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8 Attorneys for Defendants KAISER ALUMINUM
 9 CORPORATION and KAISER ALUMINUM &
 10 CHEMICAL CORPORATION

E-FILED - 8/19/09

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
 25 Aluminum & Chemical Corporation (collectively, the “Kaiser Defendants”), and the Kaiser
 26 Defendants have 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;

1 WHEREAS, MLCP has appealed the Delaware District Court's order to the Third Circuit
2 Court of Appeals;

3 WHEREAS, the parties have completed briefing the appeal to the Third Circuit and are
4 awaiting a decision; and

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

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

8 1. The Case Management Conference currently scheduled for August 21, 2009, shall
9 be continued to November 20, 2009 at 10:30 a.m. in Courtroom 6.

10 2. Not later than November 13, 2009, the parties shall file a joint Case Management
11 Conference Statement.

12 Dated: August 12, 2009

BOHNEN, ROSENTHAL & DUSENBURY

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

17 Dated: August 12, 2009

JONES DAY

18 By: /s/ Thomas M. Donnelly
19 THOMAS M. DONNELLY
20 Attorneys for Defendants KAISER
21 ALUMINUM CORPORATION and
22 KAISER ALUMINUM & CHEMICAL
23 CORPORATION

24 **IT IS SO ORDERED.**

25 Dated: August 19, 2009

26 
27 The Honorable Ronald M. Whyte
28 United States District Court Judge