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9 Attorneys for Defendant
 10 THE PROCTER & GAMBLE COMPANY

11 UNITED STATES DISTRICT COURT
 12 SOUTHERN DISTRICT OF CALIFORNIA

13 ROBERT PAYNE and STEVE
 14 BARTILUCCI,
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 16 Plaintiffs,
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 18 vs.
 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 PROCTER & GAMBLE COMPANY, a Ohio
 24 corporation, and DOES 1 through 50,
 25
 26 Defendants.

27) **CASE NO. 07cv0705 JAH(GAB)**
 28) Honorable John A. Houston
)
) **JOINT MOTION FOR EXTENSION**
) **OF TIME TO FILE RESPONSIVE**
) **PLEADING**

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1 Pursuant to CivLR 12.1 of the Local Rules of Practice for United States District
2 Court, Southern District of California, Defendant The Procter & Gamble Company
3 (“Defendant”) and Plaintiffs Robert Payne and Steve Bartilucci (“Plaintiffs”), hereby jointly
4 move for an order extending the time for Defendant to file its response to Plaintiffs’
5 Complaint. The parties jointly request that the deadline for filing Defendant’s First
6 Responsive pleading be extended from April 30, 2007 to May 29, 2007.

7 Good cause exists for granting an extension. Defendant has just retained California
8 counsel, Howarth & Smith, and counsel needs time to review the facts and allegations in
9 order to prepare a proper response. This case was only recently removed from state to
10 federal court on April 18, 2007, by Defendant Menu Foods, Inc., and is a class action
11 involving multiple parties.

12
13 Dated: April 25, 2007

HOWARTH & SMITH

14
15 s/Don Howarth
16 Don Howarth
17 Attorneys for Defendant
The Procter & Gamble Company

18 Dated: April 25, 2007

CASEY GERRY SCHENK FRANCAVILLA

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20 Thomas D. Penfield
21 Attorneys for Plaintiffs
22 Robert Payne and Steve Bartilucci

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Pursuant to CivLR 12.1 of the Local Rules of Practice for United States District Court, Southern District of California, Defendant The Procter & Gamble Company ("Defendant") and Plaintiffs Robert Payne and Steve Bartilucci ("Plaintiffs"), hereby jointly move for an order extending the time for Defendant to file its response to Plaintiffs' Complaint. The parties jointly request that the deadline for filing Defendant's First Responsive pleading be extended from April 30, 2007 to May 29, 2007.

Good cause exists for granting an extension. Defendant has just retained California counsel, Howarth & Smith, and counsel needs time to review the facts and allegations in order to prepare a proper response. This case was only recently removed from state to federal court on April 18, 2007, by Defendant Menu Foods, Inc., and is a class action involving multiple parties.


Dated: April __, 2007

HOWARTH & SMITH

Don Howarth
Attorneys for Defendant
The Procter & Gamble Company

Dated: April 24, 2007

CASEY GERRY SCHENK FRANCAVILLA


Thomas D. Penfield
Attorneys for Plaintiffs
Robert Payne and Steve Bartilucci

CERTIFICATE OF SERVICE

I certify that on April 25, 2007, I caused the following document:

JOINT MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

Susan Moriarty Hack at hack@higgslaw.com

I further certify that I caused a copy of the foregoing document and the notice of electronic filing to be mailed by first class mail, postage prepaid, to the following non-ECF participants:

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Dated: April 25, 2007

s/Don Howarth
Don Howarth