

Wahl et al v. Menu Foods Income Fund et al

**A CERTIFIED TRUE COPY**

JUL 16 2007

ATTEST *Thomas Hillman*  
**FOR THE JUDICIAL PANEL ON  
 MULTIDISTRICT LITIGATION**

FILED  
 CLERK, U.S. DISTRICT COURT  
 AUG 16 2007  
 CENTRAL DISTRICT OF CALIFORNIA  
 BY *[Signature]*

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION Doc. 16  
 JUN 28 2007  
 FILED  
 CLERK'S OFFICE

DOCKET NO. 1850

MD JS-6

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**  
 CV 07-2779-GHK (AJW)  
**IN RE PET FOOD PRODUCTS LIABILITY LITIGATION**  
 Wahl vs. Menu Food

(SEE ATTACHED SCHEDULE)

**CONDITIONAL TRANSFER ORDER (CTO-1)**

On June 19, 2007, the Panel transferred 12 civil actions to the United States District Court for the District of New Jersey for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See F.Supp.2d (J.P.M.L. 2007). With the consent of that court, all such actions have been assigned to the Honorable Noel L. Hillman.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the District of New Jersey and assigned to Judge Hillman.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of New Jersey for the reasons stated in the order of June 19, 2007, and, with the consent of that court, assigned to the Honorable Noel L. Hillman.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of New Jersey. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

DOCKETED ON CM

AUG 17 2007

BY *[Signature]* 002

FOR THE PANEL:

*[Signature]*  
 Jeffery N. Lüthi  
 Clerk of the Panel

Inasmuch as no objection is pending at this time, the stay is lifted.

JUL 16 2007

CLERK'S OFFICE  
 JUDICIAL PANEL ON  
 MULTIDISTRICT LITIGATION

16

**SCHEDULE CTO-1 - TAG-ALONG ACTIONS  
DOCKET NO. 1850  
IN RE PET FOOD PRODUCTS LIABILITY LITIGATION**

SCANNED

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
<b>ARKANSAS EASTERN</b> ARE 4 07-376	Scott Stacey, et al. v. Nestle SA, et al.
<b>ARKANSAS WESTERN</b> ARW 4 07-4036 ARW 5 07-5065	Kirby Cooper v. Menu Foods Income Fund, et al. Sandra L. Gray, et al. v. Menu Foods, et al.
<b>CALIFORNIA CENTRAL</b> CAC 2 07-1987 CAC 2 07-2060 CAC 2 07-2253 CAC 2 07-2338 CAC 2 07-2476 CAC 2 07-2779 CAC 2 07-2964 CAC 5 07-398	Paul Randolph Johnson, et al. v. Menu Foods, Inc., et al. Dawn Howe v. Menu Foods Ltd., et al. Lois Grady, et al. v. Menu Foods Income Fund, et al. Kelly Finestone v. Menu Foods, Inc., et al. Richard Chamberlain v. Nestle SA, et al. Ken Wahl, et al. v. Menu Foods Income Fund, et al. Jayne Englander, et al. v. Menu Foods Income Fund, et al. Dennis Lee Townsend, et al. v. Menu Foods Ltd., et al.
<b>CALIFORNIA EASTERN</b> CAE 2 07-654	Cheryl Carver v. Del Monte Foods Co., et al.
<b>CALIFORNIA NORTHERN</b> CAN 3 07-1809 CAN 3 07-2665	Sherry Ingles v. Menu Foods, Inc., et al. Diane Lowery v. Menu Foods Income Fund, et al.
<b>CALIFORNIA SOUTHERN</b> CAS 3 07-705 CAS 3 07-706 CAS 3 07-734 CAS 3 07-951	Robert Payne, et al. v. Menu Foods, Inc., et al. Diane Swarberg v. Menu Foods Holding, Inc., et al. Hayley Ford, et al. v. Menu Foods Income Fund, et al. John Colliard v. Menu Foods, Inc., et al.
<b>COLORADO</b> CO 1 07-736	Emily Tompkins v. Menu Foods Midwest Corp., et al.
<b>FLORIDA MIDDLE</b> FLM 2 07-235 FLM 6 07-803	Maria Teresa Ferrarese v. Menu Foods, Inc., et al. George Birney, et al. v. Menu Foods, Inc.
<b>FLORIDA SOUTHERN</b> FLS 1 07-20955	Stephen Donnelly, et al. v. Menu Foods, Inc., et al.
<b>IDAHO</b> ID 1 07-160	Larry Klimes, et al. v. Menu Foods
<b>ILLINOIS NORTHERN</b> ILN 1 07-2162 ILN 1 07-2183 ILN 1 07-2211 ILN 1 07-2237	Heather Amro v. Menu Foods Income Fund, et al. Gary Bruski v. Menu Foods, Inc, et al Raymond Demith, et al. v. Nestle Purina Petcare Co., et al. Sonja Foxe v. Menu Foods, Inc., et al

