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 10 THOMAS H. WERNER, and
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12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
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15 KENNETH BRISTOW, Individually and On)
 Behalf of All Others Similarly Situated,)
 16)
 Plaintiff,)
 17)
 v.)
 18)
 SUNPOWER CORPORATION, THOMAS H.)
 19 WERNER, and CHARLES D. BOYNTON,)
)
 20 Defendants.)
)
 21)
)
 22)

CASE NO.: 3:16-cv-04710-RS
STIPULATION AND ~~PROPOSED~~
ORDER REGARDING
CONTINUANCE OF CASE
MANAGEMENT CONFERENCES
AND EXTENDING DEFENDANTS'
TIME TO RESPOND TO
COMPLAINTS
(Civ. L.R. 3-12)

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

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

1 WHEREAS, the complaints in the above-captioned related shareholder class actions set
2 forth claims under the federal securities laws that are subject to the requirements of the Private
3 Securities Litigation Reform Act of 1995 (“PSLRA”), including those set forth in 15 U.S.C.
4 § 78u-4;

5 WHEREAS, the PSLRA requires that, after filing a securities class action, the plaintiff
6 must give notice of the action to allow other interested shareholders the opportunity to file
7 motions for appointment as lead plaintiff (*see* 15 U.S.C. § 78u-4(a)(3)) and, thereafter, that the
8 Court appoint a lead plaintiff;

9 WHEREAS, on October 17, 2016, multiple movants filed competing motions seeking to
10 be appointed lead plaintiff and to consolidate the *Bristow* and *Patel* actions (Dkt. Nos. 13, 17, 18,
11 22, 26);

12 WHEREAS, the hearing regarding the lead plaintiff motions is scheduled for December
13 8, 2016;

14 WHEREAS, pursuant to the August 18, 2016 Order Setting Initial Case Management
15 Conference in the *Bristow* action, a Case Management Conference was scheduled for November
16 17, 2016 and subsequently continued to November 18, 2016 pursuant to the Clerk’s Notice
17 issued November 1, 2016;

18 WHEREAS, prior to reassignment to this Court, a Case Management Conference in the
19 *Patel* action was set for November 29, 2016;

20 WHEREAS, to avoid unnecessary expenditure of judicial resources or effort by the
21 parties and the Court, counsel for plaintiffs in the *Bristow* and *Patel* actions and defendants have
22 agreed (1) that defendants need not respond to the *Bristow* and *Patel* complaints or the complaint
23 in any action consolidated into this action, other than an amended or consolidated complaint or a
24 complaint designated as the operative complaint after the appointment of lead plaintiff; and (2) to
25 continue the Initial Case Management Conferences in the *Bristow* and *Patel* actions and
26 associated deadlines until after a lead plaintiff has been appointed to represent the alleged class.

27 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among
28 counsel for the undersigned parties, subject to approval of the Court, as follows:

1 1. Defendants are not required to respond to the *Bristow* and *Patel* complaints or the
2 complaint in any action consolidated into this action, other than an amended or consolidated
3 complaint or a complaint designated as the operative complaint after the appointment of lead
4 plaintiff.

5 2. The Initial Case Management Conferences (“CMC”) in the *Bristow* and *Patel*
6 actions, currently scheduled for November 18, 2016, and November 29, 2016, respectively, and
7 the associated CMC and ADR deadlines in the *Bristow* and *Patel* actions, shall be vacated and
8 are hereby adjourned to such other date and time as this Court shall order.

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1 Dated: November 2, 2016

WILSON SONSINI GOODRICH & ROSATI
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By: /s/Steven M. Schatz
Steven M. Schatz

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10 Dated: November 2, 2016

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Dated: November 2, 2016

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 11/8/16



The Honorable Richard Seebo
United States District Judge