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 7 Except Credit Suisse Securities (USA) LLC and
 Morgan Stanley & Company Incorporated
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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, et al.,
 18 Defendants,
 19 - and -
 20 CENTURY ALUMINUM COMPANY, a
 Delaware corporation,
 21 Nominal Defendant.
 22

No. C-09-4963-SI

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

Current Date: July 9, 2010
 Proposed Date: Sept. 3, 2010

Attached hereto: Proposed Order

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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. On April 27, 2010, this Court granted defendants’ motions to dismiss the
19 amended consolidated complaint in the Class Actions. Doc. 90 in C-09-1001-SI. On
20 May 28, 2010, plaintiffs in the Class Actions filed a Second Amended Consolidated Class
21 Action Complaint (“SAC”). *See* Doc. 94 in C-09-1001-SI. On June 3, 2010, this Court
22 entered a stipulated order setting a briefing schedule for motions to dismiss the SAC; the
23 order sets a hearing date of September 3, 2010, and also postpones the further case
24 management conference in the Class Actions from July 9, 2010 to September 3, 2010, at
25 3 p.m. *See* Doc. 97 in C-08-1001-SI, at 4.

26 4. The case management conference in this Derivative Action had been set so
27 that it would coincide with the case management conference in the Class Actions. In light
28 of the foregoing, the parties agree that it makes sense to postpone the case management

1 conference in this Derivative Action (currently set for July 9, 2010 at 2:30 p.m.) so that it
2 occurs on September 3, 2010, the same day as the case management conference in the Class
3 Actions.

4 **STIPULATION**

5 THEREFORE, IT IS HEREBY STIPULATED, by and between the undersigned
6 counsel for the parties herein and the parties hereby respectfully request that the Court
7 continue the Case Management Conference currently set for July 9, 2010 at 2:30 p.m. until
8 September 3, 2010, either at 2:30 p.m. or at 3:00 p.m. (the latter is the time set for the case
9 management conference in the Class Actions), whichever the Court prefers.

10 **DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B**

11 I, BRUCE A. ERICSON, hereby declare pursuant to General Order 45, § X.B, that I
12 have obtained the concurrence in the filing of this document from each of the other
13 signatories listed below.

14 I declare under penalty of perjury that the foregoing declaration is true and correct.

15 Executed on June 8, 2010, at San Francisco, California.

16
17 /s/ Bruce A. Ericson
Bruce A. Ericson

Dated: June 8, 2010.

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23 By /s/ Bruce A. Ericson
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27 HALE and STEVE SCHNEIDER, and Nominal
Defendant CENTURY ALUMINUM COMPANY

