

1 MORGAN, LEWIS & BOCKIUS LLP
 2 Nicole A. Diller (State Bar No. 154842)
 3 Donald P. Sullivan (State Bar No. 191080)
 4 Andrew C. Sullivan (State Bar. No. 226902)
 5 One Market, Spear Street Tower
 6 San Francisco, California 94105
 7 Telephone: (415) 442-1000
 8 Facsimile: (415) 442-1001
 9
 10 Attorneys for North Star Trust Company

11 UNITED STATES DISTRICT COURT
 12
 13 NORTHERN DISTRICT OF CALIFORNIA

14 THOMAS FERNANDEZ, LORA SMITH,
 15 and TOSHA THOMAS

Case No. C06-07339 CW

16 Plaintiffs,

**STIPULATION EXTENDING TIME FOR
 CROSS DEFENDANTS TO ANSWER
 DEFENDANT NORTH STAR TRUST
 COMPANY'S CROSS CLAIMS**

17 vs.

18 K-M INDUSTRIES HOLDING CO., INC.;
 19 K-M INDUSTRIES HOLDING CO., INC.
 20 ESOP PLAN COMMITTEE; WILLIAM
 21 E. AND DESIREE B. MOORE
 22 REVOCABLE TRUST; TRUSTEES OF
 23 THE WILLIAM E. AND DESIREE B.
 24 MOORE REVOCABLE TRUST; CIG
 25 ESOP PLAN COMMITTEE; NORTH
 26 STAR TRUST COMPANY; DESIREE B.
 27 MOORE REVOCABLE TRUST;
 28 WILLIAM E. MOORE MARITAL
 TRUST; WILLIAM E. MOORE
 GENERATION-SKIPPING TRUST; and
 DESIREE MOORE, BOTH IN HER
 INDIVIDUAL CAPACITY AND AS
 TRUSTEE OF THE WILLIAM E AND
 DESIREE B. MOORE REVOCABLE
 TRUST'S SUCCESSOR TRUSTS
 NAMED ABOVE,

Defendants.

1 WHEREAS, Defendant North Star Trust Company filed an Amended Answer on
2 Saturday, October 18, 2008 asserting cross claims against Defendants K-M Industries Holding
3 Co., Inc.; K-M Industries Holding Co., Inc. ESOP Plan Committee; William E. and Desiree B.
4 Moore Revocable Trust; Trustees of the William E. and Desiree B. Moore Revocable Trust; CIG
5 ESOP Plan Committee; North Star Trust Company; Desiree B. Moore Revocable Trust; William
6 E. Moore Marital Trust; William E. Moore Generation-Skipping Trust; and Desiree Moore, both
7 in her Individual Capacity and as Trustee of the William E. and Desiree B. Moore Revocable
8 Trust's Successor Trusts ("Cross Defendants");

9 WHEREAS, Cross Defendants represent that they have reached a settlement in principle
10 with the plaintiffs in this action;

11 WHEREAS, Cross Defendants have requested from North Star an extension of time to file
12 their Answers, which may include counter-claims, ("Answers") to the cross claims so that the
13 plaintiffs first can present a motion for preliminary approval of the settlement to the Court;

14 WHEREAS, plaintiffs' counsel intends to file a Motion for Preliminary Approval of the
15 settlement during the week of November 10, 2008;

16 WHEREAS, North Star is willing to extend the date for the Cross Defendants to file their
17 respective Answers to North Star's cross claims to Monday, December 22, 2008.

18 IT IS HEREBY STIPULATED by and between the parties hereto through their respective
19 counsel of record and pursuant to Local Rule 6-1(b) that the last day for Cross Defendants to file
20 their Answers to North Star's cross claims shall be Monday, December 22, 2008.

21 **IT IS SO STIPULATED:**

22
23 DATED: November 7, 2008

LOVITT & HANNAN, INC.

24
25 By: /S/ Henry Bornstein
Henry Bornstein
26 Attorneys for Defendants K-M Industries
Holding Co., Inc.; K-M Industries Holding
27 Co., Inc. ESOP Plan Committee; and CIG
ESOP Plan Committee

1 DATED: November 7, 2008

HENNIGAN, BENNETT & DORMAN LLP

2

By: /S/ Lauren Smith

3

Lauren Smith

4

Allison Chock

5

Attorneys for Defendants William E. and
Desiree B. Moore Revocable Trust; Trustee
of the William E. and Desiree B. Moore
Revocable Trust; Desiree B. Moore
Revocable Trust; William E. Moore Marital
Trust; William E. Moore Generation-
Skipping Trust; and Desiree Moore

6

7

8 DATED: November 7, 2008

MORGAN, LEWIS & BOCKIUS LLP

9

By: /S/ Donald P. Sullivan

10

Donald P. Sullivan

11

Attorneys for Defendant North Star Trust
Company

12

ATTESTATION

13

I hereby attest that I have on file all holograph signatures for any signatures indicated by a

14

“conformed” signature (/S/) within this efiled document.

15

DATED: November 7, 2008

MORGAN, LEWIS & BOCKIUS LLP

16

By: /S/ Donald P. Sullivan

17

Donald P. Sullivan

18

Attorneys for Defendant North Star Trust
Company

19

ORDER

20

For good cause shown, Cross Defendants shall have until Monday, December 22, 2008 to

21

file their Answers to North Star’s cross claims.

22

IT IS SO ORDERED:

23

11/7/08



24

DATED: _____

The Honorable Claudia Wilken

25

United States District Judge

26

27

DB2/20801578.3

28