

1 ROBBINS ARROYO LLP  
 BRIAN J. ROBBINS (190264)  
 2 brobbins@robbinsarroyo.com  
 GEORGE C. AGUILAR (126535)  
 3 gaguilar@robbinsarroyo.com  
 ASHLEY R. RIFKIN (246602)  
 4 arifkin@robbinsarroyo.com  
 600 B Street, Suite 1900  
 5 San Diego, CA 92101  
 Telephone: (619) 525-3990  
 6 Facsimile: (619) 525-3991

7 Attorneys for Plaintiff

8 [Additional Counsel on Signature Pages]

9

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

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

Case No. 3:16-cv-04710-RS

13 Plaintiff,

Hon. Richard Seeborg

14 v.

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

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

17 Defendants.

(Civil L.R. 3-12)

18  
 19 JAY PATEL, Individually and On Behalf of  
 All Others Similarly Situated,

Case No. 3:16-cv-04915-RS

20 Plaintiff,

Hon. Richard Seeborg

21 v.

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

24 Defendants.

25

26 [CAPTION CONTINUED ON NEXT PAGE]

27

28

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

3 Plaintiff,

4 v.

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

11 Defendants,

12 – and –

13 SUNPOWER CORPORATION,

14 Nominal Defendant.

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

18 Plaintiff,

19 v.

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

25 Defendants,

26 – and –

27 SUNPOWER CORPORATION, a Delaware  
28 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  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 Nominal Defendant.

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

ROBBINS ARROYO LLP

2 s/ George C. Aguilar

3 GEORGE C. AGUILAR

4 Brian J. Robbins  
5 George C. Aguilar  
6 Ashley R. Rifkin  
7 600 B Street, Suite 1900  
8 San Diego, CA 92101  
9 Telephone: (619) 525-3990  
10 Facsimile: (619) 525-3991  
11 gaguilar@robbinsarroyo.com

VITA LAW OFFICES P.C.

12 Richard J. Vita  
13 100 State Street, 9th Floor  
14 Boston, MA 02109  
15 Telephone: (617) 426-6566  
16 Facsimile: (617) 249-2119

Attorneys for Plaintiff Melvin Brenner

17 Dated: November 7, 2016

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

18 s/ Steven M. Schatz

19 STEVEN M. SCHATZ

20 Steven M. Schatz  
21 650 Page Mill Road  
22 Palo Alto, CA 94304  
23 Telephone: (650) 493-9300  
24 Facsimile: (650) 493-6811  
25 sschatz@wsgr.com

26 Attorneys for Defendants SunPower Corporation,  
27 Thomas H. Werner, Charles D. Boynton, Bernard  
28 Clément, Ladislav Paszkiewicz, Daniel Lauré,  
Catherine A. Lesjak, Thomas R. Mcdaniel, Pat  
Wood III, Arnaud Chaperon, Denis Giorno, Jean-  
Marc Otero del Val, and Humbert de Wendel

1 Dated: November 7, 2016

GLANCY PRONGAY & MURRAY LLP

2 s/ Leslie F. Portnoy

3 LESLIE F. PORTNOY

4 Lionel Z. Glancy  
5 Robert V. Prongay  
6 Lesley F. Portnoy  
7 Charles H. Linehan  
8 1925 Century Park East, Suite 2100  
9 Los Angeles, CA 90067  
10 Telephone: (310) 201-9150  
11 Facsimile: (310) 201-9160  
12 lportnoy@glancylaw.com

13 LAW OFFICES OF HOWARD G. SMITH  
14 Howard G. Smith  
15 3070 Bristol Pike, Suite 112  
16 Bensalem, PA 19020  
17 Telephone: (215) 638-4847  
18 Facsimile: (215) 638-4867

19 Attorneys for Plaintiff Kenneth Bristow

20 Dated: November 7, 2016

POMERANTZ LLP

21 s/ J. Alexander Hood II

22 J. ALEXANDER HOOD II

23 (Admitted Pro Hac Vice)

24 Jeremy A. Lieberman  
25 J. Alexander Hood II  
26 600 Third Avenue, 20th Floor  
27 New York, New York 10016  
28 Telephone: (212) 661-1100  
Facsimile: (212) 661-8665  
ahood@pomlaw.com

POMERANTZ LLP

Jennifer Pafiti  
468 North Camden Drive  
Beverly Hills, CA 90210  
Telephone: (818) 532-6499

Attorneys for Plaintiff Jay Patel

1 Dated: November 7, 2016

BRODSKY & SMITH, LLC

2 s/ Evan J. Smith

EVAN J. SMITH

3 Evan J. Smith  
4 9595 Wilshire Blvd.  
5 Beverly Hills, CA 90212  
6 Telephone: (877) 534-2590  
7 Facsimile: (310) 247-0160  
8 esmith@brodsky-smith.com

9 PROFY PROMISLOFF & CIARLANTO, P.C.

10 Jeffrey J. Ciarlanto  
11 Joseph M. Profy  
12 David M. Promisloff  
13 100 N. 22nd Street, Unit 105  
14 Philadelphia, PA 19103  
15 Telephone: (215) 259-5156  
16 Facsimile: (215) 600-2642

17 LAWOFFICE OF ALFRED G. YATES, JR., P.C.

18 Alfred G. Yates, Jr.  
19 Gerald L. Rutledge  
20 519 Allegheny Building  
21 429 Forbes Avenue  
22 Pittsburgh, PA 15219  
23 Telephone: (412) 391-5164  
24 Facsimile: (412) 471-1033

25 Attorneys for Plaintiff Bernard Stern

26 Dated: November 7, 2016

THE WAGNER FIRM

27 s/ Avi N. Wagner

AVI N. WAGNER

28 Avi N. Wagner  
1925 Century Park East, Suite 2100  
Los Angeles, CA 90067  
Telephone: (310) 491-7949  
Facsimile: (310) 694-3967  
avi@thewagnerfirm.com

GAINEY McKENNA & EGLESTON

Thomas J. Mckenna  
Gregory M. Egleston  
440 Park Avenue South, 5th Floor  
New York, NY 10016  
Telephone: (212) 983-1300  
Facsimile: (212) 983-0383

Attorneys for Plaintiff Peter Moscone

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  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
s/ George C. Aguilar  
\_\_\_\_\_  
GEORGE C. AGUILAR

6 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

7 DATED: 11/9/16

8   
\_\_\_\_\_  
HONORABLE RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE