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 7 FERRERO U.S.A, INC.

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

11 ATHENA HOHENBERG and LAURA RUDE-
 BARBATO, on Behalf of Themselves and All
 12 Others Similarly Situated,

13 Plaintiffs,

14 v.

15 FERRERO U.S.A., INC., a foreign corporation,

16 Defendant.

) CASE NO.: 11 CV 0205 (H CAB)

)
) DECLARATION OF COLLEEN BAL
) PURSUANT TO LOCAL CIVIL RULE
) 83.3(h)(2) IN SUPPORT OF
) DEFENDANT FERRERO U.S.A.,
) INC.'S EX PARTE MOTION FOR AN
) ORDER POSTPONING DEADLINE
) TO RESPOND TO CONSOLIDATED
) COMPLAINT AND STAYING
) DISCOVERY

) Date: N/A

) Time: N/A

) Before: Hon. Marilyn L. Huff
)
)
 19)

20 I, Colleen Bal, declare as follows:

21 1. I am an attorney admitted to practice law in the State of California and before this
 22 Court, and I am a partner at the law firm of Wilson Sonsini Goodrich & Rosati, attorneys for
 23 Defendant Ferrero U.S.A., Inc. ("Ferrero").

24 2. I have personal knowledge of the facts stated herein and, if called upon to testify
 25 thereon as a witness, could and would do so.

26 3. On March 28, 2011, my colleague Dale Bish and I held a telephone conference with
 27 counsel for Plaintiffs in this consolidated action, Ronald Marron and Jack Fitzgerald. During the

28 DECL. OF COLLEEN BAL ISO EX PARTE MOTION
 FOR ORDER POSTPONING DEADLINE TO RESPOND
 TO CONSOLIDATED COMPLAINT AND STAYING
 DISCOVERY

Case No. 11-CV-00205 H (CAB)

1 call, we advised them that Ferrero would seek to respond to their recently-served venue-related
2 discovery, which includes a request for a Rule 30(b)(6) deposition, a set of interrogatories, and a
3 set of document requests, in order to facilitate their response to the motion for transfer filed by
4 Ferrero on March 25, 2011. On the telephone, we went through each of the requests and
5 described the documents and information that we believed Ferrero would be able to provide. We
6 also discussed proposed dates for the requested deposition.

7 4. During the call, we asked Plaintiffs' counsel if they would agree to postpone
8 Ferrero's April 6, 2011 deadline to respond to the consolidated complaint and any additional (as
9 yet unserved) discovery until after the Court resolved Ferrero's motion to transfer and, if
10 necessary, a decision by the Judicial Panel on Multi-District Litigation. Plaintiffs told us they
11 would not agree to extend the response deadline to the consolidated complaint but would
12 consider our request regarding discovery. We therefore advised them that we would be making
13 this *ex parte* request today to seek postponement of our deadline to respond to the consolidated
14 complaint, and depending on their response, to seek postponement of additional discovery.

15 5. On March 29, 2011, Plaintiffs' counsel Jack Fitzgerald advised us that Plaintiffs
16 would not agree to our request to postpone Ferrero's response until after a decision on venue
17 issues, but that Plaintiffs would agree to a 3-week extension until April 27, 2011 to respond to
18 the consolidated complaint. Plaintiffs' counsel further advised that they would agree not to serve
19 additional, non-venue related discovery prior to resolution of the motion to transfer, but only if
20 only if Ferrero agreed not its file its *ex parte* request with the Court

21 Dated: March 29, 2011

Respectfully submitted,

22 WILSON SONSINI GOODRICH & ROSATI
23 Professional Corporation

24 By: /s/ Colleen Bal

25 Colleen Bal

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