

1 Pursuant to CivLR 12.1 of the Local Rules of Practice for United States District
2 Court, Southern District of California, Defendant The Procter & Gamble Company
3 (“Defendant”) and Plaintiffs Robert Payne and Steve Bartilucci (“Plaintiffs”), hereby jointly
4 move for an order extending the time for Defendant to file its response to Plaintiffs’
5 Complaint. The parties jointly request that the deadline for filing Defendant’s First
6 Responsive pleading be extended from May 29, 2007 to June 11, 2007.

7 Good cause exists for granting an extension. Defendant filed a previous joint motion
8 to extend its time to respond until May 29, which the Court granted. At the time, Defendant
9 had not made an appearance in the case and did not have notice that Menu Foods, Inc. had
10 filed a motion to stay all proceedings. Since then, Defendant has conferred with Menu
11 Foods and on May 14, 2007, Defendant filed a joinder in Menu Foods’ Motion to Stay. The
12 hearing on the motion to stay is set for May 31, 2007 at 3:00pm. Since the Court’s ruling on
13 the motion to stay would govern all parties and proceedings in the case, Defendant seeks a
14 further extension of time to file its responsive pleading to a date after the May 31 hearing.
15 Menu Foods’ responsive pleading is due on June 11, and the parties hereto ask that
16 Defendant The Procter & Gamble Company’s responsive pleading be due on that same date.

17 Dated: May 18, 2007

HOWARTH & SMITH

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s/Don Howarth
Don Howarth
Attorneys for Defendant
The Procter & Gamble Company

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22 Dated: May 18, 2007

KRAUSE, KALFAYAN, BENINK
& SLAVENS, LLP

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s/Eric J. Benink
Eric J. Benink
Attorneys for Plaintiffs
Robert Payne and Steve Bartilucci

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CERTIFICATE OF SERVICE

I certify that on May 18, 2007, I caused the following document:

JOINT MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING
to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

**Susan Moriarty Hack at hack@higgslaw.com
Richard Mark Segal at richard.segal@pillsburylaw.com;
charles.sandlin@pillsburylaw.com**

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

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Dated: May 18, 2007

s/Don Howarth
Don Howarth