

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

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 THOMAS FERNANDEZ, LORA SMITH,
 12 and TOSHA THOMAS

Case No. C06-07339 CW

13 Plaintiffs,

**STIPULATION AND ORDER
 CONTINUING HEARING ON
 PLAINTIFFS' MOTION FOR
 PRELIMINARY APPROVAL OF
 PARTIAL CLASS ACTION SETTLEMENT
 AND ESTABLISHING BRIEFING
 SCHEDULE ON SAID MOTION**

14 vs.

15 K-M INDUSTRIES HOLDING CO., INC.;
 16 K-M INDUSTRIES HOLDING CO., INC.
 17 ESOP PLAN COMMITTEE; WILLIAM
 18 E. AND DESIREE B. MOORE
 19 REVOCABLE TRUST; TRUSTEES OF
 20 THE WILLIAM E. AND DESIREE B.
 21 MOORE REVOCABLE TRUST; CIG
 22 ESOP PLAN COMMITTEE; NORTH
 23 STAR TRUST COMPANY; DESIREE B.
 24 MOORE REVOCABLE TRUST;
 25 WILLIAM E. MOORE MARITAL
 26 TRUST; WILLIAM E. MOORE
 27 GENERATION-SKIPPING TRUST; and
 28 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, Plaintiffs Thomas Fernandez, Lora Smith, and Tosha Thomas (“Plaintiffs”)
2 and Defendants K-M Industries Holding Co., Inc.; K-M Industries Holding Co., Inc. ESOP Plan
3 Committee; William E. and Desiree B. Moore Revocable Trust; Trustees of the William E. and
4 Desiree B. Moore Revocable Trust; CIG ESOP Plan Committee; Desiree B. Moore Revocable
5 Trust; William E. Moore Marital Trust; William E. Moore Generation-Skipping Trust; and
6 Desiree Moore, both in her Individual Capacity and as Trustee of the William E. and Desiree B.
7 Moore Revocable Trust’s Successor Trusts (“Settling Defendants”) have indicated that they have
8 reached an agreement to settle the disputes between them;

9 WHEREAS, Defendant North Star Trust Company (“North Star”) is not party to the
10 settlement between Plaintiffs and the Settling Defendants;

11 WHEREAS, Plaintiffs filed a Notice of Motion and Motion for Preliminary Approval of
12 Partial Class Action Settlement (“Motion”) with this Court on November 14, 2008;

13 WHEREAS, Plaintiffs noticed the Motion for hearing on December 18, 2008;

14 WHEREAS, Plaintiffs, the Settling Defendants, and North Star have conferred regarding
15 certain issues regarding the proposed settlement;

16 WHEREAS, Plaintiffs have agreed to continue the hearing date on the Motion to January
17 8, 2009 at 2:00 p.m.;

18 WHEREAS, the Plaintiffs, Settling Defendants, and North Star have agreed to the
19 following briefing schedule on the Motion: North Star’s Opposition to the Motion shall be filed
20 on or before Tuesday, December 9, 2008, and Plaintiffs’ and/or the Settling Defendants’ Reply in
21 Support of the Motion shall be filed on or before Friday, December 19, 2008;

22 WHEREAS, North Star previously extended the Settling Defendants’ date for filing their
23 Answers, which may include counter claims (“Answers”), to North Star’s cross claims against
24 them to December 22, 2008; and

25 WHEREAS, Settling Defendants have requested, and North Star has agreed, to further
26 extend the date for Settling Defendants to file their Answers to North Star’s cross claims to
27 January 22, 2009.

28 IT IS HEREBY STIPULATED by and between the parties hereto through their respective

1 counsel of record and pursuant to Local Rule 6-1(b) as follows:

2 (1) The hearing on Plaintiffs' Motion shall be continued from Thursday, December
3 18, 2008 to Thursday, January 8, 2009 at 2:00 p.m.;

4 (2) North Star's Opposition to the Motion shall be filed on or before Tuesday,
5 December 9, 2008;

6 (3) Plaintiffs' and/or the Settling Defendants' Reply in support of the Motion shall be
7 filed on or before Friday, December 19, 2008; and

8 (4) The last day for the Settling Defendants to file their Answers to North Star's cross
9 claims shall be Thursday, January 22, 2009.

10 **IT IS SO STIPULATED:**

11
12 DATED: November 21, 2008

LEWIS, FEINBERG, LEE, RENAKER &
JACKSON, P.C.

13
14 By: /S/ Daniel M. Feinberg
Daniel M. Feinberg
Attorneys for Plaintiffs Thomas Fernandez,
15 Lora Smith, and Tosha Thomas

16 DATED: November 21, 2008

LOVITT & HANNAN, INC.

17 By: /S/ Henry Bornstein
Henry Bornstein
18 Attorneys for Defendants K-M Industries
19 Holding Co., Inc.; K-M Industries Holding
20 Co., Inc. ESOP Plan Committee; and CIG
ESOP Plan Committee

21 DATED: November 21, 2008

HENNIGAN, BENNETT & DORMAN LLP

22 By: /S/ Lauren Smith
Lauren Smith
23 Allison Chock
24 Attorneys for Defendants William E. and
25 Desiree B. Moore Revocable Trust; Trustee
26 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

27 SIGNATURES CONTINUED ON NEXT PAGE

1 DATED: November 21, 2008

MORGAN, LEWIS & BOCKIUS LLP

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By: /S/ Donald P. Sullivan
Donald P. Sullivan
Attorneys for Defendant North Star Trust
Company

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ATTESTATION

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I hereby attest that I have on file all holograph signatures for any signatures indicated by a
7 “conformed” signature (/S/) within this efiled document.

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DATED: November 21, 2008

MORGAN, LEWIS & BOCKIUS LLP

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By: /S/ Donald P. Sullivan
Donald P. Sullivan
Attorneys for Defendant North Star Trust
Company

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ORDER

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For good cause shown, it is hereby ordered that:

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(1) The hearing on Plaintiffs’ Motion shall be continued from Thursday, December
15 18, 2008 to Thursday, January 8, 2009 at 2:00 p.m.;

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(2) North Star’s Opposition to the Motion shall be filed on or before Tuesday,
17 December 9, 2008;

18

(3) Plaintiffs’ and/or the Settling Defendants’ Reply in support of the Motion shall be
19 filed on or before Friday, December 19, 2008; and

20

(4) The last day for the Settling Defendants to file their Answers to North Star’s cross
21 claims shall be Thursday, January 22, 2009.

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IT IS SO ORDERED:

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11/24/08



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DATED: _____

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The Honorable Claudia Wilken
United States District Judge

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