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 7 FERRERO U.S.A, INC.

8 UNITED STATES DISTRICT COURT
 9 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

11	ATHENA HOHENBERG and LAURA RUDE-	)	CASE NO.: 11 CV 0205 H (CAB)
	BARBATO, on Behalf of Themselves and All)	
12	Others Similarly Situated,	)	FERRERO U.S.A., INC.'S NOTICE OF
		)	MOTION AND <i>EX PARTE</i> MOTION
13	Plaintiffs,	)	FOR AN ORDER POSTPONING
		)	DEADLINE TO RESPOND TO
14	v.	)	CONSOLIDATED COMPLAINT AND
		)	STAYING DISCOVERY
15	FERRERO U.S.A., INC., a foreign corporation,)	
		)	Date: N/A
16	Defendant.	)	Time: N/A
)	
17		)	Before: Hon. Marilyn L. Huff
18)	

19 TO PLAINTIFFS AND COUNSEL OF RECORD:

20 PLEASE TAKE NOTICE that Defendant Ferrero U.S.A., Inc. ("Ferrero") hereby moves
 21 the Court on an *ex parte* basis for an order postponing its April 6, 2011 deadline to respond to the
 22 consolidated complaint and additional discovery deadlines until this Court is able to resolve the
 23 issues raised in Ferrero's Motion to Transfer, which was filed on March 25, 2011 and is set for
 24 hearing on May 2, 2011. As set forth in the accompanying memorandum of points and
 25 authorities, absent *ex parte* relief, Ferrero will be required to respond to the consolidated
 26 complaint and potentially be subject to a variety of discovery deadlines, which would be
 27

1 unnecessary and wasteful in the event the Court transfers the action to New Jersey (where it
2 would be consolidated with a related case).

3 Therefore, Ferrero hereby respectfully moves the Court to issue an order:

4 1. That Ferrero U.S.A.'s response to the consolidated, amended complaint be due
5 thirty (30) days after the Court's order on Ferrero U.S.A.'s motion to transfer; and

6 2. That all Rule 26 requirements and discovery be postponed until after the Court's
7 ruling on Ferrero U.S.A.'s motion to transfer with the exception of venue-related discovery
8 previously propounded by Plaintiffs.

9 Ferrero U.S.A.'s *ex parte* application is supported by the concurrently filed memorandum
10 of points and authorities and the declaration of Colleen Bal.

11 Dated: March 29, 2011

Respectfully submitted,

12 WILSON SONSINI GOODRICH & ROSATI
13 Professional Corporation

14 By: /s/ Colleen Bal

15 Colleen Bal

16 Attorneys for Defendant Ferrero U.S.A., Inc.