

U.S. DISTRICT COURT  
WESTERN DISTRICT ARKANSAS  
FILED

JUN 28 2007

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

DEPUTY CLERK  
JUN 19 2007

FILED  
CLERK'S OFFICE

**A CERTIFIED TRUE COPY**  
  
JUN 19 2007  
  
ATTEST  
FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of the original on file in my office.  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
WILLIAM T. WALSH, CLERK  
*William T. Walsh*

RELEASED FOR PUBLICATION

DOCKET NO. 1850

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**IN RE PET FOOD PRODUCTS LIABILITY LITIGATION**

**BEFORE WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR., KATHRYN H. VRATIL, DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL**

**TRANSFER ORDER**

This litigation presently consists of thirteen actions listed on the attached Schedule A and pending in eight districts as follows: five actions in the Western District of Washington; two actions in the Western District of Arkansas; and one action each in the Central District of California, the District of Connecticut, the Southern District of Florida, the Northern District of Illinois, the District of New Jersey, and the Eastern District of Tennessee. Before the Panel are three motions, pursuant to 28 U.S.C. § 1407, that taken together seek centralization for coordinated or consolidated pretrial proceedings of all of these actions.<sup>1</sup> All responding parties agree that centralization is appropriate, but differ regarding the most appropriate transferee district for this litigation. In favor of the District of New Jersey as transferee district are moving Central District of California and Southern District of Florida plaintiffs and plaintiffs in the District of Connecticut, the District of New Jersey, and three of the Western District of Washington actions before the Panel, as well as plaintiffs in fourteen potentially related actions. Plaintiffs in two of the five Western District of Washington actions move for centralization in the Western District of Washington; plaintiffs in the Eastern District of Tennessee action support centralization there; and plaintiffs in the other three Western District of Washington actions alternatively support centralization there. In favor of the Western District of Arkansas as transferee district are plaintiffs in the two Western District of Arkansas actions and the Northern District of Illinois action, and plaintiffs in six potentially related actions. Plaintiffs in two potentially related District of New Jersey actions alternatively support centralization in the Western District of Arkansas. Supporting the Northern District of Illinois as transferee district are all responding defendants, including Menu Foods, Inc., and its related entities, and plaintiffs in one potentially related action. In favor of the Central District of California as transferee district are plaintiffs in nine potentially related actions. Finally, plaintiff in a potentially related Northern District of Ohio action suggests centralization in the Northern District of Ohio.

On the basis of the papers filed and hearing session held, the Panel finds that the actions in this

\* Judge Miller did not participate in the decision of this matter.

<sup>1</sup> The Panel has been notified of 97 potentially related actions pending in multiple federal districts. In light of the Panel's disposition of this docket, these actions will be treated as potential tag-along actions. See Rules 7.4 and 7.5, R.P.J.P.M.I., 199 F.R.D. 425, 435-36 (2001).

-2-

litigation involve common questions of fact, and that centralization under Section 1407 in the District of New Jersey will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. All actions stem from the recall of pet food products allegedly tainted by melamine found in wheat gluten imported from China and used in these products. Centralization under Section 1407 is necessary in order to eliminate duplicative discovery; avoid inconsistent pretrial rulings, especially with respect to class certification; and conserve the resources of the parties, their counsel and the judiciary.

Although several districts could be described as an appropriate transferce forum for this nationwide litigation, we are persuaded to select the District of New Jersey. Pretrial proceedings are advancing well there and about one-third of all pending actions are already in this district.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on the attached Schedule A and pending outside the District of New Jersey are transferred to the District of New Jersey and, with the consent of that court, assigned to the Honorable Noel L. Hillman for coordinated or consolidated pretrial proceedings with the actions pending there and listed on Schedule A.

