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19 Co-Lead Counsel for Plaintiff

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

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

24 This Document Relates To:) STIPULATION AND ORDER
) CONTINUING THE HEARING DATE ON
 25 ALL ACTIONS) DEFENDANTS' MOTION TO DISMISS
) (AS MODIFIED)
 26)
 27)

28 STIPULATION AND [PROPOSED] CONTINUING HEARING DATE
 ON DEFENDANTS' MOTION TO DISMISS LEAD CASE NO. C 09 05580 CW

1 WHEREAS, on March 19, 2010, the Court entered an order regarding the filing of plaintiffs'
2 amended consolidated complaint and the parties' stipulated briefing schedule for defendants' motion
3 to dismiss;

4 WHEREAS, plaintiffs filed an amended consolidated complaint on April 8, 2010, and
5 defendants moved to dismiss on May 10, 2010;

6 WHEREAS, an ADR Phone Conference is set for August 3, 2010 at 11:30 a.m. Pacific Time;

7 WHEREAS, the hearing date for defendants' motion to dismiss and a case management
8 conference are currently scheduled for August 5, 2010 at 2:00 p.m.;

9 WHEREAS, counsel for plaintiffs has a scheduling conflict on August 5, 2010, and plaintiffs
10 have therefore requested, and defendants have agreed, subject to Court approval, to continue the
11 hearing date on defendants' motion to dismiss and the case management conference to September 16,
12 2010 at 2:00 p.m.;

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

15 1. The hearing on defendants' motion to dismiss and case management conference
16 currently set for August 5, 2010 shall be continued until September 16, 2010 at 2:00 p.m., or as soon
17 thereafter as the matter may be heard.

18 2. The ADR Phone Conference, set for August 3, 2010 at 11:30 a.m. Pacific Time, shall
19 take place as scheduled.

20 DATED: July 22, 2010

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DATED: July 22, 2010

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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, and John R. Adler, Jr.

I, Kevin A. Seely, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Continuing Hearing Date on Defendants' Motion to Dismiss. In compliance with General Order No. 45, X.B., I hereby attest that Ignacio E. Salceda has concurred in this filing.

s/ Kevin A. Seely
KEVIN A. SEELY

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ORDER (AS MODIFIED)

PURSUANT TO STIPULATION, THE HEARING IS CONTINUED. IT WILL BE HELD ON 8/12, OR ON A FUTURE DATE TO WHICH COUNSEL IN THIS CASE AND 09 CV 3362 CAN STIPULATE FOR BOTH MOTIONS TO DISMISS.

7/26/2010
DATED _____



HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2010, I electronically filed 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 on the Electronic Mail 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 July 22, 2010.

s/Kevin A. Seely
KEVIN A. SEELY