

\*E-Filed 1/5/11\*

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11 *Attorneys for Lead Plaintiffs Arkansas Teacher*  
 12 *Retirement System, Första-AP Fonden and*  
 13 *Danske Invest Management A/S*

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

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

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

17 Plaintiff,

**CLASS ACTION**

18 v.

**STIPULATION AND ~~PROPOSED~~  
 ORDER CONTINUING CASE  
 MANAGEMENT CONFERENCE**

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

26 Defendants.

1 WHEREAS, the above-captioned action is a securities class action lawsuit, governed by  
2 the Private Securities Litigation Reform Act of 1995, Pub. L. No. 104-67, 109 Stat. 737;

3 WHEREAS, on May 28, 2010, Lead Plaintiffs Arkansas Teacher Retirement System,  
4 Första-AP Fonden, and Danske Invest Management A/S (collectively, "Lead Plaintiffs"), filed  
5 the Consolidated Class Action Complaint for Violation of the Federal Securities Laws [ECF No.  
6 92] (the "Consolidated Complaint");

7 WHEREAS, on August 5, 2010, Defendants filed motions to dismiss the Consolidated  
8 Complaint [ECF Nos. 112, 122]; on September 22, 2010, Lead Plaintiffs filed an opposition to  
9 Defendants' motions to dismiss [ECF No. 136]; on October 21, 2010, Defendants filed replies in  
10 support of their motions to dismiss [ECF Nos. 139, 140]; on November 4, 2010, the Court heard  
11 oral argument on the motions to dismiss [ECF No. 142]; and Defendants' motions are currently  
12 *sub judice*;

13 WHEREAS, by Order entered on September 20, 2010 [ECF No. 135], a case  
14 management conference in this action is currently scheduled for January 13, 2011;

15 WHEREAS, it would conserve judicial and party resources to hold the case management  
16 conference in this action after the Court has decided the motions to dismiss;

17 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties as  
18 follows:

19 (1) The case management conference currently scheduled for January 13, 2011, shall  
20 be rescheduled to March 10, 2011, at 10:00 a.m., or at such time thereafter that is convenient to  
21 the Court, in Courtroom 3, 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San  
22 Francisco, California; and

23 (2) The parties shall file a Joint Case Management Conference Statement one week  
24 prior to the conference.

25 Dated: January 4, 2011

Respectfully submitted,

26 BERNSTEIN LITOWITZ BERGER  
27 & GROSSMANN LLP

28 s/ David R. Stickney

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28 -and-

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Wells Fargo Securities, LLC, and SL Hare Capital,  
Inc.*

1  
2 **CERTIFICATION UNDER GENERAL ORDER NO. 45**

3 I, David R. Stickney, am the ECF User whose ID and password are being used to file this  
4 Stipulation and [Proposed] Order Continuing Case Management Conference. In compliance  
5 with General order No. 45, X.B., I attest that Ramzi Abadou, Laurence D. King, Judson Lobdell  
6 and Stephen D. Hibbard have concurred in this filing.


7 Dated: January 4, 2011

8 s/ David R. Stickney  
9 DAVID R. STICKNEY

10 **[PROPOSED] ORDER**

11 PURSUANT TO STIPULATION, IT IS SO ORDERED.

12  
13 Dated: 1/4, 2011

14   
15 HONORABLE RICHARD SEEBORG  
16 UNITED STATES DISTRICT JUDGE  
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