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Lead Counsel for Lead Plaintiff

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT CALIFORNIA

11 _____)
 12 IN RE RACKABLE SYSTEMS, INC.) Case No. C-09-0222-CW
 13 SECURITIES LITIGATION)
 14 _____) CLASS ACTION
 15 THIS DOCUMENT RELATES TO:)
 16 ALL ACTIONS)
 17 _____)

18 **JOINT STIPULATION AND ~~PROPOSED~~ ORDER REGARDING THE BRIEFING
 19 SCHEDULE AND HEARING ON DEFENDANTS' MOTION TO DISMISS AND
 20 CONTINUATION OF THE MAY 11, 2010, CASE MANAGEMENT CONFERENCE**

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 28 No. C-09-0222-CW
 JOINT STIPULATION AND [PROPOSED] ORDER REGARDING THE BRIEFING SCHEDULE AND HEARING ON
 DEFENDANTS' MOTION TO DISMISS AND CONTINUATION OF THE CASE MANAGEMENT CONFERENCE

1 WHEREAS, pursuant to a previous stipulation of Lead Plaintiffs Gerald Dull and
2 Vincent Fusco (“Plaintiffs”) and Defendants Rackable Systems, Inc., Thomas K. Barton and
3 Madhu Ranganathan (“Defendants”) and this Court’s Order dated April 5, 2010, Defendants
4 filed a motion to dismiss the Second Amended Complaint for Violations of the Federal Securities
5 Laws (“Second Amended Complaint”) on April 9, 2010;

6 WHEREAS, Defendants scheduled the hearing for their motion to dismiss to be held
7 June 3, 2010, at 2:00 p.m. in Courtroom 2;

8 WHEREAS, under the parties’ previously stipulated briefing schedule, the Court may
9 have only eight days between the filing of Plaintiffs’ reply to Defendants’ motion to dismiss and
10 the June 3, 2010, hearing date for the motion to dismiss;

11 WHEREAS, by Order dated May 6, 2010, the Court vacated the Case Management
12 Conference scheduled for May 11, 2010, and ordered the parties to meet and confer and
13 stipulate to a new briefing schedule which will comply with Local Rule 7-3(c);

14 WHEREAS, the parties have conferred and agree that: (i) Plaintiffs’ shall file their
15 opposition to Defendants’ motion to dismiss no later than May 26, 2010; (ii) Defendants shall
16 file their reply to Plaintiffs’ opposition no later than June 17, 2010; and (iii) the hearing date for
17 Defendants’ motion to dismiss will be continued to July 1, 2010;

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

- 20 1. Plaintiffs shall file their opposition to Defendants’ motion to dismiss no
21 later than May 26, 2010.
- 22 2. Defendants shall file their reply to Lead Plaintiffs’ opposition no later
23 than June 17, 2010.
- 24 3. The hearing on Defendants’ motion to dismiss, which was previously
25 scheduled for June 3, 2010, shall be continued to July 1, 2010, at 2:00 p.m. in Courtroom 2.
- 26 4. The Case Management Conference previously scheduled for May 11,
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1 2010, shall be continued and will be held on the same date -- July 1, 2010, at 2:00 p.m. in
2 Courtroom 2 -- as the hearing on the motion to dismiss.

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4 IT IS SO STIPULATED.

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6 Dated: May 10, 2010

GLANCY BINKOW & GOLDBERG LLP

7 By: /s/ Michael Goldberg
8 Michael Goldberg (SB#188669)
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Lead Counsel for Plaintiffs and the Class

14 O'MELVENY & MYERS LLP

15
16 Dated: May 10, 2010

By: /s/ Pete Snow

Pete Snow
Meredith N. Landy

*Attorneys for Defendants Rackable Systems,
19 Inc., Thomas K. Barton and Madhu
20 Ranganathan*

21 I, Michael Goldberg, am the ECF User whose ID and password are being used to file
22 this Stipulation and [Proposed] Order Regarding the Filing and Briefing of Plaintiffs'
23 Supplemental Second Amended Complaint. In compliance with General Order 45, X.B., I
24 hereby attest that Meredith N. Landy has concurred in this filing.
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27 By: /s/ Michael Goldberg
Michael Goldberg

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May 12, 2010



The Honorable Claudia Wilken
United States District Judge