1 2 3 4 5 6 7	MEREDITH N. LANDY (S.B. #136489) PETER T. SNOW (S.B. #222117) O'MELVENY & MYERS LLP 2765 Sand Hill Road Menlo Park, California 94025-7019 Telephone: (650) 473-2600 Facsimile: (650) 473-2601 Email: mlandy@omm.com psnow@omm.com Attorneys for Defendants Rackable Systems, Inc Thomas K. Barton, Madhu Ranganathan and To R. Ford	S., dd	
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	
13	SECURITIES LITIGATION) CLASS ACTION	
14	THIS DOCUMENT RELATES TO:) STIPULATION AND ORDER	
15	ALL ACTIONS.) REGARDING SCHEDULING) MATTERS (AS MODIFIED)	
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20		STIPULATION AND [PROPOSED] ORDER CASE NO. C-09-0222-CW	

1	WHEREAS, pursuant to a previous stipulation of Lead Plaintiffs Gerald Dull and Vincent		
2	Fusco ("Plaintiffs") and Defendants Rackable Systems, Inc., Thomas K. Barton and Madhu		
3	Ranganathan ("Defendants") and this Court's Order dated April 5, 2010, Defendants filed a		
4	motion to dismiss the Second Amended Complaint for Violations of the Federal Securities Laws		
5	("Second Amended Complaint") on April 9, 2010;		
6	WHEREAS, by Order dated May 6, 2010, the Court vacated the Case Management		
7	Conference scheduled for May 11, 2010, and ordered the parties to meet and confer and stipulate		
8	to a new briefing schedule which would comply with Local Rule 7-3(c);		
9	WHEREAS, on May 12, 2010, pursuant to the parties' stipulation, the Court entered an		
10	order setting a new briefing schedule that complied with Local Rule 7-3(c);		
11	WHEREAS, the Court's May 12, 2010 order required Plaintiffs to file their opposition to		
12	Defendants' motion to dismiss no later than May 26, 2010, and Defendants to file their reply to		
13	Plaintiffs' opposition no later than June 17, 2010, and set the hearing on Defendants' motion to		
14	dismiss for July 1, 2010, at 2:00 p.m. in Courtroom 2;		
15	WHEREAS, pursuant to the Court's order, Plaintiffs filed their opposition to Defendants'		
16	motion to dismiss on May 26, 2010;		
17	WHEREAS, Peter T. Snow, one of the attorneys for Defendants, has been required to take		
18	an earlier-than-expected parental leave following the premature delivery of his daughter on May		
19	30, 2010;		
20	WHEREAS, the parties have met and conferred regarding modification of the current		
21	briefing and hearing schedule in light of Mr. Snow's parental leave;		
22	NOW, THEREFORE, the undersigned parties hereby stipulate and agree, and respectfully		
23	request that the Court enter an order, as follows:		
24	1. Defendants shall file their reply to Plaintiffs' Opposition no later than July 1, 2010.		
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	- 1 - STIPULATION AND [PROPOSED] ORDER CASE NO. C-09-0222-CW		

1	2. The hearing on Defendants' motion to dismiss, which is currently scheduled for		
2	July 1, 2010, shall be continued to July 15, 2010, at 2:00 p.m. in Courtroom 2.		
3	IT IS SO STIPULATED.		
4	(O'MELVENY & MYERS LLP	
5			
6	Dated: June 18, 2010 H	By: /s/ Meredith N. Landy	
7		-	
8 9	I	Attorneys for Defendants Rackable Systems, nc., Thomas K. Barton, Madhu Ranganathan and Todd R. Ford	
10		GLANCY BINKOW & GOLDBERG LLP	
11	_		
12	Dated: June 18, 2010	By: /s/ Lionel Z. Glancy	
13		Michael Goldberg	
14	l l l l l l l l l l l l l l l l l l l	Attorneys for Lead Plaintiffs	
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16 17	I Meredith N. Londy, on the ECE User where ID and recoverd are being used to file this		
17	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		
19 20	Order 45, X.B., I hereby attest that Lionel Z. Glancy has concurred in this filing.		
20	B	y: <u>/s/</u>	
21	Meredith N. Landy		
22	<u>O R D</u>	<u>E R</u>	
23	PURSUANT TO STIPULATION, IT IS SO ORDERED. July 1st CMC is also		
24	continued to July 15th at 2 p.m.		
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26	DATED: June 18, 2010	(Judialent -	
27		The Honorable Claudia Wilken United States District Judge	
28	- 2 -	STIPULATION AND [PROPOSED] ORDER CASE NO. C-09-0222-CW	