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11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
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14 KENNETH BRISTOW, Individually and On )  
 Behalf of All Others Similarly Situated, )  
 15 )  
 Plaintiff, )  
 16 )  
 v. )  
 17 )  
 SUNPOWER CORPORATION, THOMAS H. )  
 18 WERNER, and CHARLES D. BOYNTON, )  
 19 Defendants. )  
 )  
 20 )

CASE NO.: 3:16-cv-04710-RS  
**STIPULATION AND ~~PROPOSED~~**  
**ORDER IN SUPPORT OF**  
**ADMINISTRATIVE MOTION TO**  
**CONSIDER WHETHER CASES**  
**SHOULD BE RELATED**  
**(Civ. L.R. 3-12)**

21 JAY PATEL, Individually and On Behalf of All )  
 Others Similarly Situated, )  
 22 )  
 Plaintiff, )  
 23 )  
 v. )  
 24 )  
 SUNPOWER CORPORATION, THOMAS H. )  
 25 WERNER, and CHARLES D. BOYNTON, )  
 26 Defendants. )  
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 27 )

CASE NO.: 3:16-cv-04915-WHO

28 STIPULATION RE ADMIN. MOTION TO CONSIDER  
 WHETHER CASES SHOULD BE RELATED (CIV. L. R.  
 3-12)  
 CASE NOS. 16-CV-04710-RS, 16-CV-04915-WHO,  
 16-CV-05312-NC, 16-CV-05381-NC

1 BERNARD STERN, derivatively on behalf of )  
SUNPOWER CORPORATION, )  
2 )  
Plaintiff, )  
3 )  
v. )  
4 )  
THOMAS H. WERNER, CHARLES D. )  
5 BOYNTON, ARNAUD CHAPERON, )  
BERNARD CLÉMENT, DENIS GIORNO, )  
6 DANIEL LAURÉ, CATHERINE LESJAK, )  
THOMAS R. MCDANIEL, HUMBERT DE )  
7 WENDEL, and PAT WOOD, III, )  
8 )  
Defendants, )  
9 )  
and )  
10 SUNPOWER CORPORATION , )  
11 )  
Nominal Defendant. )

CASE NO.: 3:16-cv-05312-NC

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12 )  
13 PETER MOSCONE, Derivatively on Behalf of )  
Nominal Defendant SUNPOWER )  
CORPORATION, )  
14 )  
Plaintiff, )  
15 )  
v. )  
16 )  
BERNARD CLÉMENT, DENIS GIORNO, )  
17 CATHERINE LESJAK, ARNAUD )  
CHAPERON, DANIEL LAURÉ, PAT WOOD )  
18 III, THOMAS R. MCDANIEL, HUMBERT DE )  
WENDEL, and THOMAS H. WERNER, )  
19 )  
Defendants, )  
20 )  
and )  
21 )  
SUNPOWER CORPORATION, a Delaware )  
22 Corporation, )  
23 )  
Nominal Defendant. )

CASE NO.: 3:16-cv-05381-NC

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28 STIPULATION RE ADMIN. MOTION TO CONSIDER )  
WHETHER CASES SHOULD BE RELATED (CIV. L. R. )  
3-12) )  
CASE NOS. 16-CV-04710-RS, 16-CV-04915-WHO, )  
16-CV-05312-NC, 16-CV-05381-NC )

1 WHEREAS, there are two shareholder class actions and two shareholder derivative  
2 actions pending in the U.S. District Court for the Northern District of California and arising out  
3 of a common set of facts, as set forth below:

<u>Case Name</u>	<u>Case No.</u>	<u>Filing Date</u>
<i>Bristow v. SunPower Corp., et al.</i>	Case No. 16-cv-04710-RS	Aug. 16, 2016
<i>Patel v. SunPower Corp., et al.</i>	Case No. 16-cv-04915-WHO	Aug. 26, 2016
<i>Stern v. Werner, et al.</i>	Case No. 16-cv-05312-NC	Sept. 16, 2016
<i>Moscone v. Clement, et al.</i>	Case No. 16-cv-05381-NC	Sept. 20, 2016

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9 WHEREAS, pursuant to Civil Local Rule 3-12, defendant SunPower Corporation has  
10 filed concurrently herewith an administrative motion to consider whether the *Patel*, *Stern*, and  
11 *Moscone* actions should be deemed related to the previously filed *Bristow* action and reassigned  
12 to the Honorable Richard Seeborg;

13 WHEREAS, the *Bristow*, *Patel*, *Stern*, and *Moscone* actions arise from substantially  
14 similar facts and circumstances;

15 WHEREAS, it appears likely that there will be an unduly burdensome duplication of  
16 labor and expense or conflicting results if these cases are conducted before different judges;

17 WHEREAS, defendants have not yet responded to the complaints in any of these actions;

18 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among  
19 counsel for the undersigned parties, subject to approval of the Court, that the *Patel*, *Stern*, and  
20 *Moscone* actions should be deemed related to the first-filed *Bristow* action and reassigned to the  
21 Honorable Richard Seeborg.  
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1 Dated: October 13, 2016

WILSON SONSINI GOODRICH & ROSATI  
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By: /s/ Steven M. Schatz  
Steven M. Schatz

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10 Dated: October 13, 2016

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1 Dated: October 13, 2016

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STIPULATION RE ADMIN. MOTION TO CONSIDER  
WHETHER CASES SHOULD BE RELATED (CIV. L. R.  
3-12)  
CASE NOS. 16-CV-04710-RS, 16-CV-04915-WHO,  
16-CV-05312-NC, 16-CV-05381-NC

1 Dated: October 13, 2016

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PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: 10/14/16

  
\_\_\_\_\_  
The Honorable Richard Seeborg  
United States District Judge

1 I, Diane M. Walters, am the ECF user whose ID and password are being used to file this  
2 STIPULATION AND [PROPOSED] ORDER IN SUPPORT OF ADMINISTRATIVE  
3 MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED. In compliance with  
4 Civil Local Rule 5-1(i)(3), I hereby attest that Steven M. Schatz, Lesley F. Portnoy, J. Alexander  
5 Hood II, Evan J. Smith, and Avi N. Wagner have concurred in this filing.

6  
7 Dated: October 13, 2016

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