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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
 MODIFYING HEARING DATE ON
 MOTIONS FOR JUDGMENT ON THE
 PLEADINGS**

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, Defendant North Star Trust Company (“NSTC”) filed a motion for judgment
2 on the pleadings on February 5, 2009;

3 WHEREAS, Plaintiffs Thomas Fernandez, Lora Smith, and Tosha Thomas (“Plaintiffs”)
4 and the Settling Defendants¹ filed a cross-motion for judgment on the pleadings on May 21, 2009;

5 WHEREAS, both motions are fully briefed and are currently scheduled to be heard on
6 Thursday, June 18, 2009 at 2:00 p.m.;

7 WHEREAS, NSTC and Plaintiffs have entered into preliminary settlement discussions;

8 WHEREAS, NSTC and Plaintiffs wish to engage in mediation prior to the Court holding
9 the hearing on the pending cross-motions for judgment on the pleadings;

10 WHEREAS, the Settling Defendants do not object to a short deferment of the hearing on
11 the cross-motions;

12 WHEREFORE, IT IS HEREBY STIPULATED by and between the parties, through their
13 respective counsel of record and pursuant to Local Rule 6-1(b), that the hearing on the parties’
14 cross-motions for judgment on the pleadings shall be rescheduled from June 18, 2009 at 2:00 p.m.
15 to August 6, 2009 at 2:00 p.m. or as soon thereafter as the matter may be heard by the Court.

16 **IT IS SO STIPULATED:**

17 DATED: June 16, 2008

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

By: /S/ Daniel M. Feinberg
Daniel M. Feinberg
Todd Jackson
Attorneys for Plaintiffs Thomas Fernandez,
Lora Smith, and Tosha Thomas

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25 ¹ As used in this stipulation, the term the “Settling Defendants” refers to K-M Industries Holding
26 Co., Inc.; K-M Industries Holding Co., Inc. ESOP Plan Committee; William E. and Desiree B.
27 Moore Revocable Trust; Trustees of the William E. and Desiree B. Moore Revocable Trust; CIG
28 ESOP Plan Committee; Desiree B. Moore Revocable Trust; 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.

1 DATED: June 16, 2008

MORGAN, LEWIS & BOCKIUS LLP

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

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6 DATED: June 16, 2008

LOVITT & HANNAN, INC.

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

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12 DATED: June 16, 2008

HENNIGAN, BENNETT & DORMAN LLP

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By: /S/ Robert L. Palmer
Robert L. Palmer
Lauren Smith
Allison Chock
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

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

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DATED: June 16, 2008

MORGAN, LEWIS & BOCKIUS LLP

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By: /S/ Nicole A. Diller
Nicole A. Diller
Attorneys for Defendant North Star Trust
Company

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ORDER

For good cause shown, it is hereby ordered that:

The hearing on the parties' cross-motions for judgment on the pleadings, currently scheduled for June 18, 2009 at 2:00 p.m., shall be rescheduled to **August 6, 2009 at 2:00 p.m.**

IT IS SO ORDERED.

6/17/09



DATED: _____

The Honorable Claudia Wilken
United States District Judge

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