

\*\*E-Filed 8/25/2010\*\*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

EVELYN SABBAG, Derivatively on Behalf of  
AKEENA SOLAR, INC.,

Plaintiff,

v.

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

Defendant,

-and-

AKEENA SOLAR, INC., a Delaware Corporation,

Nominal Defendant.

Case Number 10-CV-02735-JF (HRL)

ORDER<sup>1</sup> RE STIPULATION  
CONSOLIDATING ACTIONS,  
APPOINTING LEAD COUNSEL, AND  
RELATED MATTERS

[RE: Doc. No. 15]

VINCENT F. CILURZO and AUDREY T.  
CILURZO, Derivatively on Behalf of  
AKEENA SOLAR, INC.,

Plaintiff,

v.

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

Defendant,

-and-

AKEENA SOLAR, INC., a Delaware Corporation,

Nominal Defendant.

Case Number 10-CV-02806-JF

<sup>1</sup> This disposition is not designated for publication in the official reports.

1 DONALD A. TRISKETT, Derivatively on Behalf  
2 of AKEENA SOLAR, INC.,

3 Plaintiff,

4 v.

5 BARRY CINNAMON, GARY EFFREN,  
6 EDWARD ROFFMAN, and JON WITKIN,

7 Defendant,

8 -and-

9 AKEENA SOLAR, INC., a Delaware Corporation,

10 Nominal Defendant

Case Number 10-CV-02992-JF

11 DANIEL JAQUEZ, Derivatively on Behalf of  
12 AKEENA SOLAR, INC.,

13 Plaintiff,

14 v.

15 BARRY CINNAMON, PRADEEP JOTWANI, ED  
16 ROFFMAN, JON MATHEW WITKIN, GARY  
17 EFFREN, and DOES 1-20,

18 Defendant,

19 -and-

20 AKEENA SOLAR, INC., a Delaware Corporation,

21 Nominal Defendant

Case Number 10-CV-03020-JF

22 JOHN R. KLEIN, Derivatively on Behalf of  
23 AKEENA SOLAR, INC.,

24 Plaintiff,

25 v.

26 BARRY CINNAMON, GARY EFFREN,  
27 EDWARD ROFFMAN, AND JON WITKIN,

28 Defendant,

-and-

AKEENA SOLAR, INC., a Delaware Corporation,

Nominal Defendant

Case Number 10-CV-03387-PVT

1 On July 30, 2010, the plaintiffs listed in case numbers 10-CV-02735-JF (HRL), 10-CV-  
2 02806-JF, 10-CV-02992-JF, and 10-CV-03020-JF (collectively “Stipulating Plaintiffs”) filed a  
3 stipulated motion to consolidate certain actions, appoint lead counsel, and set a schedule for the  
4 consolidated action. On August 3, 2010, John Klein (“Objecting Plaintiff”) filed an  
5 administrative motion to consider whether his case should be related to the Stipulating Plaintiffs’  
6 action and otherwise objected to Stipulating Plaintiffs’ motion. On August 5, 2010, Stipulating  
7 Plaintiffs filed a response to Objecting Plaintiff’s motion. On August 6, 2010, Defendants filed a  
8 Joinder to Stipulating Plaintiffs’ response.

9 The Court has considered all of the documents identified above. It appears that all parties  
10 agree that their cases are related. Accordingly, the clerk shall reassign *Klein v. Cinnamon, et al.*,  
11 Case No. 10-CV-03387-PVT to the undersigned. Moreover, the following cases are consolidated  
12 for all purposes:

- 13 o *Sabbag v. Cinnamon, et al.*, Case No. 10-CV-02735-JF;
- 14 o *Cilurzo, et al. v. Cinnamon, et al.*, Case No. 10-CV-02806-JF;
- 15 o *Triskett v. Cinnamon, et al.*, Case No. 10-CV-02992-JF;
- 16 o *Jaquez v. Cinnamon, et al.*, Case No. 10-CV-03020-JF; and
- 17 o *Klein v. Cinnamon, et al.*, Case No. 10-CV-03387-PVT.

18 The files of the consolidated action shall be maintained in one file under File No. 10-CV-02735-  
19 JF (HRL).

20 The parties do not appear to have reached agreement with respect to the appointment of  
21 lead counsel or an appropriate case management schedule. Accordingly, a Case Management  
22 Conference is hereby set for Friday, September 3, 2010 at 10:30 am. Counsel may appear  
23 telephonically. Any telephonic appearance must be arranged by calling Court Call at (866) 582-  
24 6878 in advance of the conference.

1 **ORDER**

2 (1) Objecting Plaintiff's administrative motion to relate *Klein v. Cinnamon, et al.*, to the  
3 instant case is hereby GRANTED;

4 (2) The above-listed cases are CONSOLIDATED; and

5 (3) A Case Management Conference is set for September 3, 2010 at 10:30 am to discuss  
6 appointment of lead counsel and the case schedule.

7  
8 IT IS SO ORDERED.

9 DATED: 8/25/2010

10   
11 JEREMY FOGEL  
12 United States District Judge