

Attorneys for Defendant
FERRERO U.S.A., INC.

In re FERRERO LITIGATION

Before: Hon. Marilyn L. Huff

1 **NOTICE OF MOTION AND MOTION TO DISMISS CONSOLIDATED COMPLAINT**
2 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

3 NOTICE IS HEREBY GIVEN that on June 13, 2011, at 10:30 a.m. or as soon thereafter as
4 counsel may be heard, in Courtroom 13 of the United States District Court for the Southern
5 District of California, located at 940 Front Street, San Diego, California, 92101, Defendant
6 Ferrero U.S.A., Inc. ("Ferrero") will and hereby does move under Federal Rule of Civil
7 Procedure 12(b)(6) for an order dismissing the "Master Consolidated Complaint" (Dkt No. 14).
8 The motion is made on the ground that the Complaint herein fails to state any claim upon which
9 relief can be granted. Ferrero's motion is based upon this Motion, the supporting Memorandum
10 of Points and Authorities, the accompanying Declaration of Amir Steinhart and the exhibits
11 thereto, all filed herewith, and such other matters from the records and files in this action as may
12 come before the Court at the hearing hereof.

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14 Dated: April 18, 2011

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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17 By: /s/ Dale R. Bish

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