

E-Filed 1/5/12

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 ATKINS, PATRICK WOOD, III, and UWE-ERNST
 10 BUFE

11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

15 IN RE SUNPOWER SECURITIES
 16 LITIGATION

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

17 **CLASS ACTION**

18 **STIPULATION AND ~~PROPOSED~~**
 19 **ORDER REGARDING SCHEDULING**

1 WHEREAS, on December 19, 2011, the Court granted in part and denied in part
2 Defendants SunPower Corporation, Thomas H. Werner, Dennis V. Arriola, Emmanuel T.
3 Hernandez, T.J. Rodgers, W. Steve Albrecht, Betsy S. Atkins, Patrick Wood, III, and Uwe-Ernst
4 Bufe's (collectively, "Defendants") motion to dismiss the First Amended Consolidated Class
5 Action Complaint (the "Complaint") of Lead Plaintiffs Arkansas Teacher Retirement System,
6 Första-AP Fonden, and Danske Investment Management A/S (ECF No. 178);

7 WHEREAS, the deadline for Defendants to answer the Complaint is January 9, 2012;

8 WHEREAS, the parties have agreed that Defendants shall have up to and including
9 January 27, 2012, to answer the Complaint;

10 WHEREAS, by the Clerk's Notice entered on October 19, 2011 (ECF No. 177), a case
11 management conference in the above-captioned action is scheduled for January 12, 2012;

12 WHEREAS, the parties have agreed to request a continuance of the January 12, 2012
13 case management conference until February 16, 2012, or such later date that is convenient for
14 the Court;

15 WHEREAS, if the Court grants the parties' requested continuance, counsel for the
16 parties have agreed to hold their Rule 26(f) conference on February 3, 2012;

17 WHEREAS, if the Court grants the parties' requested continuance, the parties have
18 agreed pursuant to Fed. R. Civ. P. 26(d)(1) that the parties (i) may serve requests for the
19 production of documents pursuant to Rules 34 and 45 beginning January 16, 2012, (ii) will not
20 object to the requests as premature on the grounds that the requests were served prior to the
21 parties' Rule 26(f) conference, and (iii) do not waive their rights to object to the requests on any
22 other grounds and reserve the right to request an extension of time to respond to the requests;
23 and

24 WHEREAS, it would conserve judicial and party resources and promote efficiency and
25 economy to hold the case management conference in this action after Defendants' answer is
26 filed, Lead Plaintiffs have reviewed the answer, and the parties have adequately addressed
27 scheduling, discovery, and the additional case management topics of Federal Rule of Civil
28 Procedure 26(f), Local Rule 16-9, and the Court's Standing Order Re: Initial Case Management.

1 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties as
2 follows:

3 (1) Defendants shall have up to and including January 27, 2012, to answer or otherwise
4 respond to the Complaint;

5 (2) The Case Management Conference currently scheduled for January 12, 2012, shall be
6 continued to February 16, 2012, or such later date as is convenient for the Court;

7 (3) The parties shall hold their Rule 26(f) conference on or before February 3, 2012;

8 (4) The parties (i) may serve requests for the production of documents pursuant to Rules
9 34 and 45 beginning January 16, 2012, (ii) will not object to the requests as premature on the
10 grounds that the requests were served prior to the parties' Rule 26(f) conference, and (iii) do not
11 waive their rights to object to the requests on any other grounds and reserve the right to request an
12 extension of time to respond to the requests; and

13 (5) In accordance with paragraph 7 of the Court's Standing Order Re: Initial Case
14 Management, the parties shall file a Joint Case Management Conference Statement and Proposed
15 Order seven (7) days prior to the Case Management Conference.

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17 Dated: January 5, 2012

Respectfully submitted,

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28 *S. Atkins, Patrick Wood, III, and Uwe-Ernst Bufe*

1 Dated: January 5, 2012

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8 Dated: January 5, 2012

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 5, 2012



HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE