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8 Attorneys for Defendant
FERRERO U.S.A, INC.

9
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) DECLARATION OF AMIR
16) STEINHART IN SUPPORT OF
17) DEFENDANT FERRERO U.S.A.,
18) INC.'S MOTION TO STRIKE
19) PARAGRAPHS 3 THROUGH 6 OF
20) THE DECLARATION OF MELANIE
21) PERSINGER AND EXHIBIT 5
22) THERETO
23)
24) Date: November 7, 2011
25) Time: 10:30 a.m.
26) Location: Courtroom 13
27)
28) Judge: Honorable Marilyn L. Huff

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I, Amir Steinhart, declare as follows:

1. I am an attorney with the law firm of Wilson Sonsini Goodrich & Rosati, P.C., and am counsel for Defendant Ferrero U.S.A., Inc. I make this declaration in support of Defendant Ferrero U.S.A., Inc.'s Motion to Strike the Declaration of Melanie Persinger in Support of Plaintiffs' Motion for Class Certification. I have personal knowledge of the facts set forth herein and, if called as a witness, I could and would testify competently hereto.

2. Attached hereto as Exhibit 1 is a true and correct print out of email correspondence between plaintiffs' counsel Jack Fitzgerald, and Ferrero's counsel, Dale R. Bish, dated October 12, 2011.

3. Attached hereto as Exhibit 2 is a true and correct print out of an email sent from plaintiffs' counsel Jack Fitzgerald to Ferrero's counsel, Dale R. Bish, dated October 21, 2011. Earlier emails in the thread discussing unrelated issues have been excluded.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Palo Alto, California on October 27, 2011.



Amir Steinhart