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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.) **REGARDING SCHEDULING**
 15 _____) **MATTERS (AS MODIFIED)**
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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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