

LAW OFFICES OF RONALD A. MARRON, APLC

RONALD A. MARRON (175650)

ron.marron@gmail.com

MAGGIE REALIN (263639)

maggie.realin@gmail.com

B. SKYE RESENDES (278511)

skye.esq@gmail.com

3636 4th Avenue, Suite 202

San Diego, California 92103

Telephone: (619) 696-9006

Facsimile: (619) 564-6665

THE WESTON FIRM

GREGORY S. WESTON (239944)

greg@westonfirm.com

JACK FITZGERALD (257370)

jack@westonfirm.com

MELANIE PERSINGER (275423)

mel@westonfirm.com

COURTLAND CREEKMORE (182018)

courtland@westonfirm.com

1405 Morena Blvd. Suite 201

San Diego, CA 92110

Telephone: (619) 798-2006

Facsimile: (480) 247-4553

Class Counsel**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

IN RE FERRERO LITIGATION

Case No. 3:11-cv-00205-H-CAB

Pleading Type: Class Action

**DECLARATION OF GREGORY S. WESTON IN SUPPORT OF
JOINT EX PARTE APPLICATION FOR PRELIMINARY
APPROVAL OF SETTLEMENT**

Judge: The Honorable Marilyn L. Huff

1 I, Gregory S. Weston, declare:

2 1. I am counsel for Plaintiffs in this action.

3 2. I am a member in good standing of the State Bars of California and Florida, and the
4 United States District Courts for the Northern, Central and Southern Districts of California, and the
5 Ninth Circuit Court of Appeals.

6 3. I make this Declaration in support of the Parties' Joint *Ex Parte* Application for Order
7 Granting Preliminary Approval of Settlement, Confirming Certification of the Class, Approving Class
8 Notice Plan, and Setting Final Approval Hearing.

9 4. Attached hereto as Exhibit 1 is a true and correct copy of the *In re Ferrero Litigation*
10 Settlement Agreement dated January 19, 2012, and exhibits thereto.

11 5. My firm is experienced in the litigation of consumer fraud claims in California federal
12 court. I am a graduate of Ohio State University and Harvard Law School and have always devoted all
13 or substantially all of my practice to representing plaintiffs in class actions.

14 6. On November 14, 2011, the Honorable David O. Carter issued an order certifying a
15 nationwide class in an action against the manufacturer of a nutrition supplement with allegedly
16 misleading label claims and appointing The Weston Firm class counsel. *Bruno v. Quten Research*
17 *Institute, LLC*, 2011 U.S. Dist. LEXIS 132323 (C.D. Cal. Nov. 14, 2011).

18 7. On June 14, 2011, the Honorable Richard Seeborg appointed my firm interim class
19 counsel in an action challenging the labeling of products made with trans fat as healthy. *See Chacanaca*
20 *v. Quaker Oats Co.*, 2011 U.S. Dist. LEXIS 65023, at *8-9 (N.D. Cal. June 14, 2011).

21 8. On January 25, 2011 the Honorable Ronald M. Whyte appointed The Weston Firm
22 interim class counsel in *In re Apple and AT&T iPad Unlimited Data Plan Litig.*, No. 10-02553 RMW
23 (N.D. Cal.) (Dkt. No. 79) to represent iPad purchasers in an action challenging an unlimited data plan
"bait and switch."

24 9. The Honorable James Ware appointed my firm settlement class counsel in *Red et al. v.*
25 *Unilever United States et al.*, No. CV 10-0387 JW (N.D. Cal.). That settlement required the defendant
26 to remove all trans fat from its multiple margarine products and refrain from using trans fat in the
27 future.

1 10. The Honorable Margaret M. Morrow appointed my firm settlement class counsel to
2 represent purchasers of approximately 145 condominiums in *Adachi et al. v. Carlyle/Galaxy San Pedro*
3 *L.P. et al.*, No. 09-793 (C.D. Cal.).

4 11. My firm has obtained a number of favorable decisions for plaintiffs in actions
5 challenging “health and wellness” labeling of foods made with unhealthy ingredients. Two Recent
6 examples are *Henderson v. J.M. Smucker Co.*, 2011 U.S. Dist. LEXIS 27953 (C.D. Cal. Mar. 17,
7 2011); *Chacanaca v. The Quaker Oats Co.*, 752 F. Supp. 1111 (N.D. Cal. 2010)

8 I declare under penalty of perjury of the laws of the United States that the foregoing is true and
9 correct.

10 Executed on January 19, 2012 in San Diego, California.

11 /s/ Gregory S. Weston
12 Gregory S. Weston

1 DATED: January 19, 2012

2 Respectfully Submitted,

3 /s/ Gregory S. Weston

4 Gregory S. Weston

5 **THE WESTON FIRM**
6 GREGORY S. WESTON
7 JACK FITZGERALD
8 MELANIE PERSINGER
9 COURTLAND CREEKMORE
10 1405 Morena Blvd., Suite 201
11 San Diego, CA 92109
12 Telephone: 619 798 2006
13 Facsimile: 480 247 4553
14 **LAW OFFICES OF RONALD A.**
15 **MARRON, APLC**
16 RONALD A. MARRON
17 MAGGIE REALIN
18 B. SKYE RESENDES
19 3636 4th Street, Suite 202
20 San Diego, CA 92103
21 Telephone: 619 696 9066
22 Facsimile: 619 564 6665

23 **Class Counsel**