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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,
 12
 Plaintiff,
 13 v.
 14 KAISER ALUMINUM CORPORATION,
 KAISER ALUMINUM & CHEMICAL
 15 CORPORATION, and DOES 1 through
 100,
 16
 Defendants.

CASE NO. C07 06072 RMW/PVT
**STIPULATION AND []
 ORDER CONTINUING CASE
 MANAGEMENT CONFERENCE**

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 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. The case was remanded back to the Delaware Bankruptcy Court by
4 order of the Delaware District Court on September 16, 2010, and the Bankruptcy Court conducted
5 a status conference on October 18, 2010 to consider the remand and the briefing schedule. After
6 the parties conferred, the Bankruptcy Court approved a schedule directing the Kaiser Defendants
7 to file their opening brief addressing the issues raised by the Third Circuit no later than November
8 12, 2010, MLCP to respond no later than December 3, 2010, and the Kaiser Defendants to reply
9 no later than December 17, 2010. Following submission of the Kaiser Defendants' reply brief,
10 the Bankruptcy Court will conduct a hearing which likely will not occur until January or February
11 2011.

12 WHEREAS, the Kaiser Defendants timely filed their opening brief on November 12,
13 2010. MLCP anticipates filing its response as required by the scheduling order by December 3,
14 2010; and

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

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

18 1. The Case Management Conference currently scheduled for December 3, 2010,
19 shall be continued to March 4, 2011 at 10:30 a.m. in Courtroom 6.

20 2. Not later than February 25, 2011, the parties shall file a joint Case Management
21 Conference Statement.

22 Dated: November 19, 2010

LAW OFFICES OF CHRISTOPHER C. CAYCE

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24 By: /s/ Christopher C. Cayce
CHRISTOPHER C. CAYCE
25 Attorneys for Plaintiff MOSS LANDING
26 COMMERCIAL PARK LLC
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Dated: November 19, 2010

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: 12/2, 2010


The Honorable Ronald M. Whyte
United States District Court Judge