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12
 13 **UNITED STATES DISTRICT COURT**
 14 **SOUTHERN DISTRICT OF CALIFORNIA**

15
 16 In re FERRERO LITIGATION

Case No: 3:11-cv-00205 H CAB
 Pleading Type: Class Action

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 18 **JOINT MOTION FOR AN ORDER**
 19 **CONTINUING HEARING ON**
 20 **DEFENDANT'S MOTION TO DISMISS**

21 Judge: Hon. Marilyn L. Huff

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1 Pursuant to Local Rule 7.2, Plaintiffs Athena Hohenberg and Laura Rude-Barbato,
2 (“Plaintiffs”) and defendant Ferrero U.S.A., Inc. (“Defendant” or “Ferrero”) (Plaintiffs and
3 Defendant are hereby collectively referred to as the “Parties”), by and through their counsel of
4 record, hereby stipulate and jointly present this motion for an order continuing the hearing on
5 Ferrero’s Motion to Dismiss until the next available hearing date, July 18, 2011, and extending
6 the time for Defendant to file its Reply to Plaintiffs’ Opposition by one week until June 13, 2011.

7 WHEREAS, On April 18, 2011, Defendant filed its Motion to Dismiss (Dkt. No. 30) and
8 a hearing on Defendant’s motion was set for June 13, 2011;

9 WHEREAS on May 31, 2011, Plaintiffs filed their Opposition to Ferrero’s Motion (Dkt.
10 No. 39);

11 WHEREAS the parties disagree as to whether Plaintiffs’ Opposition was timely filed
12 pursuant to the Federal Rules of Civil Procedure and the Court’s Local Rules in light of the
13 Memorial Day holiday but wish to avoid further dispute on this issue;

14 WHEREAS Ferrero’s Reply to the Opposition is currently due June 6, 2011, which is less
15 than the usual week for Replies due to the filing of the Opposition on May 31, 2011;

16 THEREFORE, THE PARTIES HEREBY STIPULATE AND JOINTLY MOVE for an
17 Order continuing the hearing on Ferrero’s Motion to Dismiss from June 13, 2011 to the next
18 available hearing date, which the Parties understand to be July 18, 2011 at 10:30 a.m., and that
19 the briefing schedule be adjusted to permit Ferrero one additional week to file its Reply, *i.e.*, on
20 or before June 13, 2011.

21 RESPECTFULLY SUBMITTED,

22 Dated: June 1, 2011

THE WESTON FIRM

By: /s/ Gregory S. Weston

Gregory S. Weston

Interim Class Counsel

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24
25 Dated: June 1, 2011

WILSON SONSINI GOODRICH & ROSATI

By: /s/ Dale R. Bish

Dale R. Bish

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