the filing of
22 an amended complaint in the Class Actions, and to adjusting the briefing and hearing
23 schedule so that the hearing on the motions to dismiss the Class Actions, and the next case
24 management conference in the Class Actions, both would be heard on April 16, 2010 (with
25 the motions at 9 a.m. and the case management conference at 2:30 p.m.). The Court (Judge
26 Illston) made this stipulation an order. *See* Doc. 67-68, filed Jan. 29 and Feb. 1, 2010.

27 4. In light of the parties’ stipulation here (Doc. 16), the parties agree that it
28 makes sense to postpone the case management conference in this Derivative Action

1 Dated: February 9, 2010.

2 COUGHLIN STOIA GELLER
3 RUDMAN & ROBBINS LLP
4 SHAWN A. WILLIAMS
5 100 Pine Street, Suite 2600
6 San Francisco, CA 94111
7 - and -
8 TRAVIS E. DOWNS III
9 BENNY C. GOODMAN III
655 West Broadway, Suite 1900
San Diego, CA 92101

8 By Benny C. Goodman III
9 Benny C. Goodman III
10 Attorneys for Plaintiff PLUMBERS AND
11 PIPEFITTERS LOCAL UNION NO. 630 PENSION-
12 ANNUITY TRUST FUND, Derivatively on Behalf of
13 CENTURY ALUMINUM COMPANY

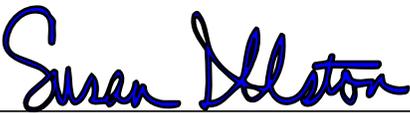
12 **[PROPOSED] ORDER**

13 Upon consideration of the parties' stipulation and good cause appearing, IT IS
14 HEREBY ORDERED THAT:

15 1. The Initial Case Management Conference currently set for February 26,
16 2010 at 2:30 p.m. is hereby continued to April 16, 2010, at 2:30 p.m..

17 2. The deadlines set by the Order Setting Initial Case Management Conference
18 and ADR Deadlines (Doc. 4, filed Oct. 19, 2009) are hereby vacated in favor of new
19 deadlines consistent with Fed. R. Civ. P. 26(f)(1) and (2), Civil Local Rules 16-8 and 16-9,
20 and ADR Local Rule 3-5 (namely, the ADR Certification and other papers must be filed by,
21 and the Fed. R. Civ. P. 26(f) conference conducted by, March 26, 2010, and the Joint Case
22 Management Statement must be filed by April 2, 2010).

23 Dated: February __, 2010.

24 
25 _____
The Honorable Susan Illston
United States District Judge

26
27
28