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13 Co-Lead Counsel for Plaintiffs

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 OAKLAND DIVISION

17	In re ACCURAY INC. SECURITIES)	Master File No. 4:09-cv-03362-CW
	LITIGATION)	
18	_____)	<u>CLASS ACTION</u>
)	
19	This Document Relates To:)	STIPULATION AND ORDER REGARDING
)	SETTLEMENT AND VACATING THE
20	ALL ACTIONS.)	APRIL 7, 2011 HEARING AND CASE
	_____)	MANAGEMENT CONFERENCE

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1 WHEREAS, on August 31, 2010, this Court dismissed plaintiffs' [Corrected] Consolidated
2 Class Action Complaint for Violations of the Federal Securities Laws in the above-captioned action
3 (the "Action"), with leave to amend;

4 WHEREAS, on October 4, 2010, plaintiffs filed their [Corrected] First Amended Class
5 Action Complaint for Violations of the Federal Securities Laws (the "FAC");

6 WHEREAS, defendants filed a motion to dismiss the FAC on October 14, 2010 and briefing
7 has been completed on this motion;

8 WHEREAS, on March 14, 2011, by stipulation, the Court continued the hearing on
9 defendants' motion to dismiss and the case management conference to April 7, 2011 at 2:00 p.m. to
10 allow the parties to continue working with the Honorable Edward Infante (Ret.) regarding a potential
11 resolution of this Action;

12 WHEREAS, the parties have now reached an agreement in principle to settle this Action;

13 WHEREAS, counsel for plaintiffs and counsel for defendants are currently working together
14 on a Stipulation of Settlement to be submitted to the Court no later than April 28, 2011;

15 WHEREAS, the parties request that the Court set a hearing on preliminary approval of the
16 settlement for May 12, 2011, or as the motion will be unopposed, the Court may shorten this time at
17 the Court's convenience;

18 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
19 undersigned, subject to Court approval, as follows:

20 1. The hearing on defendants' motion to dismiss, and the case management conference,
21 currently scheduled for April 7, 2011 shall be vacated.

22 2. Counsel for plaintiffs and counsel for defendants shall submit a Stipulation of
23 Settlement to the Court no later than April 28, 2011.

24 3. The Court shall schedule a hearing on preliminary approval of the settlement for May
25 12, 2011 or as soon as is convenient for the Court.

26 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

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1 DATED: March 31, 2011

ROBBINS GELLER RUDMAN
& DOWD LLP
SHAWN A. WILLIAMS
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s/ Daniel J. Pfefferbaum

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Co-Lead Counsel for Plaintiffs

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DATED: March 31, 2011

WILSON SONSINI GOODRICH
& ROSATI, P.C.
IGNACIO E. SALCEDA

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s/ Ignacio E. Salceda

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Attorneys for Defendants

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1 I, Daniel J. Pfefferbaum, am the ECF User whose ID and password are being used to file this
2 Stipulation and [Proposed] Order Regarding Settlement And Vacating the April 7, 2011 Hearing
3 And Case Management Conference. In compliance with General Order No. 45, X.B., I hereby attest
4 that Ignacio E. Salceda has concurred in this filing.

5 _____
6 s/ Daniel J. Pfefferbaum
7 DANIEL J. PFEFFERBAUM

8 * * *

9 **ORDER**

10 PURSUANT TO STIPULATION, IT IS SO ORDERED, except that motion to dismiss is
11 denied without prejudice. The Court is not available for a hearing on May 12 or 19.

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15 DATED: 4/5/2011

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17 _____
18 THE HONORABLE CLAUDIA WILKEN
19 UNITED STATES DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2011, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 31, 2011.

s/ Daniel J. Pfefferbaum
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