

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

KIRBY COOPER, Individually
and On Behalf of All Others
Similarly Situated

PLAINTIFF

VS.

CASE NO. 07-CV-4036

MENU FOODS INCOME FUND,
MENU FOODS MIDWEST CORP.,
MENU FOODS SOUTH DAKOTA,
INC., MENU FOODS, INC., MENU
FOODS HOLDINGS, INC., and
WAL-MART STORES, INC.

DEFENDANTS

ORDER

Before the Court is a Motion to Stay filed on behalf of Defendant Menu Foods, Inc. (“Menu Foods”) (Doc. 5). Menu Foods seeks to stay all proceedings in this action pending a transfer decision by the Judicial Panel on Multidistrict Litigation pursuant to 28 U.S.C. § 1407. Plaintiff has responded to Menu Foods’ Motion to Stay. (Doc. 8-1). Defendants have replied to Plaintiff’s response. (Doc. 17). The matter is ripe for consideration.

This case is one of more than eighty (80) in the United States seeking relief for individuals who purchased allegedly contaminated pet food from Menu Foods. Plaintiffs in cases similar to this one have filed motions before the MDL panel seeking transfer and coordination. Defendants note that over forty (40) similar cases nationwide have been stayed pending a determination by the MDL panel. The MDL panel is set to hold a hearing on the motions to transfer and coordinate these cases on May 31, 2007. (Doc. 5-15).

Upon consideration, the Court finds that a stay of these proceedings is necessary and appropriate to further the interests of judicial economy and to prevent duplicative discovery efforts.

Accordingly, the Motion to Stay should be and hereby is **GRANTED**. Proceedings in this matter are hereby **STAYED**, pending a transfer decision by the Judicial Panel on Multidistrict Litigation.

IT IS SO ORDERED, this 24th day of May, 2007.

 /s/ Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge