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 9 PETCO ANIMAL SUPPLIES, INC.

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 11 **IN THE UNITED STATES DISTRICT COURT**  
 12 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

13 ROBERT PAYNE and STEVE  
 14 BARTILUCCI,

15 Plaintiffs,

16 vs.

17 MENU FOODS, INC., a New Jersey  
 18 corporation, PETCO ANIMAL SUPPLIES,  
 19 INC., a Delaware corporation, SAFEWAY,  
 20 INC., a Delaware corporation, THE  
 21 PROCTER & GAMBLE COMPANY, an  
 22 Ohio corporation, and DOES 1 through 50,

23 Defendants.

24 **Case No. 07-CV-00705-JAH(CAB)**

25 Judge: The Honorable John A. Houston

26 **E-FILING**

27 **DEFENDANT PETCO ANIMAL**  
 28 **SUPPLIES, INC.'S JOINDER IN MENU**  
**FOODS' MOTION TO STAY ALL**  
**PROCEEDINGS AND MOTION FOR**  
**EXTENSION OF TIME TO RESPOND TO**  
**PLAINTIFFS' COMPLAINT**

29 Defendant PETCO Animal Supplies, Inc. ("PETCO"), through undersigned counsel,  
 30 pursuant to Local Rule 7.1j. hereby joins in the Notice of Motion and Motion to Stay All  
 31 Proceedings filed by MENU FOODS, INC. ("MENU FOODS"). Additionally, pursuant to Local  
 32 Rule 12.1, PETCO moves for an extension of time to respond to Plaintiffs' Complaint.

33 **BACKGROUND**

34 1. MENU FOODS filed its Motion to Stay on April 23, 2007 [D.E. 7].



1 extension. *See Devers v. Merck & Co., Inc.*, 2006 U.S. Lexis 33549 (E.D. Ca. 2006) (good cause  
2 for granting motion to stay where action was likely to be transferred to the MDL proceeding).

3 WHEREFORE, PETCO respectfully requests that this Court grant the relief sought in  
4 MENU FOODS' Motion to Stay and extend the deadline for PETCO to respond to the Complaint.

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DATED: May 29, 2007

SQUIRE, SANDERS & DEMPSEY L.L.P.

By: \_\_\_\_\_ /S/

Mark C. Goodman

Attorneys for Defendant  
PETCO ANIMAL SUPPLIES, INC.

**PROOF OF SERVICE**

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is One Maritime Plaza, Third Floor, San Francisco, California 94111-3492.

On May 29, 2007, I served the following documents described as: **DEFENDANT PETCO ANIMAL SUPPLIES, INC.’S JOINDER IN MENU FOODS’ MOTION TO STAY ALL PROCEEDINGS AND MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS’ COMPLAINT** on interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as set forth below:

**VIA UNITED STATES DISTRICT COURT ELECTRONIC FILING SERVICE ON THE PARTIES AS SET FORTH BELOW.**

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**ATTORNEYS FOR DEFENDANT MENU FOODS, INC.**

**ATTORNEYS FOR PLAINTIFFS**

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

\_\_\_\_\_  
/s/  
Agnes A. Gacayan