

E-Filed 8/24/10*

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13 *Retirement System, Första-AP Fonden and*
14 *Danske Invest Management A/S*

15 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 HARRY W. PLICHTA, Individually and On
Behalf of All Others Similarly Situated,

18 Plaintiff,

19 v.

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

27 Defendants.
28

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

CLASS ACTION

STIPULATION AND ~~PROPOSED~~
ORDER GRANTING LEAD
PLAINTIFFS LEAVE TO FILE A
SINGLE BRIEF OF UP TO 35 PAGES
IN OPPOSITION TO DEFENDANTS'
MOTIONS TO DISMISS

1 WHEREAS, on May 28, 2010, Lead Plaintiffs, Arkansas Teacher Retirement System, Första-
2 AP Fonden and Danske Investment Management A/S (collectively, “Lead Plaintiffs”), filed the
3 Consolidated Class Action Complaint For Violation of the Federal Securities Laws [Dkt. #92] (the
4 “Consolidated Complaint”);

5 WHEREAS, on August 5, 2010, Defendants SunPower Corporation, Thomas H. Werner,
6 Dennis V. Arriola, Emmanuel T. Hernandez, T.J. Rodgers, W. Steve Albrecht, Betsy S. Atkins,
7 Patrick Wood, III, and Uwe-Ernst Bufe (the “SunPower Defendants”) filed a Motion to Dismiss the
8 Consolidated Complaint [Dkt. #122];

9 WHEREAS, on August 5, 2010, Defendants Deutsche Bank Securities Inc., Credit Suisse
10 Securities (USA) LLC, Lazard Capital Markets LLC, Barclays Capital Inc., Piper Jaffray & Co.,
11 Wachovia Capital Markets, LLC n/k/a Wells Fargo Securities, LLC, and SL Hare Capital, Inc. (the
12 “Underwriter Defendants”) filed a Motion to Dismiss the Consolidated Complaint [Dkt. #112];

13 WHEREAS, Local Rule 7-3(a) governs page limits for motions and permits Lead Plaintiffs to
14 file separate opposition briefs of 25 pages each, totaling 50 pages;

15 WHEREAS, rather than file separate opposition briefs of up to 50 pages, Lead Plaintiffs
16 request leave to file a single opposition brief of up to 35 pages;

17 WHEREAS, Lead Plaintiffs respectfully submit that a single brief will avoid duplication and
18 conserve the resources of the Court and the parties;

19 WHEREAS, Defendants do not oppose Lead Plaintiff’s request to file a single brief of up to 35
20 pages in opposition to Defendants’ motions to dismiss the Consolidated Complaint;

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

23 1.) Lead Plaintiffs may file a single brief of up to 35 pages in opposition to Defendants’
24 motions to dismiss the Consolidated Complaint.

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1 Dated: August 17, 2010

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Dated: August 17, 2010

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 8/24, 2010



HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE