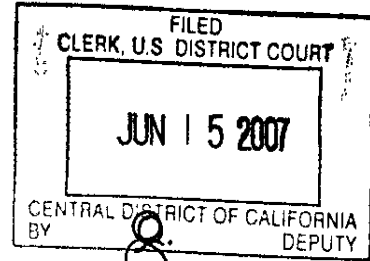


Kelly Finestone v. Menu Foods Inc et al



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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

KELLY FINESTONE, on behalf of herself, similarly situated consumers, and the general public,

Plaintiff,

vs.

MENU FOODS, INC., THE IAMS COMPANY, and PETCO ANIMAL SUPPLIES, INC.,

Defendants.

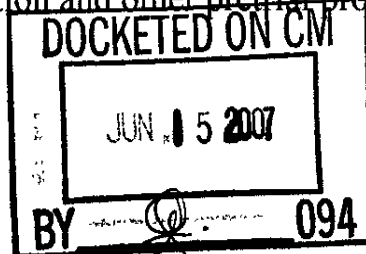
Case No. CV-07-02338 CAS (CWx)

ORDER STAYING ALL PROCEEDINGS AND FOR PRESERVATION OF EVIDENCE

On June 14, 2007, this Court took under submission defendant Menu Foods, Inc.'s Motion to Stay All Proceedings pursuant to Local rule 7-15.

Having considered the motion, the papers filed in support thereof and in opposition thereto, all relevant authorities, and the case file, the Court hereby concludes as follows.

IT IS ORDERED AN ADJUDGED that this matter, including the deadlines for the parties to participate in class certification and other pretrial proceedings, be stayed



30

1 pending the decision by the Judicial Panel on Multi-District Litigation on the pending
2 motions to transfer and coordinate/consolidate pending actions. Counsel shall file a
3 joint status report within 48 hours of such decision by the MDL Panel or within 30
4 days hereof, whichever is sooner.

5 IT IS FURTHER ORDERED that all parties shall, during the pendency of the
6 stay of this matter, comply with their duty to preserve all evidence that may be relevant
7 to this action. This duty extends to documents, electronic data, and tangible things in
8 the possession, custody and control of the parties to this action, and any employees
9 who possess materials reasonably anticipated to be the subject of discovery in this
10 action. "Preservation" is to be interpreted broadly to accomplish the goal of
11 maintaining the integrity of all documents, data and tangible things reasonably
12 anticipated to be the subject of discovery under Federal Rules of Civil Procedure 26, 45
13 and 56(e) in this action. Preservation includes taking reasonable steps to prevent the
14 partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping,
15 relocation, migration, theft, or mutation of such material, as well as negligent or
16 intentional handling that would make material incomplete or inaccessible. If the
17 business practices of any party involve the routine destruction, recycling, relocation, or
18 mutation of materials, the party must, to the extent practicable for the pendency of this
19 order, either:


- 20 i) halt such business practices;
21 ii) sequester or remove such material from the business process; or
22 iii) arrange for the preservation of complete and accurate duplicates or copies
23 of such material, suitable for later discovery if requested.

24 IT IS FURTHER ORDERED THAT there will be no direct or indirect contact by
25 Menu Foods with putative class members except in the circumstances described herein.
26 Menu Foods will delete all settlement materials from its website and there will be no
27 settlements between Menu Foods and any unrepresented member of the putative class;
28

1 If Menu Foods is responding to telephone calls to its toll-free phone number and
2 it becomes apparent that a caller is addressing litigation, or the Menu Foods product
3 recall that is the subject of the litigation, Menu Foods will tell the caller that it is unable
4 to comment on the matter at this time, but hopes to do so in the near future.

5
6 IT IS SO ORDERED.

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8 Dated: June 15, 2007

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12 CHRISTINA A. SNYDER
13 United States District Judge
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