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15 Attorneys for Plaintiffs

17 UNITED STATES DISTRICT COURT  
18 SOUTHERN DISTRICT OF CALIFORNIA

19 ROBERT PAYNE and STEVE  
BARTILUCCI,  
20 Plaintiffs,

21 v.

22 MENU FOODS, INC., a New Jersey  
corporation, PETCO ANIMAL SUPPLIES,  
23 INC.; a Delaware corporation, SAFEWAY,  
INC., a Delaware corporation, THE  
24 PROCTOR & GAMBLE COMPANY, a  
Ohio corporation, and DOES 1 through 50,  
25 Defendants.

CASE NO. 07cv0705 JAH (CAB)

**JOINT MOTION FOR EXTENSION OF  
TIME TO FILE RESPONSIVE PLEADING**

Honorable John A. Houston  
Courtroom 11

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1 Pursuant to CivLR 12.1 of the Local Rules of Practice for United States District Court,  
2 Southern District of California, Defendant MENU FOODS, INC., a New Jersey corporation,  
3 hereinafter referred to as "MENU FOODS" and Plaintiffs ROBERT PAYNE and STEVE  
4 BARTILUCCI ("Plaintiffs"), hereby jointly move for an order extending the time for Defendant  
5 MENU FOODS to file its response to Plaintiffs' Complaint. The parties jointly request that the  
6 deadline for filing Defendant's First Responsive pleading be extended from April 27, 2007 to  
7 June 11, 2007.

8 Good cause exists for granting an extension. Defendant has just retained counsel, Higgs,  
9 Fletcher & Mack LLP, and counsel needs time to review the facts and allegations in order to  
10 prepare a proper response. The case was only recently removed from State to Federal Court on  
11 April 18, 2007, by Defendant MENU FOODS, and is a class action involving multiple parties.

12 IT IS SO STIPULATED.

13 DATED: April 27, 2007 HIGGS, FLETCHER & MACK LLP

14 By:s/Stephen T. Pelletier  
15 SUSAN M. HACK, ESQ.  
16 STEPHEN T. PELLETIER, ESQ.  
17 Attorneys for Defendant  
18 MENU FOODS, INC.

19 DATED: April 27, 2007 KRAUSE KALFAYAN BENINK  
20 & SLAVENS, LLP

21 By:s/Eric J. Benink  
22 ERIC J. BENINK, ESQ.  
23 Attorneys for Plaintiffs  
24 ROBERT PAYNE and STEVE  
25 BARTILUCCI

26 DATED: April 27, 2007 CASEY GERRY SCHENK FRANCAVILLA  
27 BLATT & PENFIELD, LLP

28 By:s/Thomas D. Penfield  
DAVID S. CASEY, ESQ.  
THOMAS D. PENFIELD, ESQ.  
Attorneys for Plaintiffs  
ROBERT PAYNE and STEVE  
BARTILUCCI

1 CERTIFICATE OF SERVICE

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3 I certify that on April 30, 2007, I caused the following document:  
4 JOINT MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING  
5 to be filed electronically with the Clerk of Court through ECF.

6 I further certify that I caused a copy of the foregoing document and the notice of  
7 electronic mailing to be mailed by first class mail, postage prepaid, to the following non-ECF  
8 participants:

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16 Date: April 30, 2007

s/Diana Zottolo