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19 Co-Lead Counsel for Plaintiffs

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 FOR
) EXTENSION OF TIME TO FILE
 25 ALL ACTIONS) AMENDED COMPLAINT
)
 26)
)
 27)

1 WHEREAS, on April 8, 2010, plaintiffs filed an amended consolidated complaint
2 ("Complaint");

3 WHEREAS, on May 10, 2010, defendants moved to dismiss the Complaint, plaintiffs filed
4 their opposition on June 9, 2010, and defendants filed their reply on June 22, 2010;

5 WHEREAS, on August 12, 2010, the Court heard oral arguments regarding the motion to
6 dismiss;

7 WHEREAS, on August 31, 2010, the Court entered an order granting defendants' motion to
8 dismiss with leave to amend (the "Order");

9 WHEREAS, pursuant to the Order, plaintiffs' amended complaint is due no later than
10 September 20, 2010;

11 WHEREAS, the parties have had on-going discussions regarding calendaring, briefing
12 scheduling, and related issues;

13 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by plaintiffs and
14 defendants, through their respective counsel of record that unless later agreed otherwise in writing:

- 15 1. Any amended complaint shall be filed by no later than September 27, 2010.
- 16 2. Defendants shall respond by October 14, 2010.
- 17 3. If Defendants file a motion to dismiss, Plaintiffs shall file an opposition by October
18 28, 2010, and Defendants shall file a reply by November 4, 2010.
- 19 4. Except as amended by this stipulation, all other dates set forth in the Order shall
20 remain the same.

21 DATED: September 14, 2010

JOHNSON BOTTINI, LLP
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24 /s/ Frank J. Johnson
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Co-Lead Counsel for Plaintiffs

DATED: September 14, 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, Frank J. Johnson, am the ECF User whose ID and password are being used to file this
Stipulation and [Proposed] Order for Extension of Time to File Amended Complaint. In compliance
with General Order No. 45, X.B., I hereby attest that Ignacio E. Salceda has concurred in this filing.

/s Frank J. Johnson

FRANK J. JOHNSON

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ORDER

Pursuant to the parties' stipulation and good cause appearing therefor:

1. Any amended complaint shall be filed by no later than September 27, 2010.
2. Defendants shall respond by October 14, 2010.
3. If Defendants file a motion to dismiss, Plaintiffs shall file an opposition by October 28, 2010, and Defendants shall file a reply by November 4, 2010.
4. Except as amended by this stipulation, all other dates set forth in the Order shall remain the same.

9/16/2010
DATED


HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on September 14, 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 September 14, 2010.

/s Frank J. Johnson

FRANK J. JOHNSON