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 7 Except Credit Suisse Securities (USA) LLC and
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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: February 25, 2011
 Proposed Date: TBD

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. 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 and, on June 24, 2010, plaintiffs filed a Third Amended Consolidated
22 Class Action Complaint (“TAC”). See Doc. 94 and 99 in C-09-1001-SI.

23 4. On September 3, 2010, this Court heard defendants’ motions to dismiss the
24 TAC in the Class Actions. See Doc. 122 in C-08-1001-SI, at 4. At the same time, the
25 Court vacated the case management conference in the Class Actions, which was to be
26 rescheduled after the Court issued its order on defendants’ motions to dismiss the TAC.
27 See *id.* The Court has not yet issued an order on defendants’ motions and consequently has
28 not rescheduled the case management conference in the Class Actions.

