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8 MENU FOODS HOLDING, INC.

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10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

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

14 Plaintiffs,

15 v.

16 MENO FOODS HOLDING, INC., THE
17 JAMS COMPANY, and DOES 1 through
18 100, inclusive,

19 Defendants.

CASE NO. 07 CV 0706 BTM (POR)

PROOF OF SERVICE BY
MAIL/ELECTRONIC NOTICE

TRIAL DATE: No Date Set

20 I, the undersigned, declare:

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

24 1. DEFENDANT MENU FOODS HOLDING, INC.'S NOTICE OF MOTION
25 AND MOTION TO STASY ALL PROCEEDINGS;

26 2. DEFENDANT MENU FOODS HOLDING, INC.'S MEMORANDUM OF
27 POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO STAY ALL
28 PROCEEDINGS;

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

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

12 **ATTORNEYS FOR PLAINTIFF**
13 **DIANE SWARBERG**

14 **Jeffrey B. Cereghino, Esq.**
15 **Steven R. Weinmann, Esq.**
16 **BERDING & WEIL LLP**
17 **3240 Stone Valley Road West**
18 **Alamo, CA 94507**

19 **Tel: (925) 838-2090**
20 **Fax: (925) 820-5592**

21 I am readily familiar with the firm's practice of collection and processing correspondence
22 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
23 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
24 motion of the party served, service is presumed invalid if postal cancellation date or postage
25 meter date is more than one day after date of deposit for mailing in affidavit.

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

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

Diana Zottolo
DIANA ZOTTOLO