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FERRERO U.S.A., INC.
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10 UNITED STATES DISTRICT COURT
11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
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13	In re FERRERO LITIGATION)	CASE NO.: 11 CV 0205 H (CAB)
14)	
15)	DEFENDANT FERRERO U.S.A.,
16)	INC.'S NOTICE OF MOTION AND
17)	MOTION TO STRIKE PARAGRAPHS
18)	3 THROUGH 6 OF THE
19)	DECLARATION OF MELANIE
20)	PERSINGER AND EXHIBIT 5
21)	THERE TO
22)	
)	Date: November 7, 2011
)	Time: 10:30 a.m.
)	Location: Courtroom 13
)	
)	Before: Hon. Marilyn L. Huff
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1 **NOTICE OF MOTION AND MOTION TO STRIKE**

2 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

3 NOTICE IS HEREBY GIVEN that on November 7, 2011, at 10:30 a.m. or as soon thereafter as
4 counsel may be heard, in Courtroom 13 of the United States District Court for the Southern
5 District of California, located at 940 Front Street, San Diego, California, 92101, Defendant
6 Ferrero U.S.A., Inc. ("Ferrero") will and hereby does move under Federal Rule of Civil
7 Procedure 12(f) and Civil Local Rule 7.1(h) for an order striking paragraphs 3 through 6 of the
8 declaration of Melanie Persinger and Exhibit 5 to that declaration, both filed with plaintiffs'
9 reply in support of their motion for class certification. Ferrero's motion is based upon this
10 Motion, the supporting Memorandum of Points and Authorities, the declaration of Amir
11 Steinhart, filed herewith, and such other matters from the records and files in this action as may
12 come before the Court at the hearing hereof.

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14 Dated: October 27, 2011

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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17 By: /s/ Keith E. Eggleton
Keith E. Eggleton

18 Attorneys for Defendant Ferrero U.S.A., Inc.
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