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 20 CORPORATION and KAISER ALUMINUM &
 21 CHEMICAL CORPORATION

22 UNITED STATES DISTRICT COURT
 23 NORTHERN DISTRICT OF CALIFORNIA
 24 SAN JOSE DIVISION

25 MOSS LANDING COMMERCIAL PARK
 26 LLC,

27 Plaintiff,

28 v.

29 KAISER ALUMINUM CORPORATION,
 30 KAISER ALUMINUM & CHEMICAL
 31 CORPORATION, and DOES 1 through
 32 100,

33 Defendants.

CASE NO. C07 06072 RMW/PVT

**STIPULATION AND []
 ORDER CONTINUING CASE
 MANAGEMENT CONFERENCE**

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35 WHEREAS, plaintiff Moss Landing Commercial Park (“MLCP”) has filed and served its
 36 First Amended Complaint upon defendants Kaiser Aluminum Corporation and Kaiser Aluminum
 37 & Chemical Corporation (collectively, the “Kaiser Defendants”), and the Kaiser Defendants have
 38 answered such Complaint;

1 WHEREAS, the Kaiser Defendants assert that this action is barred by the relief granted to
2 the Kaiser Defendants in their Chapter 11 bankruptcy proceedings;

3 WHEREAS, the Kaiser Defendants sought and obtained an order from the Delaware
4 bankruptcy court requiring MLCP to dismiss its Complaint;

5 WHEREAS, MLCP appealed therefrom, and the Delaware District Court has upheld the
6 order of the Delaware bankruptcy court;

7 WHEREAS, MLCP is considering appealing to the Third Circuit Court of Appeals; and,

8 WHEREAS, the parties wish to conserve judicial resources.

9 NOW, THEREFORE, plaintiff MLCP and the Kaiser Defendants stipulate and
10 respectfully request that the Court enter an order as follows:

11 1. The Case Management Conference currently scheduled for February 20, 2009 be
12 continued to May 22, 2009, at 10:30 a.m. in Courtroom 6.

13 2. Not later than February 21, 2009, MLCP shall inform this Court whether it has
14 filed a notice of appeal with the Third Circuit Court of Appeals.

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Dated: February 12, 2009

ROPERS, MAJESKI, KOHN & BENTLEY

By: /s/ _____
THOMAS H. CLARKE, JR.
Attorneys for Plaintiff MOSS LANDING
COMMERCIAL PARK LLC

Dated: February 12, 2009

JONES DAY

By: /s/ _____
THOMAS M. DONNELLY
Attorneys for Defendants KAISER
ALUMINUM CORPORATION and
KAISER ALUMINUM & CHEMICAL
CORPORATION

IT IS SO ORDERED.

Dated: February 19, 2009


The Honorable Ronald M. Whyte
United States District Court Judge