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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 SETTING SCHEDULE FOR  
 FILING AMENDED COMPLAINT  
 AND DEFENDANTS' RESPONSE**

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  
 MARKETS, LLC n/k/a WELLS FARGO  
 24 SECURITIES, LLC, SL HARE CAPITAL,  
 INC., T.J. RODGERS, W. STEVE  
 25 ALBRECHT, BETSY S. ATKINS,  
 PATRICK WOOD, III & UWE-ERNST  
 26 BUFE,

AS MODIFIED BY THE COURT

27 Defendants.  
 28

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

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

10 WHEREAS, on March 1, 2011, the Court entered the Order Granting Motion To Dismiss  
11 [ECF No. 149], granting Defendants’ motion to dismiss without prejudice and granting Lead  
12 Plaintiffs leave to file an amended complaint within 20 days (*i.e.*, on or before March 21, 2011);

13 WHEREAS, pursuant to the February 23, 2011, Clerk’s Notice [ECF No. 148], a Case  
14 Management Conference is scheduled for April 14, 2011, at 10:00 a.m., and the parties are to file  
15 a Joint Case Management Statement at least one week prior to the Conference;

16 WHEREAS, due to preexisting scheduling conflicts, Lead Counsel for the Lead Plaintiffs  
17 requested and counsel for the Defendants agreed as a matter of professional courtesy to an  
18 extension to file the amended complaint on or before April 18, 2011; and

19 WHEREAS, to conserve judicial and party resources, the parties have met and conferred  
20 regarding a deadline for Defendants to respond to Lead Plaintiffs’ amended complaint and a  
21 briefing schedule in the event any Defendant responds to the amended complaint by motion.

22 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties, subject  
23 to the Court’s approval, as follows:

- 24 (1) The Case Management Conference scheduled for April 14, 2011, is taken off  
25 calendar and the parties are not required to submit a Joint Case Management  
26 Statement;
- 27 (2) Any amended complaint shall be filed on or before April 18, 2011;
- 28 (3) Defendants shall respond to the amended complaint on or before May 23, 2011;

- 1 (4) In the event any of the Defendants respond to the amended complaint by motion,  
2 Lead Plaintiffs' opposition to such motion shall be filed on or before June 22,  
3 2011;
- 4 (5) Defendants shall file any reply on or before July 27, 2011; and
- 5 (6) In the event any of the Defendants respond to the amended complaint by motion,  
6 such motion shall be heard on August 11, 2011, at 1:30 p.m., or at such time  
7 thereafter that is convenient to the Court, in Courtroom 3, 17th Floor, United  
8 States Courthouse, 450 Golden Gate Avenue, San Francisco, California.

9  
10 Dated: March 11, 2011

Respectfully submitted,

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12 Capital Markets LLC, Barclays Capital Inc., Piper  
13 Jaffray & Co., Wachovia Capital Markets, LLC n/k/a  
14 Wells Fargo Securities, LLC, and SL Hare Capital,  
15 Inc.*

16 A Case Management Conference is hereby set for June 23, 2011, at 10:00 a.m., with a joint case management  
17 conference statement to be filed one week in advance. This date will be continued by the Court without need for any  
18 action by the parties in the event one or more defendants respond to the amended complaint by filing a motion,  
19 rather than answering.

20 **~~PROPOSED~~ ORDER**

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 Dated: 3/11, 2011

23   
24 \_\_\_\_\_  
25 HONORABLE RICHARD SEEBORG  
26 UNITED STATES DISTRICT JUDGE