SCHEDULE CTO-1 - TAG-ALONG ACTIONS (MDL-1850)

PAGE 2 OF 3

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>	
MASSACHUSETTS		
MA 1 07-10745	Lidia Rodrigues v. Menu Foods, Inc., et al.	
MA 1 07-10797	Megan Connerton, et al. v. Menu Foods Midwest Corp., et al.	
MAINE		
ME 2 07-54	Mara Brazilian v. Menu Foods Income Fund, et al.	
MINNESOTA		
MN 0 07-1808	Stephanie Rozman v. Menu Foods Midwest Corp., et al.	
MN 0 07-2108	Wendy Krosschell v. Menu Foods Income Fund, et al.	
MISSOURI WESTERN		
MOW 3 07-5041	Richard Schwinger v. Menu Foods, et al.	
MISSISSIPPI SOUTHERN		
MSS 5 07-105	Sarah Cavin v. Menu Foods, et al.	
NEVADA		
<del>NV 2 07-686</del>	<del>Maragaret Picus v. Wal-Mart Stores, Inc., et al.</del>	Opposed 7-16-07
NV 3 07-159	Marion Streczyn v. Menu Foods, Inc., et al.	
NEW YORK SOUTHERN		
NYS 1 07-3236	Mark Cashman, et al. v. Menu Foods Midwest Corp., et al.	
OHIO NORTHERN		
OHN 1 07-1018	Gregory Boehm v. Menu Foods, Inc., et al.	
PENNSYLVANIA MIDDLE		
PAM 1 07-929	Dixie Keller v. Menu Foods Ltd., et al.	
RHODE ISLAND		
RI 1 07-115	Carol Brown v. Menu Foods, Inc., et al.	
TENNESSEE EASTERN		
TNE 3 07-98	Barbara Light v. Menu Foods Income Fund	
WASHINGTON WESTERN		
WAW 2 07-575	Laura Migliore v. Menu Foods	
WAW 2 07-576	Gail Moran v. Menu Foods	
WAW 2 07-577	Sheryl Puett v. Menu Foods	
WAW 2 07-634	Daniel Ray Reeves v. Menu Foods	
WAW 2 07-666	Sheree A. Robinson v. Menu Foods	
WAW 2 07-667	Phyllis A. Ullman v. Menu Foods	
WAW 2 07-668	Elizabeth Palmer v. Menu Foods	
WAW 2 07-669	Jason Labbate v. Menu Foods	
WAW 2 07-670	Megan Whitt v. Menu Foods	
WAW 2 07-684	Linda Weitz v. Menu Foods	
WAW 2 07-685	Michelle Adams v. Menu Foods	

SCANNED

SCHEDULE CTO-1 - TAG-ALONG ACTIONS (MDL-1850)

DIST. DIV. C.A. #

CASE CAPTION

WAW 2 07-686	Lerae Dineen v Menu Foods
WAW 2 07-687	Sandra Shingle v. Menu Foods
WAW 2 07-688	Gary Thomas v. Menu Foods
WAW 2 07-689	Deborah A. Mullen v. Menu Foods
WAW 2 07-690	Helen Percy v. Menu Foods
WAW 2 07-745	Paula Monk v Menu Foods
WAW 2 07-746	Tony Boyer v. Menu Foods
WAW 2 07-747	Norman Brenton v. Menu Foods
WAW 2 07-748	Lynda Nagel v. Menu Foods
WAW 2 07-749	Teresa Eilers v. Menu Foods
WAW 3 07-5204	Jeff Rusiecki v. Menu Foods
WAW 3 07-5205	Nancy Guthrie v. Menu Foods

WISCONSIN WESTERN

WIW 3 07-159	Jacqueline Johnson v. The Procter & Gamble Co., et al.
WIW 3 07-248	Penny J. Roberts, et al. v. Menu Foods Income Fund, et al.

