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8	UNITED STAT	TES DISTRICT COURT	
9		STRICT OF CALIFORNIA	
10	OAKLAND DIVISION		
11	IN RE RACKABLE SYSTEMS, INC.) Case No. C-09-0222-CW	
12	SECURITIES LITIGATION) CLASS ACTION	
13	THIS DOCUMENT RELATES TO:) STIPULATION AND ORDER	
14	ALL ACTIONS.) REMOVING CASE FROM) AUTOMATIC REFERRAL TO THE	
15		ADR MULTI-OPTION PROGRAM PURSUANT TO ADR LOCAL RULE 3-	
16) 3(c)	
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40		STIPULATION AND [PROPOSED] ORDER	
		CASE NO. C.00.0222 CW	

1	WHEREAS, the hearing on defendants' Motion to Dismiss the Supplemental Second	
2	Amended Complaint For Violations of the Federal Securities Laws ("Motion to Dismiss") is	
3	scheduled for July 15, 2010 at 2 p.m.;	
4	WHEREAS, the Court has scheduled a Case Management Conference to take place	
5	immediately following the July 15, 2010 hearing on the Motion to Dismiss;	
6	WHEREAS, on June 29, 2010, the Court Clerk issued a Notice Re: Noncompliance With	
7	Court Order (the "Notice") directing the parties' counsel to meet and confer "in an attempt to	
8	agree on an ADR process for this matter. Thereafter, counsel, on behalf of themselves and each	
9	party, promptly shall file an ADR Certification and either 1) a Stipulation and [Proposed] Order	
10	Selecting ADR Process, or 2) a Notice of Need for ADR Phone Conference;"	
11	WHEREAS, the undersigned parties and their counsel have met and conferred as directed	
12	by the Clerk's Notice and filed their respective ADR Certifications pursuant to Civil L.R. 16-8(b)	
13	and ADR L.R. 3-5 (b);	
14	WHEREAS, the undersigned parties agree that the case should be removed from the ADR	
15	Multi-Option program pursuant to ADR L.R. 3-3(c) because the undersigned parties do not	
16	believe, at this time, that the Multi-Option program will facilitate resolution of the matter;	
17	WHEREAS, the parties will discuss ADR options as appropriate on an ongoing basis over	
18	the course of this litigation, and in the event that the parties elect to pursue ADR options, will	
19	contact the Court to provide updates and/or seek guidance as such efforts proceed;	
20	NOW, THEREFORE, the undersigned parties hereby stipulate and agree, and respectfully	
21	request that the Court enter an order that the case should be removed from the ADR Multi-Option	
22	program.	
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3		O'MELVENY & MYERS LLP
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5	Dated: July 12, 2010	By: /s/ Meredith N. Landy
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7		Attorneys for Defendants Rackable Systems, Inc., Thomas K. Barton, Madhu Ranganathan
8		and Todd R. Ford
9		GLANCY BINKOW & GOLDBERG LLP
10		
11	Dated: July 12, 2010	By:/s/ Lionel Z. Glancy
12		Lionel Z. Glancy Michael Goldberg
13		Attorneys for Lead Plaintiffs
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15		
16	I, Meredith N. Landy, am the ECF User whose ID and password are being used to file thi	
17	Stipulation and [Proposed] Order Regarding Scheduling Matters. In compliance with General	
18	Order 45, X.B., I hereby attest that Lionel Z. Glancy has concurred in this filing.	
19	B	sy:
20		Meredith N. Landy
21		
22	<u>O R D</u>	<u>E R</u>
23	STIPULATION 1	IS DECLINED.
24		C)
25	DATED: July 12, 2010	The Honorable Claudia Wilken
26		United States District Judge
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