FOR THE PANEL:



Wm. Terrell Hodges  
Chairman

**SCHEDULE A**

MDL-1850 -- In re Pet Food Products Liability Litigation

Western District of Arkansas

*Charles Ray Sims, et al. v. Menu Foods Income Fund, et al.*, C.A. No. 5:07-5053  
*Richard Scott Widen, et al. v. Menu Foods, Inc., et al.*, C.A. No. 5:07-5055

Central District of California

*Shirley Sexton v. Menu Foods Income Fund, et al.*, C.A. No. 2:07-1958

District of Connecticut

*Lauri A. Osborne v. Menu Foods, Inc.*, C.A. No. 3:07-469

Southern District of Florida

*Christina Troiano v. Menu Foods, Inc., et al.*, C.A. No. 0:07-60428

Northern District of Illinois

*Dawn Majerczyk v. Menu Foods, Inc.*, C.A. No. 1:07-1543

District of New Jersey

*Jared Workman, et al. v. Menu Foods Ltd., et al.*, C.A. No. 1:07-1338

Eastern District of Tennessee

*Lizajean Holt, et al. v. Menu Foods, Inc.*, C.A. No. 3:07-94

Western District of Washington

*Tom Whaley v. Menu Foods, Inc., et al.*, C.A. No. 2:07-411  
*Stacey Heller, et al. v. Menu Foods*, C.A. No. 2:07-453  
*Audrey Kornelius, et al. v. Menu Foods*, C.A. No. 2:07-454  
*Suzanne E. Johnson, et al. v. Menu Foods*, C.A. No. 2:07-455  
*Michele Suggett, et al. v. Menu Foods, et al.*, C.A. No. 2:07-457

MIME-Version:1.0  
From:njdefiling@njd.uscourts.gov  
To:ecfhelp@localhost.localdomain  
Bcc:kaw@wtwlaw.us, njdnef\_donio@njd.uscourts.gov,  
njdnef\_hillman@njd.uscourts.gov  
Message-Id:<2052798@njd.uscourts.gov>  
Subject:Activity in Case 1:07-cv-02867-NLH-AMD IN RE: PET FOOD  
PRODUCTS LIABILITY LITIGATION MDL Conditional Transfer Order  
(in)  
Content-Type: text/html

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\* You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.**

**U.S. District Court**

**District of New Jersey [LIVE]**

**Notice of Electronic Filing**

The following transaction was entered on 6/22/2007 at 11:16 AM EDT and filed on 6/22/2007

**Case Name:** IN RE: PET FOOD PRODUCTS LIABILITY LITIGATION

**Case Number:** 1:07-cv-2867

**Filer:**

**Document Number:** 1

**Docket Text:**

Certified Copy of Order from Judicial Panel of MDL transferring certain actions to this Court. (Attachments: # (1) Letter to Clerk# (2) Letter to Judge Hillman# (3) Panel Service List# (4) MDL Order Adopting Rules of Procedure)(sb)

**1:07-cv-2867 Notice has been electronically mailed to:**

KENNETH A. WEXLER kaw@wtwlaw.us

**1:07-cv-2867 Notice has been delivered by other means to:**

STEVE W. BERMAN

HAGENS BERMAN SOBOL SHAPIRO, LLP  
1301 FIFTH AVENUE  
SUITE 2900  
SEATTLE, WA 98101

JOHN BLIM  
COUNSEL NOT ADMITTED TO THE USDC-NJ BAR  
BLIM & EDELSON, LLC  
53 WEST JACKSON BLVD  
SUITE 1642  
CHICAGO, IL 60604

PERRY A. CRAFT  
COUNSEL NOT ADMITTED TO THE USDC-NJ BAR  
CRAFT & SHEPPARD, PLC  
THE SHILOH BUILDING  
214 CENTERVIEW DRIVE  
SUITE 223  
BRENTWOOD, TN 37027

STUART A. DAVIDSON  
COUNSEL NOT ADMITTED TO THE USDC-NJ BAR  
LERACH COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP  
120 EAST PALMETTO PARK ROAD  
SUITE 500  
BOCA RATON, FL 33432-4809

