

1 **THE WESTON FIRM**
 2 GREGORY S. WESTON (239944)
 3 JACK FITZGERALD (257370)
 4 888 Turquoise Street
 5 San Diego, CA 92109
 6 Telephone: 858 488 1672
 7 Facsimile: 480 247 4553
 8 greg@westonfirm.com
 9 jack@westonfirm.com

7 *Counsel for Plaintiff Laura Rude-Barbato*
 8 *and the Proposed Class*

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

<p>11 ATHENA HOHENBERG, individually and 12 on behalf of all others similarly situated, 13 14 Plaintiff, 15 v. 16 FERRERO U.S.A., INC., 17 18 Defendant.</p>	<p>Case No. 3:11-cv-00205 H CAB Pleading Type: Class Action DECLARATION OF JACK FITZGERALD IN SUPPORT OF MOTION TO CONSOLIDATE AND APPOINT INTERIM CLASS COUNSEL Judge: The Hon. Marilyn L. Huff Date: March 28, 2011</p>
<p>20 LAURA RUDE-BARBATO, on behalf of 21 herself and all others similarly situated, 22 Plaintiff, 23 v. 24 FERRERO U.S.A., INC., 25 26 Defendant.</p>	<p>Case No. 3:11-cv-00249 DMS (BLM) Pleading Type: Class Action Judge: The Hon. Dana M. Sabraw</p>

1 I, Jack Fitzgerald, declare:

2 1. I am a member in good standing of the State Bars of California and New York;
3 and of the United States District Courts for the Northern, Central and Southern Districts of
4 California and the Southern and Eastern Districts of New York; and of the United States Court of
5 Appeals for the Ninth Circuit. I make this Declaration in support of Plaintiffs' Motion for
6 Consolidation and Appointment of Interim Class Counsel.

7 2. I graduated from Cornell University *magna cum laude*, and New York University
8 School of Law, where I was Editor of the New York University Law Review.

9 3. Before joining the Weston Firm, I was associated with the law firms of Baker &
10 Hostetler, LLP, in New York, New York, and Mayer Brown LLP in Palo Alto, California. While
11 at Mayer Brown, I defended the class action, *In Re: Openwave Securities Systems, Inc. Securities*
12 *Litigation*, No. 07-cv-1309 (S.D.N.Y.). While at both Baker & Hostetler and Mayer Brown, my
13 practice was always focused on large-scale, complex litigation including, for example,
14 representing plaintiffs asserting antitrust and false advertising claims against various telephone
15 calling card manufacturers.

16 4. I began working at the Weston Firm in January, 2010. Since then, I have
17 dedicated virtually my entire practice to representing plaintiffs in class actions, including in the
18 actions identified in the concurrently-filed declaration of my partner, Gregory Weston.

19

20 Executed on February 23, 2011, in Santa Clara, California.

21

22

/s/ Jack Fitzgerald

23

Jack Fitzgerald

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5.

DATED: February 28, 2011

Respectfully Submitted,

/s/Gregory S. Weston
Gregory S. Weston

THE WESTON FIRM
GREGORY S. WESTON
JACK FITZGERALD
888 Turquoise Street
San Diego, CA 92109
Telephone: 858 488 1672
Facsimile: 480 247 4553

*Counsel for Plaintiff Laura Rude-Barbato
and the Proposed Class*