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9 **UNITED STATES DISTRICT COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA**

11 **OAKLAND DIVISION**

12 IN RE RACKABLE SYSTEMS, INC.) Case No. C-09-0222-CW
 SECURITIES LITIGATION)
 13 _____) CLASS ACTION
)
 14 THIS DOCUMENT RELATES TO:) **STIPULATION AND [ORDER**
 ALL ACTIONS.) **VACATING DATE FOR INITIAL CASE**
 15 _____) **MANAGEMENT CONFERENCE AS**
) **MODIFIED**

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1 WHEREAS, the initial complaint in this action was filed on January 16, 2009;

2 WHEREAS, the Court entered an Order appointing Lead Plaintiff and Lead Plaintiffs'
3 counsel on April 16, 2009;

4 WHEREAS, Lead Plaintiff filed an amended complaint on June 15, 2009;

5 WHEREAS, Defendants moved to dismiss the amended complaint on August 13, 2009,
6 and the hearing on Defendants' motion to dismiss is scheduled for October 29, 2009;

7 WHEREAS, pursuant to a stipulation of the parties, which pre-dated Defendants' motion
8 to dismiss, the Court set an Initial Case Management Conference for October 20, 2009;

9 WHEREAS, the Order setting the Initial Case Management Conference requires the
10 parties to comply with various procedures, including initial disclosures, and the filing of a Rule
11 26(f) Report and Joint Case Management Conference Statement, in connection with the
12 Conference;

13 WHEREAS, this action is subject to the provisions of the Private Securities Litigation
14 Reform Act of 1995 (the "PSLRA") which imposes a discovery stay pending solution of a motion
15 to dismiss the consolidated amended complaint;

16 WHEREAS, the parties believe that the procedures to be completed in connection with the
17 Initial Case Management Conference are incompatible with the requirements of the PSLRA, and
18 that the scheduling of an Initial Case Management Conference in this action is premature;

19 NOW, THEREFORE, the undersigned parties hereby stipulate and agree, and respectfully
20 request that the Court enter an order, as follows:

21 1. That the October 20, 2009 Initial Case Management Conference should be taken
22 off calendar; and

23 2. That the procedures to be completed in connection with the Initial Case
24 Management Conference should be postponed pending any rescheduling of the Initial Case
25 Management Conference.

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