

1 SUSAN M. HACK, ESQ. (Bar No. 145347)  
 2 STEPHEN T. PELLETIER, ESQ. (Bar No. 231236)  
 3 HIGGS, FLETCHER & MACK LLP  
 401 West A Street, Suite 2600  
 3 San Diego, CA 92101-7913  
 4 TEL: 619.236.1551  
 4 FAX: 619.696.1410

5 Attorneys for Defendant  
 6 MENU FOODS HOLDING, INC.

7  
 8 **UNITED STATES DISTRICT COURT**  
 9 **SOUTHERN DISTRICT OF CALIFORNIA**

11 DIANE SWARBERG, individually and on  
 12 behalf of all others similarly situated,

13 Plaintiffs,

14 v.

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

18 Defendants.

CASE NO. 07cv0706 JAH(CAB)

**JOINT MOTION FOR EXTENSION OF  
 TIME TO FILE RESPONSIVE PLEADING**

Honorable John A. Houston  
 Courtroom: 11

19 Pursuant to CivLR 12.1 of the Local Rules of Practice for United States District Court,  
 20 Southern District of California, Defendant MENU FOODS HOLDINGS, INC., hereinafter  
 21 referred to as "MENU FOODS" and Plaintiff DIANE SWARBERG ("Plaintiff"), hereby jointly  
 22 move for an order extending the time for Defendant MENU FOODS to file its response to  
 23 Plaintiff's Complaint. The parties jointly request that the deadline for filing Defendant's First  
 24 Responsive pleading be extended from June 11, 2007 to 10 days after the Court rules on Menu  
 25 Foods' Motion to Stay.

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1 Good cause exists for granting an extension. Defendant has just retained counsel, Higgs,  
2 Fletcher & Mack LLP, and counsel needs time to review the facts and allegations in order to  
3 prepare a proper response. The case was only recently removed from State to Federal Court on  
4 April 18, 2007, by Defendant MENU FOODS, and is a class action involving multiple parties.

5  
6 IT IS SO STIPULATED.

7  
8 DATED: June 11, 2007

HIGGS, FLETCHER & MACK LLP

9 By:s/Susan M. Hack

10 SUSAN M. HACK, ESQ.  
11 STEPHEN T. PELLETIER, ESQ.  
12 Attorneys for Defendant  
13 MENU FOODS

14 DATED: June 11, 2007

BERDING & WEIL, LLP

15 By:s/Jeffrey B. Cereghino

16 JEFFREY B. CEREGHINO, ESQ.  
17 Attorneys for Plaintiff  
18 DIANE SWARBERG

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**ORDER**

PURSUANT TO STIPULATION AND FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
The Honorable John A. Houston  
DISTRICT COURT JUDGE

1 SUSAN M. HACK, ESQ. (Bar No. 145347)  
2 HIGGS, FLETCHER & MACK LLP  
3 401 West "A" Street, Suite 2600  
4 San Diego, CA 92101-7913  
5 TEL: 619.236.1551  
6 FAX: 619.696.1410

7 Attorneys for Defendant  
8 MENU FOODS HOLDING, INC.

9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA

11 DIANE SWARBERG, individuall and on  
12 behalf of all others similarly situated,

13 Plaintiffs,

14 v.

15 MENO FOODS HOLDING, INC., THE  
16 JAMS COMPANY, and DOES 1 through  
17 100, inclusive,

18 Defendants.

CASE NO. 07cv0706 JAH (CAB)

PROOF OF SERVICE BY  
MAIL/ELECTRONIC NOTICE

TRIAL DATE: No Date Set

19 I, the undersigned, declare:

20 I am a resident of the State of California and over the age of eighteen years, and not a  
21 party to the within action; my business address is 401 West "A" Street, Suite 2600, San Diego,  
22 California 92101. On June 11, 2007, I served the within documents:

23 JOINT MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING

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

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**(BY ELECTRONIC FILING):** I am familiar with the United States District Court, Southern District of California's practice for collecting and processing electronic filings. Under that practice, documents are electronically filed with the court. The court's CM/ECF system will generate a Notice of Electronic Filing (NEF) to the filing party, the assigned judge, and any registered users in the case. The NEF will constitute service of the document. Registration as a CM/ECF user constitutes consent to electronic service through the court's transmission facilities. Under said practice, the following CM/ECF users were served:

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1 **SERVED VIA U.S. MAIL:**

2 Jeffrey B. Cereghino, Esq.  
3 Steven R. Weinmann, Esq.  
4 BERDING & WEIL LLP  
3240 Stone Valley Road West  
Alamo, CA 94507

5 **Nicole Dorsky**  
6 Benesch, Friedlander, Coplan & Aronoff LLP  
200 Public Square #2300  
7 Cleveland, OH 44114-2378

8 **Jeremy Gilman**  
9 Benesch, Friedlander, Coplan & Aronoff LLP  
200 Public Square #2300  
10 Cleveland, OH 44114-2378

11 **Priya Jesani**  
12 Pretzel and Stouffer Chartered  
One Wacker Drive  
13 Suite 2500  
Chicago, IL 60606

14 **Dennis E. Murray, Sr**  
15 Murray & Murray Co., L.P.A.  
111 East Shoreline Drive  
16 P.O. Box 19  
Sandusky, OH 44870

17 **John T. Murray, Jr**  
18 Murray & Murray Co., L.P.A.  
111 East Shoreline Drive  
19 P.O. Box 19  
20 Sandusky, OH 44870

21 **Leslie O. Murray**  
22 Murray & Murray Co., L.P.A.  
111 East Shoreline Drive  
23 P.O. Box 19  
Sandusky, OH 44870

24 **Edward B Ruff, III**  
25 Pretzel and Stouffer Chartered  
26 One South Wacker Drive  
Suite 2500  
27 Chicago, IL 60606

28

**ELECTRONICALLY REGISTERED:**

Don Howarth, Esq.  
Howarth and Smith  
523 West Sixth Street  
Suite 728  
Los Angeles, CA 90014  
(213)955-9400  
Email: [dhowarth@howarth-smith.com](mailto:dhowarth@howarth-smith.com)

D. Jeffrey Ireland  
[djireland@ficlaw.com](mailto:djireland@ficlaw.com)

Michael P. Turiello  
[mturiello@pretzer-stouffer.com](mailto:mturiello@pretzer-stouffer.com)

Brian D. Wright  
[bwright@ficlaw.com](mailto:bwright@ficlaw.com)

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

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on June 11, 2007, at San Diego, California.

  
DIANA ZOTTOLO