

1 THOMAS M. DONNELLY (SBN 136546)
 JONES DAY
 2 555 California Street, 26th Floor
 San Francisco, CA 94104
 3 Telephone: (415) 875-5880
 Facsimile: (415) 875-5700
 4 email: tmdonnelly@jonesday.com

E-FILED - 6/2/10

5 Attorneys for Defendants KAISER ALUMINUM
 CORPORATION and KAISER ALUMINUM &
 6 CHEMICAL CORPORATION

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11 MOSS LANDING COMMERCIAL PARK
 LLC,

CASE NO. C07 06072 RMW/PVT

12 Plaintiff,

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

13 v.

14 KAISER ALUMINUM CORPORATION,
 KAISER ALUMINUM & CHEMICAL
 15 CORPORATION, and DOES 1 through
 100,

16 Defendants.

17
 18 WHEREAS, plaintiff Moss Landing Commercial Park (“MLCP”) has filed and served its
 19 First Amended Complaint upon defendants Kaiser Aluminum Corporation and Kaiser
 20 Aluminum & Chemical Corporation (collectively, the “Kaiser Defendants”), and the Kaiser
 21 Defendants have answered such Complaint;

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

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

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

28

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 June 4, 2010, shall be
9 continued to September 3, 2010 at 10:30 a.m. in Courtroom 6.

10 2. Not later than August 27, 2010, the parties shall file a joint Case Management
11 Conference Statement.

12 Dated: May 25, 2010

LAW OFFICES OF CHRISTOPHER C. CAYCE

13
14 By: /s/ Christopher C. Cayce
CHRISTOPHER C. CAYCE
15 Attorneys for Plaintiff MOSS LANDING
COMMERCIAL PARK LLC

16
17 Dated: May 25, 2010

JONES DAY

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

22
23 **IT IS SO ORDERED.**

24 Dated: 6/2, 2010

Ronald M. Whyte

25 The Honorable Ronald M. Whyte
United States District Court Judge