SCANNED

**UNITED STATES DISTRICT COURT  
MARTIN LUTHER KING, JR.  
FEDERAL BLD & U.S. COURTHOUSE  
50 WALNUT STREET  
P.O. BOX 419  
NEWARK, N.J. 07101-0419**

**CAMDEN OFFICE  
4<sup>th</sup> & Cooper Streets  
P O. Box 2797  
Camden, N.J 08101**

**TRENTON OFFICE  
402 East State Street  
P O. Box 515  
Trenton, N J. 08603**

SCANNED

William T. Walsh  
Clerk

July 20, 2007

REPLY TO CAMDEN

Michael W. Dobbins, Clerk  
Everett McKinley Dirksen  
U.S. Courthouse  
219 South Dearborn Street  
Chicago, IL 60604

Re: MDL1850 In Re: Pet Food Products Liability Litigation

District of New Jersey Civil Action No. 1:07cv2867(NLH)(AMD)

Dear Clerk:

Enclosed is a certified copy of the Order of the Judicial Panel on Multidistrict Litigation, transferring certain action(s) presently pending in your Court to the District of New Jersey and assigning it to the Honorable Noel L. Hillman, USDJ for coordinated or consolidated pretrial proceedings pursuant to 28 USC 1407. Please see the attached list for the cases that pertain to your Court.

If your court is currently on CM/ECF Version 3.0 you can transfer the case to us via Case Extraction in Utilities. If you have any questions, please call me at 856-757-5021.

Please return the copy of this letter when transmitting your file(s) and certified copy of the docket sheet(s).

Sincerely,

WILLIAM T. WALSH, Clerk

s/Marcy Barratt  
Deputy Clerk

Enc.

cc: Jeffrey N. Luthi  
Clerk, Judicial Panel on Multidistrict Litigation

UNITED STATES DISTRICT COURT  
OFFICE OF THE CLERK  
DISTRICT OF KANSAS

INGRID A. CAMPBELL  
ACTING CLERK  
E-MAIL [Ingrid\\_Campbell@ksd.uscourts.gov](mailto:Ingrid_Campbell@ksd.uscourts.gov)

KIM LEININGER  
ACTING CHIEF DEPUTY CLERK  
259 ROBERT J DOLE U S COURTHOUSE  
500 STATE AVENUE  
KANSAS CITY, KANSAS 66101  
(913) 551-5734

July 30, 2007

204 U S COURTHOUSE  
401 N MARKET  
WICHITA, KANSAS 67202  
(316) 269-6491

490 U S COURTHOUSE  
444 S E QUINCY  
TOPEKA, KANSAS 66683  
(785) 295-2610

SCANNED

G-8 US Courthouse  
312 North Spring Street  
Los Angeles, CA 90012-4701

Re: MDL - 1840 In Re Motor Fuel Temperature Sales Practices Litigation

Your Case: 07-1216 Lerner vs. Costco and 07-280 Eller vs. Chevron USA

Dear Clerk:

Enclosed please find a certified copy of the order from the Judicial Panel on Multi-district Litigation transferring the above entitled action to the District of Kansas, Kansas City, KS. The case has been assigned to the Honorable Kathryn H. Vratil for coordinated or consolidated pretrial processing pursuant to 28 USC 1407.

Please forward the original record and a certified copy of the docket entries in the case listed above along with the enclosed copy of the transmittal letter to:

United States District Court  
Office of the Clerk  
500 State Avenue, Room 259  
Kansas City, KS 66101  
Attention: Carol Kuhl

If the case is an electronic case filing please do the following: Email the PDF documents, as separate PDF files, including a PDF copy of the docket sheet to [carol\\_kuhl@ksd.uscourts.gov](mailto:carol_kuhl@ksd.uscourts.gov).

Sincerely,

Ingrid A. Campbell, Acting Clerk

By: *Carol Kuhl*