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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 (“Complaint”) upon defendants Kaiser Aluminum Corporation and
 20 Kaiser Aluminum & Chemical Corporation (collectively, the “Kaiser Defendants”), and the
 21 Kaiser Defendants have answered such Complaint;

22 WHEREAS, the Kaiser Defendants assert that this lawsuit is barred by the relief granted
 23 to 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 to the Delaware District Court, and then to the
 27 Third Circuit Court of Appeals;

28 WHEREAS, on July 8, 2010, the Third Circuit Court of Appeals instructed the Delaware

1 District Court to remand the case to the Delaware Bankruptcy Court for the Bankruptcy Court to
2 provide a decision as to whether each cause of action in this lawsuit was discharged or otherwise
3 released, waived or settled. A hearing before the Bankruptcy Court has not yet been scheduled,
4 but the parties expect that it will occur in the next three months; 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 September 3, 2010,
9 shall be continued to December 3, 2010 at 10:30 a.m. in Courtroom 6.

10 2. Not later than November 24, 2010, the parties shall file a joint Case Management
11 Conference Statement.

12 Dated: August 26, 2010

LAW OFFICES OF CHRISTOPHER C. CAYCE

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

16
17 Dated: August 26, 2010

JONES DAY

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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: 8/30, 2010



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