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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12 IN RE SUNPOWER CORPORATION
 13 SHAREHOLDER DERIVATIVE
 LITIGATION

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

(Consolidated with Case Nos. 3:16-cv-05381-RS and 3:16-cv-05988-RS)

District Judge Richard Seeborg

15 This Document Relates To:

16 ALL ACTIONS

17 **STIPULATION AND [~~PROPOSED~~]**
ORDER IN SUPPORT OF
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED

(Civil L.R. 3-12)

20 [Caption Continued on Next Page]

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1 SCOTT SALYERS, LAWRENCE GARNER,
2 LORIE BARNWELL, GREGORY
3 PALICZUK and FRANK BADALAMENTE,
4 in Their Capacities as Trustees for the CITY
5 OF WARREN POLICE AND FIRE
6 RETIREMENT SYSTEM, Derivatively on
7 Behalf of SUNPOWER CORPORATION,

8 Plaintiff,

9 v.

10 BERNARD CLÉMENT, LADISLAS
11 PASZKIEWICZ, DANIEL LAURÉ,
12 CATHERINE A. LESJAK, THOMAS H.
13 WERNER, THOMAS R. McDANIEL,
14 PATRICK WOOD III, ARNAUD
15 CHAPERON, HUMBERT DE WENDEL,
16 JEAN-MARC OTERO DEL VAL, DENIS
17 GIORNO and CHARLES D. BOYNTON,

18 Defendants.

Case No. 5:16-cv-07143-NC

Magistrate Judge Nathanael M. Cousins

1 WHEREAS the following shareholder derivative actions pending in the U.S. District Court
2 for the Northern District of California arise out of a common set of facts:

<u>Case Name</u>	<u>Case No.</u>	<u>Filing Date</u>
<i>In re SunPower Corporation Shareholder Derivative Litigation (the "Consolidated Derivative Action")</i>	Lead Case No. 3:16-cv-05312-RS	Initial Filing Date Sept. 16, 2016
<i>Salyers, et al. v. Clement, et al. (the "Salyers Action")</i>	5:16-cv-07143-NC	Dec. 14, 2016

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9 WHEREAS, pursuant to Civil Local Rule 3-12, plaintiffs in the Consolidated Derivative
10 Action have filed concurrently herewith an administrative motion to consider whether the *Salyers*
11 Action should be deemed related to the pending Consolidated Derivative Action and reassigned to
12 the Honorable Richard Seeborg;

13 WHEREAS, the *Salyers* Action arises from substantially similar facts and circumstances as
14 the Consolidated Derivative Action;

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

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 *Salyers* Action should
20 be deemed related to the pending Consolidated Derivative Action and reassigned to the Honorable
21 Richard Seeborg.

22
23 Dated: December 22, 2016

ROBBINS ARROYO LLP
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s/ George C. Aguilar
George C. Aguilar

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Lead Counsel for Plaintiffs

Dated: December 22, 2016

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Dated: December 22, 2016

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Frank Badalamente*

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

s/ George C. Aguilar
George C. Aguilar

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 12/27/16



HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on December 22, 2016, I electronically filed the foregoing with the
3 Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-
4 mail addresses on the Electronic Mail Notice for this action.

5 I further certify that I caused and true and correct copy of the foregoing to be sent via
6 electronic mail to the following:

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18 *s/ George C. Aguilar*

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