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5 Attorneys for Defendant
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 12 **UNITED STATES DISTRICT COURT**
 13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 ROBERT PAYNE and STEVE
 BARTILUCCI,
 15
 16 Plaintiffs,

CASE NO. 07cv0705 JAH (CAB)

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

17 v.

Honorable John A. Houston
 Courtroom 11

18 MENU FOODS, INC., a New Jersey
 corporation, PETCO ANIMAL SUPPLIES,
 INC.; a Delaware corporation, SAFEWAY,
 INC., a Delaware corporation, THE
 19 PROCTOR & GAMBLE COMPANY, a
 Ohio corporation, and DOES 1 through 50,
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 21 Defendants.

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 23 Pursuant to CivLR 12.1 of the Local Rules of Practice for United States District Court,
 24 Southern District of California, Defendant MENU FOODS, INC., a New Jersey corporation,
 25 hereinafter referred to as "MENU FOODS" and Plaintiffs ROBERT PAYNE and STEVE
 26 BARTILUCCI ("Plaintiffs"), hereby jointly move for an order extending the time for Defendant
 27 MENU FOODS to file its response to Plaintiffs' Complaint. The parties jointly request that the
 28 deadline for filing Defendant's First Responsive pleading be extended from June 11, 2007 to 10

810427.1

07 CV 0705 JAH(CAB)

1 days after the Court rules on Menu Foods' Motion to Stay.

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

6 IT IS SO STIPULATED.

7 DATED: June 11, 2007

HIGGS, FLETCHER & MACK LLP

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By:s/Susan M. Hack

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SUSAN M. HACK, ESQ.
STEPHEN T. PELLETIER, ESQ.
Attorneys for Defendant
MENU FOODS, INC.

10

11

RENE L. BARGE, APC

12

DATED: June 11, 2007

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By:s/Katherine J. Odenbreit

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KATHERINE J. ODENBREIT, ESQ.
Attorneys for Plaintiffs
ROBERT PAYNE and STEVE
BARTILUCCI

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ORDER

PURSUANT TO STIPULATION AND FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

Dated: _____

Honorable John A. Houston
DISTRICT COURT JUDGE

1 SUSAN M. HACK, ESQ. (Bar No. 145347)
2 HIGGS, FLETCHER & MACK LLP
3 401 West "A" Street, Suite 2600
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8 Attorneys for Defendant
9 MENU FOODS, INC., a New Jersey corporation

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11
12 **UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 ROBERT PAYNE and STEVE
15 BARTILUCCI,
16
17 Plaintiffs,

CASE NO. 07cv0705 JAH (CAB)

**PROOF OF SERVICE BY
MAIL/ELECTRONIC NOTICE**

18 v.

TRIAL DATE: No Date Set

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

27 I, the undersigned, declare:

28 I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 401 West "A" Street, Suite 2600, San Diego, California 92101. On June 11, 2007, I served the within documents:

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

on the interested parties in this action, by placing true copies thereof in a separate envelope addressed to each addressee, respectively, as follows:

- SERVED THE FOLLOWING VIA U.S. MAIL:

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Priya Jesani
Pretzel and Stouffer Chartered
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Chicago, IL 60606

Edward B Ruff, III
Pretzel and Stouffer Chartered
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By transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. A copy of the transmission report issued by the transmitting facsimile machine is attached hereto.

((BY MAIL): I deposited such envelope in the mail at San Diego, California. The envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit or mailing in affidavit. (CCP §§ 1013, 2015.5.) **Further, notice shall be electronically mailed pursuant to the Southern District of California, Electronic Case Filing Administrative Policies and Procedures, on the parties as indicated below.**

SEE FOLLOWING PAGE FOR ELECTRONICALLY REGISTERED:

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The following are those who are currently on the list to receive e-mail notices for this case.

- **Rene Lynn Barge**
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- **Brian D Wright**
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I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on June 11, 2007, at San Diego, California.


Diana Zottolo