

Wahl et al v. Menu Foods Income Fund et al

**ORIGINAL**

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FILED  
 CLERK, U.S. DISTRICT COURT  
 JUL 27 2007  
 CENTRAL DISTRICT OF CALIFORNIA  
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5 Attorneys for Plaintiffs, KEN WAHL, SHANE BARBI, SIA BARBI, JENNIFER HART  
 and MARIA MITCHELL, individually and on behalf of all individuals similarly situated

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 CENTRAL DISTRICT OF CALIFORNIA  
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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

10 KEN WAHL, SHANE BARBI, SIA  
 11 BARBI, JENNIFER HART, SHEILA R.  
 12 WASHINGTON and MARIA  
 MITCHELL, individually and on behalf of  
 all individuals similarly situated,

13 Plaintiffs,

14 vs.

15 MENU FOODS INCOME FUND; MENU  
 16 FOODS MIDWEST CORPORATION,  
 17 MENU FOODS SOUTH DAKOTA INC.,  
 MENU FOODS, INC., MENU FOODS  
 18 HOLDINGS, INC.; DEL MONTE FOODS  
 COMPANY; NESTLE PURINA  
 19 PETCARE COMPANY, HILLS PET  
 NUTRITION; NUTRO PRODUCTS, INC.;  
 20 PETCO ANIMAL SUPPLIES STORES,  
 INC.; PETCO ANIMAL SUPPLIES, INC.;  
 21 PETCO SOUTHWEST, INC.;  
 PETSMA RT, INC., THE IAMS  
 22 COMPANY; WAL-MART STORES,  
 INC. and DOES 1 to 100, INCLUSIVE

23 Defendants.

CASE NO. 07cv02779 GHK (AKW)

CLASS ACTION

**NOTICE OF VOLUNTARY  
 DISMISSAL OF CLAIMS ONLY AS  
 TO PLAINTIFFS KEN WAHL, SHANE  
 BARBI AND SIA BARBI;**

*AND ORDER*

DOCKETED ON CM  
 JUL 27 2007  
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**NOTICE OF VOLUNTARY DISMISSAL OF CLAIMS BY PLAINTIFFS KEN  
 WAHL, SHANE BARBI AND SIA BARBI ONLY**

**NOTICE OF VOUNTARY DISMISSAL**

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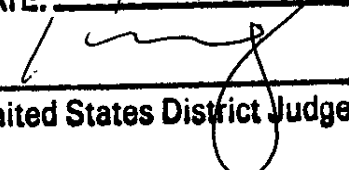
In accordance with Federal Rule of Civil Procedure 41(a)(1), Plaintiffs Ken Wahl, Shane Barbi and Sia Barbi (the "Barbi Plaintiffs") hereby dismiss their claims in the above-captioned action (without prejudice) as to the Barbi Plaintiffs only and not as to the remaining Plaintiffs. This dismissal is not intended to affect the claims of the remaining Plaintiffs or members of the putative class.

Dated: July 10, 2007

By: 

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**IT IS SO ORDERED:**

DATE: 7/26/07  
  
**United States District Judge**

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SERVICE LIST

SCANNED

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**PROOF OF SERVICE**  
**Wahl v. Menu Foods, et al.**  
**USDC Case No.: 07cv02779 GHK (AKW)**

RECEIVED

I am over the age of eighteen years and not a party to the within action. My business address is 11111 Santa Monica Blvd., Suite 1000, Los Angeles, CA 90025-3344. I am employed at that address at the firm of **CLASS ACTION LITIGATION GROUP**. On the date set forth below I served the document(s) described as follows: **NOTICE OF VOLUNTARY DISMISSAL OF CLAIMS ONLY AS TO PLAINTIFFS KEN WAHL, SHANE BARBI AND SIA BARBI; [PROPOSED] ORDER** on all the interested parties in this action, by placing: [ ] the original [X] true copies thereof enclosed in sealed envelopes, addressed as follows:

*Please See Attached Service List*

**BY MAIL:** I am readily familiar with this firm's practice of collection and processing correspondence for mailing with the United States Postal Service. On the date set forth below, at the firm of **CLASS ACTION LITIGATION GROUP** at the above address, I placed the envelope(s) containing said document(s), sealed, for collection and mailing on that date with the United States Postal Service following ordinary business practices. Under the above-mentioned practice of Class Action Litigation Group, the above document(s) would be deposited with the United States Postal Service on that same day in the ordinary course of business, with postage thereon fully prepaid at Los Angeles, California.

**BY METHOD OF DELIVERY PROVIDING FOR OVERNIGHT DELIVERY** On the date set forth below I deposited such envelope(s) in a box or other facility regularly maintained by the express service carrier, or delivered such envelope(s) to an authorized courier or driver authorized by the express service carrier to receive documents, with delivery fees paid or provided for. The envelope was an envelope or package designated by the express service carrier.

**(BY PERSONAL SERVICE -- BY HAND DELIVERY** I caused to be personally served said document(s) on the date set forth below, by handing them to All Star Messenger Service which then hand delivered the documents to the parties listed on the attached Service List on the date indicated below. A record of the All Star Messenger Service delivery confirmation is maintained in offices.

**(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct and was executed at Los Angeles County, California, on Tuesday, July 10, 2007.

  
\_\_\_\_\_  
Tina Marie Salter