1

2

3

4

5

6

7

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. # 44]
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   _____)

19

20   Plaintiffs and defendant Menu Foods, Inc. have filed a joint motion for an extension

21   of time for defendant to file a responsive pleading in this case. However, just prior to the

22   filing of this joint motion, this Court granted defendant Menu Foods, Inc. motion for a

23   stay of all proceedings pending a decision by the Judicial Panel on Multidistrict Litigation

24   ("MDL Panel") on transfer. *See* Doc. # 43. This Court, therefore, finds the joint motion

25   for extension of time moot.

26   //

27   //

28   //

                                                                                    07cv0705

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

2   for defendant Menu Foods, Inc. to file a responsive pleading [doc. # 44] is **DENIED**

3   **WITHOUT PREJUDICE as moot.**

4

5   Dated: June 22, 2007

6
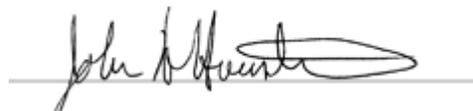
7   HON. JOHN A. HOUSTON
                                                     United States District Judge

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28