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8 MENU FOODS, INC., a New Jersey corporation

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10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 ROBERT PAYNE and STEVE
13 BARTILUCCI,
14 Plaintiffs,

15 v.

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

CASE NO. 07cv0705 JAH (CAB)

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

TRIAL DATE: No Date Set

23 I, the undersigned, declare:

24 I am a resident of the State of California and over the age of eighteen years, and not a
25 party to the within action; my business address is 401 West "A" Street, Suite 2600, San Diego,
26 California 92101. On April 23, 2007, I served the within documents:

- 27 1. DEFENDANT MENU FOODS, INC.'S NOTICE OF MOTION AND
- 28 2. DEFENDANT MENU FOODS, INC.'S MEMORANDUM OF POINTS AND
3. NOTICE OF LODGMENT OF EXHIBITS

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

3
4 By transmitting via facsimile the document(s) listed above to the fax number(s) set
5 forth below on this date before 5:00 p.m. A copy of the transmission report issued
6 by the transmitting facsimile machine is attached hereto.

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

17
18 **Attorneys for Plaintiffs**

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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

1 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
2 motion of the party served, service is presumed invalid if postal cancellation date or postage
3 meter date is more than one day after date of deposit for mailing in affidavit.

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

6 Executed on April 23, 2007, at San Diego, California.

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8 
9 Diana Zottolo