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9

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12 KENNETH BRISTOW, Individually and On
 Behalf of All Others Similarly Situated,
 13
 14 Plaintiff,

Case No. 3:16-cv-04710-RS
 Hon. Richard Seeborg

14 v.

15 SUNPOWER CORPORATION, THOMAS H.
 16 WERNER, and CHARLES D. BOYNTON,
 17 Defendants.

**STIPULATION AND ~~[PROPOSED]~~
 ORDER IN SUPPORT OF
 ADMINISTRATIVE MOTION TO
 CONSIDER WHETHER CASES
 SHOULD BE RELATED**
 (Civil L.R. 3-12)

19 JAY PATEL, Individually and On Behalf of
 All Others Similarly Situated,
 20
 21 Plaintiff,

Case No. 3:16-cv-04915-RS
 Hon. Richard Seeborg

21 v.

22 SUNPOWER CORPORATION, THOMAS H.
 23 WERNER, and CHARLES D. BOYNTON,
 24 Defendants.

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26 [CAPTION CONTINUED ON NEXT PAGE]

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1 BERNARD STERN, Derivatively on Behalf of
2 SUNPOWER CORPORATION,

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4 Plaintiff,

5 v.

6 THOMAS H. WERNER, CHARLES D.
7 BOYNTON, ARNAUD CHAPERON,
8 BERNARD CLÉMENT, DENIS GIORNO,
9 DANIEL LAURÉ, CATHERINE LESJAK,
10 THOMAS R. MCDANIEL, HUMBERT DE
11 WENDEL, and PAT WOOD III,

12 Defendants,

13 – and –

14 SUNPOWER CORPORATION,

15 Nominal Defendant.

16 PETER MOSCONE, Derivatively on Behalf of
17 Nominal Defendant SUNPOWER
18 CORPORATION,

19 Plaintiff,

20 v.

21 BERNARD CLÉMENT, DENIS GIORNO,
22 CATHERINE LESJAK, ARNAUD
23 CHAPERON, DANIEL LAURÉ, PAT WOOD
24 III, THOMAS R. MCDANIEL, HUMBERT
25 DE WENDEL, and THOMAS H. WERNER,

26 Defendants,

27 – and –

28 SUNPOWER CORPORATION, a Delaware
Corporation,

Nominal Defendant.

[CAPTION CONTINUED ON NEXT PAGE]

Case No. 3:16-cv-05312-RS

Hon. Richard Seeborg

Case No. 3:16-cv-05381-RS

Hon. Richard Seeborg

1 MELVIN BRENNER, Derivatively on Behalf
2 of SUNPOWER CORPORATION,

3
4 Plaintiff,

5 v.

6 THOMAS H. WERNER, CHARLES D.
7 BOYNTON, BERNARD CLÉMENT,
8 LADISLAS PASZKIEWICZ, DANIEL
9 LAURÉ, CATHERINE A. LESJAK,
10 THOMAS R. MCDANIEL, PAT WOOD
11 III, ARNAUD CHAPERON, DENIS
12 GIORNO, JEAN-MARC OTERO DEL
13 VAL, and HUMBERT DE WENDEL,

14 Defendants,

15 – and –

16 SUNPOWER CORPORATION, a Delaware
17 corporation,

18 Nominal Defendant.
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Case No. 5:16-cv-05988-EJD

Hon. Edward J. Davila

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

<u>Case Name</u>	<u>Case No.</u>	<u>Filing Date</u>
4 Bristow v. SunPower Corp., et al. 5 (the "Bristow Action")	16-cv04710-RS	Aug. 16, 2016
6 Patel v. SunPower Corp., et al. 7 (the "Patel Action")	16-cv-04915-RS	Aug. 26, 2016
8 Stern v. Werner, et al. 9 (the "Stern Action")	16-cv-05312-RS	Sept. 16, 2016
10 Moscone v. Clement, et al. 11 (the "Moscone Action")	16-cv-05381-RS	Sept. 20, 2016
12 Brenner v. Werner, et al. 13 (the "Brenner Action")	16-cv-05988-EJD	Oct. 17, 2016

14
15 WHEREAS, pursuant to Civil Local Rule 3-12, plaintiff Melvin Brenner has filed
16 concurrently herewith an administrative motion to consider whether the Brenner Action should be
17 deemed related to the previously-filed Bristow, Patel, Stern, and Moscone Actions and reassigned to
18 the Honorable Richard Seeborg;

19 WHEREAS the Brenner Action arises from the substantially similar facts and circumstances
20 as the Bristow, Patel, Stern, and Moscone Actions;

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

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

24 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among
25 counsel for the undersigned parties, subject to approval of the Court, that the Brenner Action should
26 be deemed related to the previously-filed Bristow, Patel, Stern, and Moscone Actions and
27 reassigned to the Honorable Richard Seeborg.

1 Dated: November 7, 2016

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1 I, George C. Aguilar, am the ECF User whose ID and password are being used to file this
2 Stipulation and [Proposed] Order in Support of Administrative Motion to Consider Whether Cases
3 Should Be Related. In compliance with Civil L.R. 5-1(i), I hereby attest that concurrence in the
4 filing of this document has been obtained from each of the other signatories.

5
6 s/ George C. Aguilar
7 _____
8 GEORGE C. AGUILAR

9
10 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

11 DATED: 11/9/16

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13 _____
14 HONORABLE RICHARD SEEBORG
15 UNITED STATES DISTRICT JUDGE