

1 **LAW OFFICES OF RONALD A. MARRON, APLC**
 2 Ronald A. Marron, Esq., State Bar No. 175650
 3 3636 4th Avenue, Suite 202
 4 San Diego, California 92103
 5 Telephone: (619) 696-9006
 6 Facsimile: (619) 564-6665
 7 ron.marron@gmail.com

8 **THE WESTON FIRM**
 9 GREGORY S. WESTON (239944)
 10 JACK FITZGERALD (257370)
 11 888 Turquoise Street
 12 San Diego, CA 92109
 13 Telephone: 858 488 1672
 14 Facsimile: 480 247 4553
 15 greg@westonfirm.com
 16 jack@westonfirm.com

17 Interim Class Counsel in *In re Ferrero Litigation*

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

21 *In re Ferrero Litigation*

22 CASE NO. 11-cv-00205 H (CAB)
 23 Pleading Type: Class Action

24 **DECLARATION OF ATHENA**
 25 **HOHENBERG**

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I, Athena Hohenberg, declare:

1. I am a resident of San Diego County in the State of California. I am the named plaintiff in the above-referenced action. I make this Declaration in support of Plaintiffs' Opposition to defendant Ferrero, USA, Inc.'s motion to transfer.

2. I am 32 years of age as of today's date and have lived and worked in San Diego since 1996.

3. Sometime in late 2009 through the beginning of 2010 I began seeing television advertising featuring Nutella, a hazelnut spread, where the mom was feeding it to her children on a slice of bread as a breakfast item. Soon thereafter, I purchased Nutella from the Navy Commissary store in San Diego, because I understood Nutella to be healthy and nutritional for my daughter, K who was only 2 years old at the time. I felt betrayed when I discovered the product was 58% sugar and contained a high amount of fat.

4. I currently work in Imperial Beach, California in the County of San Diego in a real estate and property management firm. While my work hours are flexible, I often find myself working over 40 hours per week completing various tasks including supporting real estate agents, brokers, managing properties, and interacting with property owners and contractors.

5. I am a single mother and live in San Diego County with my 3 year old daughter, and 18 year old step daughter. My 3 year old daughter, K has a medical condition and is under-going medical testing, diagnostics and evaluation to determine cause of an apparent disability. I do not care to be more specific as to protect my daughter's privacy. In addition, my 3 year old daughter K is undergoing speech therapy. I arrange for her appointments and care with various health care providers, and speech therapist; and I attend 9 out of every 10 appointments or if I cannot get time off from work, I ensure that she has transportation and makes her appointments.


6. I brought forth this law suit with the intention that the case would be filed and litigated in California – where I live and work. If this case were to be transferred to New Jersey, I would probably be precluded from participating any further in the litigation, especially if it required any travel or time away from my 3 year old daughter or work. I would not be willing to sacrifice the

1 medical care for my 3 year old daughter, nor any loss of income which I need to provide for myself
2 and my family. In the first instance, my 3 year old daughter K would suffer emotionally if I am
3 unable to provide support for her medical condition; and if I am unable to provide guidance and
4 comfort to her during the course of her visits with various health care providers, some of whom are
5 total strangers to her and myself.

6 7. In addition to the hardship imposed on my family, it would be financially difficult for
7 me to pay for accommodations and transportation to New Jersey.

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9 I declare under penalty of perjury that the foregoing is true and correct.

10 Executed on May 1, 2011 in Imperial Beach, California.

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13 Athena Hohenberg
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