

E-Filed 7/26/10

1 Stephen D. Hibbard (State Bar No. 177865)
 Sean T. Strauss (State Bar No. 245811)
 2 SHEARMAN & STERLING LLP
 525 Market Street, Suite 1500
 3 San Francisco, CA 94105-2723
 Telephone: (415) 616-1100
 4 Facsimile: (415) 616-1199
 Email: shibbard@shearman.com
 5 sean.strauss@shearman.com

6 Attorneys for Defendants Deutsche Bank Securities Inc.,
 Credit Suisse Securities (USA) LLC, Lazard Capital
 7 Markets LLC, Barclays Capital Inc., Piper Jaffray & Co.,
 Wachovia Capital Markets, LLC n/k/a Wells Fargo
 8 Securities, LLC, and SL Hare Capital, Inc.

9
 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13 HARRY W. PLICHTA, Individually and on
 Behalf of All Others Similarly Situated,

14 Plaintiff,

15 v.

16 SUNPOWER CORPORATION, THOMAS
 17 H. WERNER, DENNIS V. ARRIOLA,
 EMMANUEL T. HERNANDEZ,
 18 DEUTSCHE BANK SECURITIES INC.,
 CREDIT SUISSE SECURITIES (USA) LLC,
 19 LAZARD CAPITAL MARKETS LLC,
 BARCLAYS CAPITAL INC, PIPER
 20 JAFFRAY & CO., WACHOVIA CAPITAL
 MARKETS, LLC n/k/a/ WELLS FARGO
 21 SECURITIES, LLC, SL HARE CAPITAL,
 INC., T.J. RODGERS, W. STEVE
 22 ALBRECHT, BETSY S. ATKINS,
 PATRICK WOOD, III and UWE-ERNST
 23 BUFE,

24 Defendants.

Case No. CV 09-5473-RS
 (Consolidated)

CLASS ACTION

STIPULATION AND ~~PROPOSED~~ ORDER
 REGARDING RESPONSE DATE AND
 BRIEFING SCHEDULE

1 WHEREAS, on June 28, 2010, the Court endorsed the parties proposed schedule
2 regarding deadlines for filing a response to the consolidated complaint;

3 WHEREAS, the June 28, 2010 schedule provided that defendants would file their
4 responses to the consolidated complaint on or before July 29, 2010 and, if any of those responses
5 were a motion, plaintiffs would file an opposition on September 15, 2010, defendants would file
6 any reply on October 14, 2010, and a hearing would be held on November 4, 2010;

7 WHEREAS, the parties have met and conferred and have agreed as a matter of
8 professional courtesy to extend all briefing dates by one week, subject to the Court's approval,
9 which extension will not affect the hearing schedule;

10 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED among the
11 undersigned parties as follows:

- 12 1. Defendants shall respond to the consolidated complaint on or before
13 August 5, 2010;
- 14 2. In the event any of the defendants respond to the consolidated complaint by
15 motion, lead plaintiffs' opposition to such motion shall be filed on or before September 22, 2010;
- 16 3. Defendants shall file any reply papers on or before October 21, 2010; and
- 17 4. In the event any of the defendants respond to the consolidated complaint by
18 motion, the date for hearing any such motions shall remain November 4, 2010 at 1:30 p.m., or at
19 such time thereafter that is convenient to the Court, in Courtroom 3, 17th Floor, United States
20 Courthouse, 450 Golden Gate Avenue, San Francisco, California.

21 Dated: July 26, 2010

SHEARMAN & STERLING LLP

22 /s/ Stephen D. Hibbard
23 STEPHEN D. HIBBARD (State Bar No. 177865)
24 SEAN T. STRAUSS (State Bar No. 245811)
25 525 Market Street
26 San Francisco, CA 94105
27 Tel: (415) 616-1100
28 Fax: (415) 616-1199
shibbard@shearman.com
sean.strauss@shearman.com

*Attorneys for Defendants Deutsche Bank Securities
Inc., Credit Suisse Securities (USA) LLC, Lazard
Capital Markets LLC, Barclays Capital Inc., Piper*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Jaffray & Co., Wachovia Capital Markets, LLC n/k/a Wells Fargo Securities, LLC, and SL Hare Capital, Inc.

Dated: July 26, 2010

MORRISON & FOERSTER LLP

/s/ Jordan Eth
JORDAN ETH (Bar No. 121617)
JUDSON LOBDELL (Bar No. 146041)
425 Market Street
San Francisco, CA 94105
Tel: (415) 268-7000
Fax: (415) 268-7522
JEth@mofocom
JLobdell@mofocom

Counsel for Defendants SunPower Corporation, Thomas H. Werner, Dennis V. Arriola, Emmanuel T. Hernandez, T.J. Rodgers, W. Steve Albrecht, Betsy S. Atkins, Patrick Wood, III and Uwe-Ernst Bufo

Dated: July 26, 2010

BARROWAY TOPAZ KESSLER
MELTZER & CHECK LLP

/s/ Erik D. Peterson
RAMZI ABADOU (Bar No. 222567)
NICHOLE BROWNING (Bar No. 251937)
STACEY KAPLAN (Bar No. 241989)
ERIK D. PETERSON (Bar No. 257098)
580 California Street, Suite 1750
San Francisco, CA 94104
Tel: (415) 400-3000
Fax: (415) 400-3001
rabadou@btkmc.com
nbrowning@btkmc.com
skaplan@btkmc.com
epeterson@btkmc.com

Counsel for Lead Plaintiffs Arkansas Teacher Retirement System, Första-AP Fonden, Danske Invest Management A/S, and Bobby J. Reynolds

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: July 26, 2010

BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP

/s/ David R. Stickney
DAVID R. STICKNEY (Bar No. 188574)
BENJAMIN GALDSTON (Bar No. 211114)
12481 High Bluff Drive, Suite 300
San Diego, CA 92130
Tel: (858) 793-0070
Fax: (858) 793-0323
davids@blbglaw.com
beng@blbglaw.com

Counsel for Lead Plaintiffs Arkansas Teacher Retirement System, Första-AP Fonden, Danske Invest Management A/S, and Bobby J. Reynolds

Dated: July 26, 2010

KAPLAN FOX & KILSHEIMER LLP

/s/ Joel B. Strauss
FREDERIC S. FOX (pro hac vice)
JOEL B. STRAUSS (pro hac vice)
DONALD R. HALL (pro hac vice)
850 Third Avenue, 14th Floor
New York, NY 10022
Tel: (212) 687-1980
Fax: (212) 687-7714
ffox@kaplanfox.com
jstrauss@kaplanfox.com
dhall@kaplanfox.com

-and-

LAURENCE D. KING (Bar No. 206423)
MARIO M. CHOI (Bar No. 243409)
350 Sansome Street, Suite 400
San Francisco, CA 94104
Tel: (415) 772-4700
Fax: (415) 772-4707
lking@kaplanfox.com
mchoi@kaplanfox.com

Counsel for Lead Plaintiffs Arkansas Teacher Retirement System, Första-AP Fonden, Danske Invest Management A/S, and Bobby J. Reynolds

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 7/26/10



HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE