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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE RACKABLE SYSTEMS, INC.)	Case No. C-09-0222-CW
SECURITIES LITIGATION)	
_____)	<u>CLASS ACTION</u>
THIS DOCUMENT RELATES TO:)	STIPULATION AND ORDER
ALL ACTIONS.)	REMOVING CASE FROM
_____)	AUTOMATIC REFERRAL TO THE
)	ADR MULTI-OPTION PROGRAM
)	PURSUANT TO ADR LOCAL RULE 3-
)	3(c)

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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