

1 **LAW OFFICES OF RONALD A.**
 2 **MARRON, APLC**
 3 RONALD A. MARRON (175650)
ron.marron@gmail.com
 4 MAGGIE REALIN (2632639)
maggie.realin@yahoo.com
 5 B. SKYE RESENDES (278511)
skye.esq@gmail.com
 6 3636 4th Avenue, Suite 202
 San Diego, California 92103
 Telephone: (619) 696-9006
 7 Facsimile: (619) 564-6665

**WILSON SONSINI GOODRICH &
 ROSATI**
 KEITH E. EGGLETON (159842)
 COLLEEN BAL (167637)
 DALE R. BISH (235390)
 AMIR STEINHART (275037)
 650 Page Mill Road
 Palo Alto, CA 94304
 Telephone: (650) 493 9300
 Facsimile: (650) 565 5100

Attorneys for Defendant

8 **THE WESTON FIRM**
 9 GREGORY S. WESTON (239944)
greg@westonfirm.com
 10 JACK FITZGERALD (257370)
jack@westonfirm.com
 11 MELANIE PERSINGER (275423)
mel@westonfirm.com
 12 COURTLAND CREEKMORE (182018)
courtland@westonfirm.com
 13 1405 Morena Blvd., Suite 201
 San Diego, CA 92110
 Telephone: (619) 798-2006
 15 Facsimile: (480) 247-4553

Class Counsel

17
 18 **UNITED STATES DISTRICT COURT**
 19 **SOUTHERN DISTRICT OF CALIFORNIA**

20 IN RE FERRERO LITIGATION

Case No. 3:11-cv-00205-H-CAB
 Pleading Type: Class Action

**NOTICE OF MOTION AND JOINT *EX PARTE* APPLICATION
 FOR AN ORDER (1) GRANTING PRELIMINARY APPROVAL
 OF CLASS ACTION SETTLEMENT; (2) CONFIRMING
 CERTIFICATION OF THE CLASS; (3) APPROVING CLASS
 NOTICE PLAN; AND (4) SETTING FINAL APPROVAL
 HEARING**

Judge: The Honorable Marilyn L. Huff

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that Plaintiffs Athena Hohenberg and Laura Rude-Barbato and
3 Defendant Ferrero USA, Inc., will, and hereby do, respectfully jointly apply to the Court for an Order
4 (i) Granting preliminary approval of Class Action Settlement; (ii) Confirming certification of the Class;
5 (iii) Approving Class Notice plan; and (iv) Setting final approval hearing.

6 This Application is based on this Notice of Motion, Plaintiffs’ accompanying Memorandum of
7 Points and Authorities; the accompanying Declaration of Gregory S. Weston (“Weston Decl.”); and all
8 other pleadings and papers on file in this action.

9 DATED: January 19, 2012

Respectfully Submitted,

10 /s/ Gregory S. Weston
11 Gregory S. Weston

/s/Dale R. Bish
Dale R. Bish

12 **THE WESTON FIRM**
13 GREGORY S. WESTON
14 JACK FITZGERALD
15 MELANIE PERSINGER
16 COURTLAND CREEKMORE
17 1405 Morena Blvd., Suite 201
18 San Diego, CA 92110
19 Telephone: 619 798 2006
20 Facsimile: 480 247 4553
21 **LAW OFFICES OF RONALD A.**
22 **MARRON, APLC**
23 RONALD A. MARRON
24 MAGGIE REALIN
25 B. SKYE RESENDES
26 3636 4th Street, Suite 202
27 San Diego, CA 92103
28 Telephone: 619 696 9066
Facsimile: 619 564 6665

**WILSON SONSINI GOODRICH &
ROSATI**
Professional Corporation
KEITH E. EGGLETON (159842)
COLLEEN BAL (167637)
DALE R. BISH (235390)
AMIR STEINHART (275037)
650 Page Mill Road
Palo Alto, CA 94304
Telephone: (650) 493 9300
Facsimile: (650) 565 5100

Attorneys for Defendant Ferrero

Class Counsel