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9 Attorneys for Defendant
 10 THE IAMS COMPANY

11 UNITED STATES DISTRICT COURT
 12 SOUTHERN DISTRICT OF CALIFORNIA

13 DIANE SWARBERG, individually and on
 14 behalf of all others similarly situated,

15 Plaintiff,

16 vs.

17 MENU FOODS HOLDING, INC., THE
 18 IAMS COMPANY, and DOES 1 through
 19 100, inclusive,

20 Defendants.

) **CASE NO. 07cv0706 JAH(CAB)**

) 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 Iams Company (“Defendant”) and
3 Plaintiff Diane Swarberg (“Plaintiff”), hereby jointly move for an order extending the time
4 for Defendant to file its response to Plaintiff’s Complaint. The parties jointly request that
5 the deadline for filing Defendant’s First Responsive pleading be extended from May 29,
6 2007 to June 11, 2007.

7 Good cause exists for granting an extension. Defendant filed a previous joint motion
8 to extend its time to respond until May 29, which the Court granted. At the time, Defendant
9 had not made an appearance in the case and did not have notice that Menu Foods Holding,
10 Inc. had filed a motion to stay all proceedings. Since the Court’s ruling on the motion to
11 stay will govern all parties and proceedings in the case, Defendant seeks a further extension
12 of time to file its responsive pleading to a date after the May 31 hearing. Menu Foods’
13 responsive pleading is due on June 11, and the parties hereto ask that Defendant The Iams
14 Company’s responsive pleading be due on that same date.

15 Dated: May 23, 2007

HOWARTH & SMITH

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s/Don Howarth
Don Howarth
Attorneys for Defendant
The Iams Company

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20 Dated: May ___, 2007

BERDING & WEIL

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Steven R. Weinmann
Attorneys for Plaintiff
Diane Swarberg

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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 Iams Company ("Defendant") and Plaintiff Diane Swarberg ("Plaintiff"), hereby jointly move for an order extending the time for Defendant to file its response to Plaintiff's Complaint. The parties jointly request that the deadline for filing Defendant's First Responsive pleading be extended from May 29, 2007 to June 11, 2007.

Good cause exists for granting an extension. Defendant filed a previous joint motion to extend its time to respond until May 29, which the Court granted. At the time, Defendant had not made an appearance in the case and did not have notice that Menu Foods Holding, Inc. had filed a motion to stay all proceedings. Since the Court's ruling on the motion to stay will govern all parties and proceedings in the case, Defendant seeks a further extension of time to file its responsive pleading to a date after the May 31 hearing. Menu Foods' responsive pleading is due on June 11, and the parties hereto ask that Defendant The Iams Company's responsive pleading be due on that same date.

Dated: May __, 2007

HOWARTH & SMITH

Don Howarth
Attorneys for Defendant
The Iams Company

Dated: May 23, 2007

BERDING & WEIL

Steven R. Weinmann
Attorneys for Plaintiff
Diane Swarberg

CERTIFICATE OF SERVICE

I certify that on May 23, 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

Michael P. Turiello at mturiello@pretzel-stouffer.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: May 23, 2007

s/Don Howarth
Don Howarth