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Counsel for Plaintiff, Athena Hohenberg;
and the Proposed Class
Counsel for Related-Case Plaintiff, Laura Rude-Barbado;
and the Proposed Class

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

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

Plaintiffs,

v.

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

Defendant.

CASE NO. 11-cv-00205 H CAB
CLASS ACTION

**NOTICE OF MOTION AND MOTION BY
PLAINTIFFS ATHENA HOHENBERG AND
RELATED CASE PLAINTIFF LAURA
RUDE-BARBATO TO:**

- (1) CONSOLIDATE CASES, AND**
- (2) APPOINT INTERIM LEAD CO-
CLASS COUNSEL;**

Date: March 28, 2011
Time: 10:30 a.m.
Location: Courtroom 13
Judge: Hon. Marilyn L. Huff

[Filed concurrently with:

- Memorandum of Points and Authorities;**
- Declaration of Ronald A. Marron;**
- Declaration of Gregory S. Weston;**
- Declaration of John J. Fitzgerald; and**

• **Certificate of Service]**

LAURA RUDE-BARBATO, individually and on
behalf of all others similarly situated,

Case No. 11-cv-00249-DMS-BLM

Plaintiffs,

v.

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

Defendants.

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on March 28, 2011 at 10:30 a.m., or as soon thereafter as may be heard, in Courtroom 13 of the United States District Court for the Southern District of California, before the Honorable Marilyn L. Huff, pursuant to Federal Rules of Civil Procedure 23(g) and 42(a)(2), and Local Civil Rules of Practice for the United States District Court for the Southern District of California (CivLR) 7.1, et seq., plaintiffs Athena Hohenberg and related case Plaintiff Laura Rude-Barbato (collectively, "Plaintiffs") will, and hereby do, move this Court for:

(1) an order consolidating the present action with the following action:

(a) *Rude-Barbato v. Ferrero U.S.A.*, Case No. 11-cv-00249-DMS-BLM, Southern District of California, filed February 4, 2011.

(2) Plaintiffs will, and hereby do, further move this Court for an order appointing Plaintiffs' attorneys, The Law Offices of Ronald A. Marron and The Weston Firm, as Interim Lead Co-Class Counsel.

Defendant, Ferrero U.S.A., Inc., by and through their counsel of record, have indicated that they do not oppose the motion to consolidate.

This motion is and will be based upon this Notice of Motion, the Motion itself, the concurrently filed Memorandum of Points and Authorities, the concurrently-filed declarations of Ronald A. Marron, Gregory S. Weston and Jack Fitzgerald, all prior proceedings had, the papers on file in these matters, and any oral argument presented by counsel, as well as upon all other matters

1 upon which this Court may take judicial notice, or as may be presented at the hearing on the motion.

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3 DATED: February 28, 2011

Respectfully submitted by,

4 /s/ Ronald A. Marron

Ronald A. Marron

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**Attorneys for Plaintiff Athena Hohenberg;
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9
10 /s/Gregory S. Weston

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***Counsel for Plaintiff Laura Rude-Barbato
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17
18 /s/ Jack Fitzgerald

Jack Fitzgerald

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***Counsel for Plaintiff Laura Rude-Barbato
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