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

14 IN RE SUNPOWER SECURITIES  
 LITIGATION  
 15

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

**CLASS ACTION**

**STIPULATION AND ~~PROPOSED~~  
 ORDER REGARDING CLASS  
 CERTIFICATION BRIEFING  
 SCHEDULE (Civ. L.R. 6-2) AS MODIFIED**

**BY THE COURT**  
 Judge: Hon. Richard Seeborg  
 Courtroom: 3, 17th Floor

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1 WHEREAS, on March 5, 2012, this Court entered a Scheduling Order (ECF No. 190)  
2 providing a deadline of September 28, 2012 for Plaintiffs' Motion for Class Certification  
3 ("Motion"), a deadline of December 14, 2012 for Defendants' response, a deadline of February  
4 8, 2013 for Plaintiffs' reply, and setting a hearing date of March 14, 2013;

5 WHEREAS, on September 28, 2012, Plaintiffs filed their Motion, seeking (1) the  
6 certification of this matter as a class action, (2) the appointment of Lead Plaintiffs Arkansas  
7 Teacher Retirement System, Första-AP Fonden, and Danske Investment Management A/S as  
8 Class Representatives, and (3) approving co-Lead Counsel as Class Counsel (ECF No. 226);

9 WHEREAS, Defendants believe they need additional time to conduct discovery related  
10 to class certification issues and respond to the Motion;

11 WHEREAS, Defendants have agreed they will use the additional time to pursue issues  
12 pertaining to Class Certification and the related Federal Rule of Civil Procedure 23 factors;

13 WHEREAS, in light of the [proposed] scheduling changes and the upcoming holidays,  
14 Defendants have agreed to work with Plaintiffs to reasonably accommodate the proposed Class  
15 Representatives in scheduling convenient dates and locations for their respective depositions;

16 WHEREAS, Plaintiffs have agreed that Defendants shall have up to and including  
17 January 25, 2013 to respond to the Motion; and

18 WHEREAS, nothing in this Stipulation is intended to waive either party's rights under the  
19 Federal Rules of Civil Procedure and the Civil Local Rules of this District.

20 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties as  
21 follows:

22 (1) Defendants shall have up to and including January 25, 2013, to oppose or otherwise  
23 respond to the Motion;

24 (2) Plaintiffs shall have up to and including March 22, 2013, to file any reply;

25 (3) The Motion shall be heard on April 4, 2013, at 1:30 p.m., or at such time thereafter  
26 that is convenient to the Court, in Courtroom 3, 17<sup>th</sup> Floor, United States Courthouse, 450 Golden  
27 Gate Avenue, San Francisco, California. Further Case Management Conference continued to  
28 April 4, 2013 at 1:30 p.m.





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**ATTESTATION UNDER CIVIL LOCAL RULE 5-1(i)**

I, Judson E. Lobdell, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Benjamin Galdston, Eli R. Greenstein, and Laurence D. King have concurred in this filing.

Dated: November 6, 2012

/s/ Judson E. Lobdell  
Judson E. Lobdell

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**~~[PROPOSED]~~ ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 11/9 \_\_\_\_\_, 2012



\_\_\_\_\_  
HONORABLE RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE