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8   UNITED STATES DISTRICT COURT

9   SOUTHERN DISTRICT OF CALIFORNIA

10   ROBERT PAYNE and STEVE   )   Civil No.07CV0705 JAH(CAB)
     BARTILUCCI,   )
11   )   **ORDER DENYING JOINT**
                       Plaintiffs,   )   **MOTION FOR EXTENSION OF**
12   v.   )   **TIME TO FILE RESPONSIVE**
)   **PLEADING WITHOUT**
13   MENU FOODS, INC., a New Jersey   )   **PREJUDICE AS MOOT**
     corporation, PETCO ANIMAL   )   [DOC. # 42]
14   SUPPLIES, INC., a Delaware   )
     corporation, SAFEWAY, INC., a   )
15   Delaware corporation, THE PROCTOR)
     & GAMBLE COMPANY, a Ohio   )
16   corporation, and DOES 1 through 50,)
     inclusive,   )
17   )
                       Defendants.   )
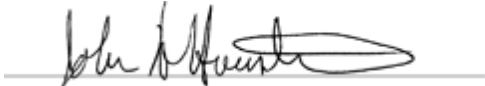18   _____)

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20   Plaintiffs and defendant The Proctor & Gamble Company have filed a joint motion

21   for an extension of time for defendant to file a responsive pleading in this case. However,

22   prior to this Court's ruling on that motion, this Court granted defendant Menu Foods, Inc.

23   motion for a stay of all proceedings pending a decision by the Judicial Panel on

24   Multidistrict Litigation ("MDL Panel") on transfer. *See* Doc. # 43. This Court, therefore,

25   finds the joint motion for extension of time moot.

26   //

27   //

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                                                                              07cv0705

1   Accordingly, IT IS HEREBY ORDERED that the joint motion for extension of time

2 for defendant The Proctor & Gamble Company to file a responsive pleading [doc. # 42]

3 is **DENIED WITHOUT PREJUDICE as moot.**

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6 DATED: June 8, 2007

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8 HON. JOHN A. HOUSTON
   United States District Judge

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