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 8 Thomas R. McDaniel, Pat Wood, III,  
 Dennis V. Arriola, Emmanuel T. Hernandez,  
 9 Daniel S. Shugar, Douglas J. Richards,  
 Bruce R. Ledesma, Marty T. Reese,  
 10 and nominal defendant SunPower Corporation

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

15 ) Master File No. C 09-05731-CRB  
 16 IN RE SUNPOWER CORPORATION )  
 SHAREHOLDER DERIVATIVE )  
 17 LITIGATION ) **STIPULATION AND ~~PROPOSED~~**  
 ) **ORDER CONTINUING CASE**  
 ) **MANAGEMENT CONFERENCE**  
 18 )  
 This Document Relates To: )  
 19 ) Hearing Date: March 5, 2010  
 ALL ACTIONS )  
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1           WHEREAS, this is a consolidated shareholder derivative action against certain of the  
2 officers and directors of SunPower Corporation (“SunPower”);

3           WHEREAS, on November 16, 2009, SunPower issued a press release announcing an internal  
4 investigation by its Audit Committee;

5           WHEREAS, SunPower has not yet announced the results and completion of its internal  
6 investigation;

7           WHEREAS, pursuant to the order entered on January 4, 2010, within ten (10) days after  
8 the completion and public announcement of SunPower's internal investigation, the parties will  
9 meet and confer in good faith to arrange a schedule for the designation of an operative complaint  
10 or the filing of a consolidated derivative complaint (“Consolidated Complaint”) and a briefing  
11 schedule concerning any responsive pleading to the Consolidated Complaint; and

12           WHEREAS, it would be premature and an inefficient use of judicial resources to hold a  
13 case management conference in this consolidated action before an operative complaint were  
14 designated or a Consolidated Complaint were filed;

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

17           (1)     Within ten (10) days after the public announcement of the results and completion  
18 of SunPower’s internal investigation, the parties will meet and confer and propose to the Court a  
19 new date for the Case Management Conference;

20           (2)     Defendants’ undersigned counsel hereby accepts service of the complaints filed in  
21 the two consolidated shareholder derivative actions on behalf of all Defendants.

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1 DATED: February 18, 2010

MORRISON & FOERSTER LLP  
JORDAN ETH  
JUDSON E. LOBDELL

4 /s/ Judson Lobdell

JUDSON LOBDELL

Counsel for defendants Thomas H. Werner,  
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Emmanuel T. Hernandez, Daniel S. Shugar,  
Douglas J. Richards, Bruce R. Ledesma, Marty  
T. Reese, and nominal defendant SunPower  
Corporation

10 DATED: February 18, 2010

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13 /s/ Brett Weaver

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18 DATED: February 18, 2010

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: Feb 22, 2010

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THE HONORABLE CH  
UNITED STATES D



1 I, Judson Lobdell, am the ECF User whose ID and password are being used to file this  
2 Stipulation and [Proposed] Order Continuing the Case Management Conference. In compliance  
3 with General Order No. 45, X.B., I hereby attest that Brett Weaver and David Martin have  
4 concurred in this filing.

5  
6 Dated: February 18, 2010

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/s/ Judson Lobdell  
JUDSON LOBDELL

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