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11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
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14 KENNETH BRISTOW, Individually and On)
 Behalf of All Others Similarly Situated,)
 15)
 Plaintiff,)
 16)
 v.)
 17)
 SUNPOWER CORPORATION, THOMAS H.)
 18 WERNER, and CHARLES D. BOYNTON,)
 19 Defendants.)
)
 20)

CASE NO.: 3:16-cv-04710-RS
STIPULATION AND ~~PROPOSED~~
ORDER IN SUPPORT OF
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED
(Civ. L.R. 3-12)

21 JAY PATEL, Individually and On Behalf of All)
 Others Similarly Situated,)
 22)
 Plaintiff,)
 23)
 v.)
 24)
 SUNPOWER CORPORATION, THOMAS H.)
 25 WERNER, and CHARLES D. BOYNTON,)
 26 Defendants.)
)
 27)

CASE NO.: 3:16-cv-04915-WHO

28 STIPULATION RE ADMIN. MOTION TO CONSIDER
 WHETHER CASES SHOULD BE RELATED (CIV. L. R.
 3-12)
 CASE NOS. 16-CV-04710-RS, 16-CV-04915-WHO,
 16-CV-05312-NC, 16-CV-05381-NC

1 BERNARD STERN, derivatively on behalf of)
SUNPOWER CORPORATION,)
2)
Plaintiff,)
3)
v.)
4)
THOMAS H. WERNER, CHARLES D.)
5 BOYNTON, ARNAUD CHAPERON,)
BERNARD CLÉMENT, DENIS GIORNO,)
6 DANIEL LAURÉ, CATHERINE LESJAK,)
THOMAS R. MCDANIEL, HUMBERT DE)
7 WENDEL, and PAT WOOD, III,)
8)
Defendants,)
9)
and)
10 SUNPOWER CORPORATION ,)
11)
Nominal Defendant.)

CASE NO.: 3:16-cv-05312-NC

12)
13 PETER MOSCONE, Derivatively on Behalf of)
Nominal Defendant SUNPOWER)
CORPORATION,)
14)
Plaintiff,)
15)
v.)
16)
BERNARD CLÉMENT, DENIS GIORNO,)
17 CATHERINE LESJAK, ARNAUD)
CHAPERON, DANIEL LAURÉ, PAT WOOD)
18 III, THOMAS R. MCDANIEL, HUMBERT DE)
WENDEL, and THOMAS H. WERNER,)
19)
Defendants,)
20)
and)
21)
SUNPOWER CORPORATION, a Delaware)
22 Corporation,)
23)
Nominal Defendant.)

CASE NO.: 3:16-cv-05381-NC

24)
25)
26)
27)
28 STIPULATION RE ADMIN. MOTION TO CONSIDER
WHETHER CASES SHOULD BE RELATED (CIV. L. R.
3-12)
CASE NOS. 16-CV-04710-RS, 16-CV-04915-WHO,
16-CV-05312-NC, 16-CV-05381-NC

1 WHEREAS, there are two shareholder class actions and two shareholder derivative
2 actions pending in the U.S. District Court for the Northern District of California and arising out
3 of a common set of facts, as set forth below:

<u>Case Name</u>	<u>Case No.</u>	<u>Filing Date</u>
<i>Bristow v. SunPower Corp., et al.</i>	Case No. 16-cv-04710-RS	Aug. 16, 2016
<i>Patel v. SunPower Corp., et al.</i>	Case No. 16-cv-04915-WHO	Aug. 26, 2016
<i>Stern v. Werner, et al.</i>	Case No. 16-cv-05312-NC	Sept. 16, 2016
<i>Moscone v. Clement, et al.</i>	Case No. 16-cv-05381-NC	Sept. 20, 2016

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9 WHEREAS, pursuant to Civil Local Rule 3-12, defendant SunPower Corporation has
10 filed concurrently herewith an administrative motion to consider whether the *Patel*, *Stern*, and
11 *Moscone* actions should be deemed related to the previously filed *Bristow* action and reassigned
12 to the Honorable Richard Seeborg;

13 WHEREAS, the *Bristow*, *Patel*, *Stern*, and *Moscone* actions arise from substantially
14 similar facts and circumstances;

15 WHEREAS, it appears likely that there will be an unduly burdensome duplication of
16 labor and expense or conflicting results if these cases are conducted before different judges;

17 WHEREAS, defendants have not yet responded to the complaints in any of these actions;

18 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among
19 counsel for the undersigned parties, subject to approval of the Court, that the *Patel*, *Stern*, and
20 *Moscone* actions should be deemed related to the first-filed *Bristow* action and reassigned to the
21 Honorable Richard Seeborg.
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1 Dated: October 13, 2016

WILSON SONSINI GOODRICH & ROSATI
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By: /s/ Steven M. Schatz
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10 Dated: October 13, 2016

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28 STIPULATION RE ADMIN. MOTION TO CONSIDER
WHETHER CASES SHOULD BE RELATED (CIV. L. R.
3-12)
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16-CV-05312-NC, 16-CV-05381-NC

1 Dated: October 13, 2016

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13 Dated: October 13, 2016

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1 Dated: October 13, 2016

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28 STIPULATION RE ADMIN. MOTION TO CONSIDER
WHETHER CASES SHOULD BE RELATED (CIV. L. R.
3-12)
CASE NOS. 16-CV-04710-RS, 16-CV-04915-WHO,
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PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: 10/14/16



The Honorable Richard Seeborg
United States District Judge

1 I, Diane M. Walters, am the ECF user whose ID and password are being used to file this
2 STIPULATION AND [PROPOSED] ORDER IN SUPPORT OF ADMINISTRATIVE
3 MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED. In compliance with
4 Civil Local Rule 5-1(i)(3), I hereby attest that Steven M. Schatz, Lesley F. Portnoy, J. Alexander
5 Hood II, Evan J. Smith, and Avi N. Wagner have concurred in this filing.

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Dated: October 13, 2016

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