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 9 CORPORATION and KAISER ALUMINUM &
 10 CHEMICAL CORPORATION

E-FILED - 5/21/09

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

14 MOSS LANDING COMMERCIAL PARK
 15 LLC,

16 Plaintiff,

17 v.

18 KAISER ALUMINUM CORPORATION,
 19 KAISER ALUMINUM & CHEMICAL
 20 CORPORATION, and DOES 1 through
 21 100,

22 Defendants.

CASE NO. C07 06072 RMW/PVT

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

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

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

WHEREAS, the Kaiser Defendants sought and obtained an order from the Delaware
 Bankruptcy Court requiring MLCP to dismiss its Complaint;

WHEREAS, MLCP appealed therefrom, and the Delaware District Court has upheld the
 order of the Delaware Bankruptcy Court;

WHEREAS, MLCP has appealed the Delaware District Court’s order to the Third Circuit

Court of Appeals;

WHEREAS, the parties are in the process of briefing that appeal; and,

WHEREAS, the parties wish to conserve judicial resources and their litigation expenses.

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

1. The Case Management Conference currently scheduled for May 22, 2009, shall be continued to August 21, 2009 at 10:30 a.m. in Courtroom 6.

2. Not later than August 14, 2009, the parties shall file a joint Case Management Conference Statement.

Dated: May 20, 2009

BOHNEN, ROSENTHAL & DUSENBURY

By: /s/ Robert E. Rosenthal
ROBERT E. ROSENTHAL
Attorneys for Plaintiff MOSS LANDING
COMMERCIAL PARK LLC

Dated: May 20, 2009

JONES DAY

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

IT IS SO ORDERED.

Dated: May 21, 2009


The Honorable Ronald M. Whyte
United States District Court Judge