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Attorneys for Nominal Defendants

9 Akeena Solar, Inc., and Individual Defendants

Barry Cinnamon, and Gary Effren

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 SAN JOSE DIVISION

14 EVELYN SABBAG, Derivatively on Behalf of )  
15 AKEENA SOLAR, INC., )

16 Plaintiff, )

17 v. )

18 BARRY CINNAMON, GARY EFFREN, )  
19 EDWARD ROFFMAN, JON WITKIN, )  
GEORGE LAURO, and DAVID WALLACE, )

20 Defendants, )

21 -and- )

22 AKEENA SOLAR, INC., a Delaware )  
corporation, )

23 Nominal Defendant. )  
24

CASE NO.: 10-CV-02735-JF

**STIPULATION AND ~~{PROPOSED-}~~  
ORDER] EXTENDING DEADLINE  
OF NOMINAL DEFENDANT  
AKEENA, AND INDIVIDUAL  
DEFENDANTS CINNAMON AND  
EFFREN TO RESPOND TO  
COMPLAINT**

1 On June 22, 2010, plaintiff Evelyn Sabbag ("Plaintiff") filed the Verified Shareholder  
2 Derivative Complaint for Breach of Fiduciary Duty, Unjust Enrichment, Waste of Corporate  
3 Assets and Violations of California Corporations Code ("Complaint").

4 **WHEREAS**, nominal defendant Akeena Solar, Inc., and individual defendants Barry  
5 Cinnamon, and Gary Effren (collectively "Defendants") have been served with the summons and  
6 complaint, and pursuant to Rule 12 of the Federal Rules of Civil Procedure their response to the  
7 Complaint is currently due July 13, 2010;

8 **WHEREAS**, counsel for Defendants and counsel for Plaintiff have agreed that  
9 Defendants will file their motion(s) pursuant to Federal Rule of Civil Procedure 12(b)(6) on or  
10 before July 30, 2010.

11 \*\*\*\*\*

12 **NOW THEREFORE**, the parties, by and through their undersigned counsel of record, in  
13 the interests of judicial economy, hereby agree and stipulate, and the Court hereby orders, that:

- 14 1. Defendants shall file motion(s) pursuant to Federal Rule of Civil Procedure 12(b)(6)  
15 by July 30, 2010.

16  
17 Dated: July 12, 2010

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22  
23 By: /s/ Dominique-Chantale Alepin  
Dominique-Chantale Alepin

24 *Attorneys for Nominal Defendant Akeena*  
25 *Solar, Inc., and Individual Defendants Barry*  
26 *Cinnamon, and Gary Effren*

1 Dated: July 12, 2010

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11 By: /s/ George C. Aguilar  
12 George C. Aguilar

13 *Attorneys for Plaintiff Evelyn Sabbag*

14 **ORDER**

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16 Dated: 7/15/2010

17   
18 United States District Judge

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DATED: July 12, 2010

By: /s/ Dominique-Chantale Alepin  
Dominique-Chantale Alepin

STIPULATION AND [PROP.] ORDER EXTENDING  
RESPONSE DEADLINE  
CASE No. 10-CV-02735-JF