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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

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. 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;

10 WHEREAS, the matter has been fully briefed and is set for oral argument before the
11 Bankruptcy Court on March 2, 2011; and

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

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

15 1. The Case Management Conference currently scheduled for March 4, 2011, shall be
16 continued to June 3, 2011 at 10:30 a.m. in Courtroom 6.

17 2. Not later than May 27, 2011, the parties shall file a joint Case Management
18 Conference Statement.

19 Dated: February 22, 2011

LAW OFFICES OF CHRISTOPHER C. CAYCE

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21 By: /s/ Christopher C. Cayce
22 CHRISTOPHER C. CAYCE
23 Attorneys for Plaintiff MOSS LANDING
24 COMMERCIAL PARK LLC
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Dated: February 22, 2011

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: 2/24, 2011


The Honorable Ronald M. Whyte
United States District Court Judge