

1 ROBBINS UMEDA LLP
 MARC M. UMEDA (197847)
 2 mumeda@robbinsumeda.com
 KEVIN A. SEELY (199982)
 3 kseely@robbinsumeda.com
 DANIEL R. FORDE (248461)
 4 dforde@robbinsumeda.com
 600 B Street, Suite 1900
 5 San Diego, CA 92101
 Telephone: (619) 525-3990
 6 Facsimile: (619) 525-3991

7 JOHNSON BOTTINI, LLP
 FRANK J. JOHNSON (174882)
 8 frankj@johnsonbottini.com
 FRANCIS A. BOTTINI, JR. (175783)
 9 frankb@johnsonbottini.com
 10 DEREK J. WILSON (250309)
 derekw@johnsonbottini.com
 11 501 West Broadway, Suite 1720
 San Diego, CA 92101
 12 Telephone: (619) 230-0063
 13 Facsimile: (619) 238-0622

14 KENDALL LAW GROUP, LLP
 HAMILTON P. LINDLEY
 hlindley@kendalllawgroup.com
 15 3232 McKinney, Suite. 700
 Dallas, TX 75204
 16 Telephone: (214) 744-3000
 17 Facsimile: (214) 744-3015

18 Co-Lead Counsel for Plaintiffs

19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

21 IN RE ACCURAY, INC. SHAREHOLDER) Lead Case No. C 09 05580 CW
 22 DERIVATIVE LITIGATION)

23 This Document Relates To:

24 ALL ACTIONS

) STIPULATION AND ORDER MODIFYING
) THE BRIEFING SCHEDULE ON
) DEFENDANTS' MOTION TO DISMISS
) AND MOTION TO STAY **AS MODIFIED**
)
)
)

1 WHEREAS, there are presently three related shareholder derivative actions against certain of
2 the officers and directors of Accuray, Inc. on file in this Court;

3 WHEREAS, on December 23, 2009, the Court entered an order consolidating the three
4 derivative actions, setting a briefing schedule, and setting a hearing for the motions on April 29,
5 2010;

6 WHEREAS, the current briefing schedule on defendants' anticipated motions is as follows:

- 7 • Defendants shall file their motions by January 14, 2010;
- 8 • Plaintiffs shall file their oppositions to the motions by January 28, 2010; and
- 9 • Defendants shall file their replies by February 4, 2010;

10 WHEREAS, without affecting the April 29 hearing date set by the Court, the parties desire to
11 extend the briefing on the motions as follows:

- 12 • Defendants shall file their motions by February 5, 2010;
- 13 • Plaintiffs shall file their oppositions to the motions by March 19, 2010; and
- 14 • Defendants shall file their replies by April 8, 2010.

15 WHEREAS, the April 29, 2010 hearing date will remain unchanged;

16 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by plaintiffs and
17 defendants, through their respective counsel of record, as follows:

- 18 1. Defendants shall file their motions by February 5, 2010;
- 19 2. Plaintiffs shall file their oppositions to the motions by March 19, 2010; and
- 20 3. Defendants shall file their replies by April 8, 2010.

21 DATED: January 7, 2010

ROBBINS UMEDA LLP
MARC M UMEDA
KEVIN A. SEELY
DANIEL R. FORDE

24 _____
s/Marc M. Umeda
MARC M. UMEDA

25
26 600 B Street, Suite 1900
27 San Diego, CA 92101
Telephone: (619) 525-3990
28 Facsimile: (619) 525-3991

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JOHNSON BOTTINI, LLP
FRANK J. JOHNSON
FRANCIS A. BOTTINI, JR.
DEREK J. WILSON
501 West Broadway, Suite 1720
San Diego, CA 92101
Telephone: (619) 230-0063
Facsimile: (619) 238-0622

KENDALL LAW GROUP, LLP
HAMILTON P. LINDLEY
3232 McKinney, Ste. 700
Dallas, TX 75204
Telephone: (214) 744-3000
Facsimile: (214) 744-3015

Co-Lead Counsel for Plaintiffs

DATED: January 7, 2010

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

s/Ignacio E. Salceda
IGNACIO E. SALCEDA

650 Page Mill Road
Palo Alto, CA 94304
Telephone: (650) 493-9300
Facsimile: (650) 493-6811

Counsel for nominal defendant Accuray, Inc.
and individual defendants Euan S. Thomson,
Wayne Wu, Li Yu, Robert S. Weiss, Elizabeth
Davila, John P. Wareham, Robert E.
McNamara, John R. Adler, Jr.,

I, Marc M. Umeda, am the ECF User whose ID and password are being used to file this
Stipulation and [Proposed] Order Modifying the Briefing Schedule on Defendants' Motion to
Dismiss and Motion to Stay. In compliance with General Order No. 45, X.B., I hereby attest that
Ignacio E. Salceda has concurred in this filing.

s/ Marc M. Umeda
MARC M. UMEDA

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED, **except that Defendants shall file a single consolidated motion, Plaintiffs a single consolidated opposition, and Defendants a single consolidated reply.**

1/11/10



DATED

HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE