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8 Counsel for Plaintiff, Athena Hohenberg

9 **UNITED STATES DISTRICT COURT**
 10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 ATHENA HOHENBERG, individually and on
 12 behalf of all others similarly situated,

13 Plaintiffs,

14 v.

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

16 Defendant.
 17

CASE NO. 11-cv-00205 H CAB

**JOINT MOTION FOR AN ORDER
 EXTENDING TIME FOR DEFENDANT TO
 RESPOND TO COMPLAINT**

Judge: Hon. Marilyn L. Huff
Location: Courtroom 13

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Pursuant to Local Rule 7.2, Plaintiff Athena Hohenberg, (“Plaintiff” or “Ms. Hohenberg”) and defendant Ferrero U.S.A., Inc. (“Defendant” or “Ferrero”) (Plaintiff and Defendant are hereby collectively referred to as the “Parties”), by and through their counsel of record, hereby stipulate and jointly present this motion for an order extending the time for Defendant to respond to the complaint as set forth below:

WHEREAS, on February 1, 2011, Plaintiff filed a complaint in this action against Defendant alleging various claims;

WHEREAS, Defendant was personally served with the complaint on February 2, 2011;

WHEREAS, Pursuant to the Federal Rules of Civil Procedure, Rules 12(a)(1)(A), (e), (f), 81(c), and 7.1(b), Defendant’s response to the complaint is due on February 23, 2011;

WHEREAS, Defendant desires an extension of time in which to respond to the complaint;

WHEREAS, Plaintiff has expressed her intention to file a motion to consolidate this instant action with another action filed against Defendant in a case captioned *Rude-Barbato v. Ferrero U.S.A.*, No. 11-cv-00249-DMS-BLM, Southern District of California, filed February 4, 2011, which is presently set to be heard on March 28, 2011;

WHEREAS, Defendant does not oppose Plaintiff’s motion to consolidate this instant action with another action filed against Defendant in a case captioned *Rude-Barbato v. Ferrero U.S.A.*, No. 11-cv-00249-DMS-BLM, Southern District of California, filed February 4, 2011, which is presently set to be heard on March 28, 2011;

WHEREAS, if the motion to consolidate the actions is granted, Plaintiff anticipates filing an amended consolidated complaint within five days from the date of such order;

WHEREAS, in the interest of justice and in an effort to enhance judicial efficiency and preserve resources, the Parties desire to allow defendants additional time in which to respond to the complaint;

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE that the time in which Defendant shall respond to the complaint in this action shall be continued until 20 days after the filing

1 of an amended consolidated complaint;

2 PARTIES HEREBY FURTHER STIPULATE that Defendants shall not oppose Plaintiff's
3 motion to consolidate this instant action with the case captioned *Rude-Barbato v. Ferrero U.S.A.*, No.
4 11-cv-00249-DMS-BLM, Southern District of California, filed February 4, 2011, which is presently
5 set to be heard on March 28, 2011.

6 IT IS SO STIPULATED.

7

8 Respectfully submitted,

9 Dated: February 23, 2011

10 WILSON SONSINI GOODRICH & ROSATI,
11 A Professional Corporation
12 By: /s/ Dale Bish
13 Dale Bish
14 DBish@wsgr.com
15 Attorneys for Defendant FERRERO, U.S.A., INC.

14 Dated: February 23, 2011

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16 By: /s/ Ronald A. Marron
17 RONALD A. MARRON
18 Ron.marron@gmail.com
19 Attorneys for Plaintiff Athena Hohenberg

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