JASON MATTHEW HATFIELD  
COUNSEL NOT ADMITTED TO THE USDC-NJ BAR  
LUNDY & DAVIS, LLP  
300 NORTH COLLEGE AVENUE  
SUITE 309  
FAYETTEVILLE, AR 72701

JEREMY Y. HUTCHINSON  
COUNSEL NOT ADMITTED TO THE USDC-NJ BAR  
PATTON, ROBERTS, MCWILLIAMS & CAPSHAW, LLP  
STEPHENS BUILDING  
111 CENTER STREET  
SUITE 1315

LITTLE ROCK, AR 72201

ADAM P. KARP  
COUNSEL NOT ADMITTED TO THE USDC-NJ BAR  
ANIMAL LAW OFFICES  
114 WEST MAGNOLIA STREET  
SUITE 425  
BELLINGHAM, WA 98225

JEFFERY N. LUTHI  
CLERK OF THE JUDICIAL PANEL  
ONE COLUMBUS CIRCLE, NE  
THURGOOD MARSHALL FEDERAL JUDICIARY BUILDING  
RM G255, NORTH LOBBY  
WASHINGTON, DC 20002

MICHAEL DAVID MYERS  
COUNSEL NOT ADMITTED TO THE USDC-NJ BAR  
MYERS & CO., P.L.L.C.  
1809 SEVENTH AVENUE  
SUITE 700  
SEATTLE, WA 98101

BRUCE E. NEWMAN  
99 NORTH ST., RTE 6  
P.O. BOX 575  
BRISTOL, CT 66011-0575

DANIEL L. ROTTINGHAUS  
COUNSEL NOT ADMITTED TO THE USDC-NJ BAR  
BERDJING & WELL  
3240 STONE VALLEY ROAD WEST  
ALAMO, CA 94507

EDWARD B. RUFF, III  
PRETZEL & STOUFFER, CHTD.  
ONE SOUTH WICKER DRIVE  
SUITE 2500  
CHICAGO, IL 60606-4673

SHERRIE R. SAVETT  
COUNSEL NOT ADMITTED TO USDC-N J BAR  
BERGER & MONTAGUE, PC  
1622 LOCUST STREET  
PHILADELPHIA, PA 19103

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1046708974 [Date=6/22/2007] [FileNumber=2052796-0]  
] [5da2c2c3a655f3ca70577dc5913aed93153b76815a5b08df17ea9639338c700100a  
01cfc9cd2e9f1fad585f352ac386f457b4b30a722cf707cd0251eef77306]]

**Document description:** Letter to Clerk

**Original filename:** n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1046708974 [Date=6/22/2007] [FileNumber=2052796-1]  
] [59889ff2dd0e0347facc5814ff4d95dcd0bbd4fe59785ff1e0a5ab5e935e956a855  
25ee30447048ef06510c61415508128709479f8b22e625ea13691cf5a1e29]]

**Document description:** Letter to Judge Hillman

**Original filename:** n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1046708974 [Date=6/22/2007] [FileNumber=2052796-2]  
] [6d3c2b4a5b2545e5440cfd9899b472adec166940706860af559076dcfafcbe3fac  
d2551e69f5bd47da6788fcc99927662ae2a5fa81dbdbec04564dbb4bfa265]]

**Document description:** Panel Service List

**Original filename:** n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1046708974 [Date=6/22/2007] [FileNumber=2052796-3]  
] [500a1d075855fecf1395c1684e35bdc54184b8aaf19d474f744c3b1691a0e8cd8d9  
ccd7c395b8bb4639c944810858ec2aa163c224a65e963a9f03a822caf39ec]]

**Document description:** MDL Order Adopting Rules of Procedure

**Original filename:** n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1046708974 [Date=6/22/2007] [FileNumber=2052796-4]  
] [8d369f81638021dd72bb653349907b24a518c0b15ecaa29083c9d78ad2b708cf30d  
83024359f82293b588c52b44923b16943722096370f741e742ca022d99824]]