

1 MEREDITH N. LANDY (S.B. #136489)  
 PETER T. SNOW (S.B. #222117)  
 2 O'MELVENY & MYERS LLP  
 2765 Sand Hill Road  
 3 Menlo Park, California 94025-7019  
 Telephone: (650) 473-2600  
 4 Facsimile: (650) 473-2601  
 Email: mlandy@omm.com  
 5 psnow@omm.com

6 Attorneys for Defendants Rackable Systems, Inc.,  
 Thomas K. Barton, Madhu Ranganathan and Todd  
 7 R. Ford

8

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. ) **REGARDING SCHEDULING**  
 15 \_\_\_\_\_ ) **MATTERS**  
 )

16

17

18

19

20

21

22

23

24

25

26

27

28

1 WHEREAS, on June 15, 2009, Lead Plaintiffs filed the Amended Complaint for  
2 Violations of the Federal Securities Laws (“Amended Complaint”);

3 WHEREAS, on August 4, 2009, the Court entered an order setting a briefing schedule for  
4 Defendants’ motion to dismiss the Amended Complaint;

5 WHEREAS, Defendants filed their Motion to Dismiss the Amended Complaint for  
6 Violations of the Federal Securities Laws (“Motion to Dismiss”) on August 13, 2009;

7 WHEREAS, Lead Plaintiffs filed their Opposition to Defendants’ Motion to Dismiss on  
8 September 14, 2009;

9 WHEREAS, pursuant to a stipulation by the parties, the Court entered an order setting the  
10 deadline for Defendants’ reply brief in support of the Motion to Dismiss to October 21, 2009 and  
11 the setting hearing on Defendants’ Motion to Dismiss for November 19, 2009 at 2 p.m.;

12 WHEREAS, pursuant to stipulation by the parties, the Court entered an order extending  
13 the deadline for Defendants’ reply brief to October 30, 2009;

14 WHEREAS, the parties have met and conferred regarding the briefing schedule for  
15 Defendants’ reply brief in support of the Motion to Dismiss;

16 WHEREAS, the parties have agreed to a further extension of the deadline for Defendants’  
17 reply brief which does not require any change to the hearing on the Motion to Dismiss; and

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

20 1. Defendants shall file their reply brief at or before 3:00 P.M. Pacific Time on  
21 November 2, 2009.

22 IT IS SO STIPULATED.  
23

24

25

26

27

28

O’MELVENY & MYERS LLP

Dated: November 2, 2009

By:                     /s/                      
Meredith N. Landy

Attorneys for Defendants Rackable Systems,  
Inc., Thomas K. Barton, Madhu Ranganathan

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

and Todd R. Ford

GLANCY BINKOW & GOLDBERG LLP

By: \_\_\_\_\_ /s/

Dated: November 2, 2009

Lionel Z. Glancy  
Michael Goldberg

Attorneys for Lead Plaintiffs

I, Meredith N. Landy, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Regarding Scheduling Matters. In compliance with General Order 45, X.B., I hereby attest that Lionel Z. Glancy has concurred in this filing.

By: \_\_\_\_\_ /s/

Meredith N. Landy

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

11/2

DATED: \_\_\_\_\_, 2009



\_\_\_\_\_  
The Honorable Claudia Wilken  
United States District Judge