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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 BTM(POR)**

) Honorable Barry T. Moskowitz

) **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 April 26,
6 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 Holding, Inc., and is a class
11 action involving multiple parties.

12
13 Dated: April 25, 2007

HOWARTH & SMITH

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15 s/Don Howarth
16 Don Howarth
17 Attorneys for Defendant
The Iams Company

18 Dated: April ___, 2007

BERDING & WEIL

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20 Steven R. Weinmann
21 Attorneys for Plaintiff
22 Diane Swarberg

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HOWARTH & SMITH

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 15 _____
 Don Howarth
 Attorneys for Defendant
 The Iams Company

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BERDING & WEIL

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 Steven R. Weinmann
 Attorneys for Plaintiff
 Diane Swarberg

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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:

**Jeffrey B. Cereghino, Esq.
Steven R. Weinmann, Esq.
BERDING & WEIL LLP
3240 Stone Valley Road West
Alamo, California 94507**

Dated: April 25, 2007

s/Don Howarth
Don Howarth