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14 *Co-Lead Counsel for Plaintiffs*

15
 16 **UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

17	IN RE SUNPOWER CORPORATION)	Case No. C 09-05731-RS
	SHAREHOLDER DERIVATIVE)	
18	LITIGATION)	Honorable Richard Seeborg
)	
19	_____)	STIPULATION AND [PROPOSED]
20	This Document Relates To:)	ORDER REGARDING EXTENSION OF
)	TIME FOR LEAD PLAINTIFFS TO FILE
21	All Actions)	A CONSOLIDATED COMPLAINT
	_____)	

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STIPULATION AND [PROPOSED] ORDER REGARDING EXTENSION OF TIME FOR LEAD PLAINTIFFS
 TO FILE A CONSOLIDATED COMPLAINT

1 WHEREAS, on November 16, 2009, SunPower Corporation (“SunPower”) issued a press
2 release announcing an internal investigation by its audit committee;

3 WHEREAS, shortly after the announcement, David Clarke and Richard Logan separately
4 commenced derivative actions against SunPower’s officers and directors, alleging, among other
5 things, breaches of fiduciary duties arising from alleged mismanagement and improper accounting
6 practices;

7 WHEREAS, by order dated January 4, 2010, this Court approved the parties’ stipulation to
8 (a) consolidate the related derivative actions; and (b) appoint Clarke and Logan as Lead Plaintiffs
9 and their respective counsel as Co-Lead Counsel;

10 WHEREAS, by order dated April 12, 2010, the Court approved the parties’ stipulation
11 setting June 28, 2010 as the deadline for Lead Plaintiffs to file a consolidated complaint;

12 WHEREAS, by letter dated February 1, 2010 (“Inspection Demand”), Clarke demanded
13 inspection of SunPower’s books and records relating to, among other things, the accounting practices
14 at SunPower that led SunPower to restate its financial results and underlie the allegations in the
15 derivative actions filed by Logan and Clarke;

16 WHEREAS, Clarke filed a verified petition for a writ of mandate against SunPower under
17 the California Corporations Code in the Superior Court of the State of California, County of Santa
18 Clara (“California State Court”), on May 26, 2010, seeking to compel SunPower to comply with his
19 Inspection Demand (“Petition”);

20 WHEREAS, in response to Clarke’s Petition, SunPower intends to file a demurer on or
21 before July 9, 2010; and

22 WHEREAS, the Lead Plaintiffs have requested an extension of time to file a consolidated
23 complaint until after the California State Court resolves, Clarke’s Petition and SunPower has no
24 objection to that request.

25 NOW THEREFORE, IT IS STIPULATED AND AGREED by all parties, through their
26 respective counsel of record, as follows:

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1 1. In the event that Clarke’s Petition is denied in its entirety, Lead Plaintiffs shall file a
2 consolidated complaint within 30 days of the entry of the order denying the Petition;

3 2. In the event that Clarke’s Petition is granted in whole or in part, all counsel of record
4 shall meet and confer in good faith, within five days of the entry of the order compelling production
5 of documents, to set a new deadline for Lead Plaintiffs to file a consolidated complaint; and

6 3. Within five days of completing their efforts to meet and confer, the parties shall
7 submit to the Court for approval a revised deadline for Lead Plaintiffs to file a consolidated
8 complaint.

9 DATED: June 28, 2010

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s/ Francis A. Bottini, Jr.

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Co-Lead Counsel for Plaintiffs

17 DATED: June 28, 2010

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9 *Counsel for Defendants*

10 **CERTIFICATION UNDER GENERAL ORDER NO. 45**

11 I, Francis A. Bottini, Jr., am the ECF User whose ID and password are being used to file this
12 Stipulation and [Proposed] Order Regarding Extension of Time for Lead Plaintiffs to File a
13 Consolidated Complaint. In compliance with General Order No. 45, X.B., I attest that Marc M.
14 Umeda and Jordan Eth have concurred in this filing.

15 DATED: June 28, 2010

16 s/ Francis A. Bottini, Jr.
17 FRANCIS A. BOTTINI, JR.

18 * * *

19 **~~PROPOSED~~ ORDER**

20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

21 DATED: June 29, 2010

22 
23 RICHARD SEEBORG
24 UNITED STATES DISTRICT JUDGE