

Dennis Lee Townsend et al v. Menu Foods Limited et al

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1 Jean M. Lawler (SBN 91254)  
 jlawler@murchisonlaw.com  
 2 Gina E. Och (SBN 170520)  
 goch@murchisonlaw.com  
 3 **MURCHISON & CUMMING, LLP**  
 801 South Grand Avenue, 9th Floor  
 4 Los Angeles, California 90017-4613  
 Telephone: (213) 623-7400  
 5 Facsimile: (213) 623-6336

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6 Attorneys for Defendants,  
 MENU FOODS INCOME FUND, MENU  
 7 FOODS, INC., MENU FOODS LIMITED,  
 MENU FOODS MIDWEST CORP., MENU  
 8 FOODS SOUTH DAKOTA INC., and  
 MENU  
 9 FOODS HOLDINGS INC.

FILED  
 CLERK, U.S. DISTRICT COURT  
 MAY 22 2007  
 CENTRAL DISTRICT OF CALIFORNIA  
 BY DEPUTY

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FILED  
 CLERK, U.S. DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA  
 LOS ANGELES  
 BY JMD

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

13 DENNIS LEE TOWNSEND, GLENN A  
 14 TOWNSEND, individually and on behalf  
 15 of all others similarly situated,

<sup>ED</sup>  
 CASE NO. CV-07-00398 GHK (AJWx)

Plaintiffs,

~~PROPOSED~~ ORDER STAYING  
 ALL PROCEEDINGS AND FOR  
 PRESERVATION OF EVIDENCE

vs.

17 MENU FOODS INCOME FUND,  
 18 MENU FOODS, INC., MENU FOODS  
 19 LIMITED, MENU FOODS MIDWEST  
 CORPORATION, MENU FOODS  
 20 SOUTH DAKOTA INC., MENU  
 FOODS HOLDINGS INC, NESTLE SA,  
 NESTLE HOLDINGS, INC., NESTLE  
 21 USA INC., NESTLE PURINA  
 PETCARE CO., CHEMNUTRA INC.  
 22 and DOES 1 through 100 Inclusive,

Date: June 11, 2007  
 Time: 9:30 a.m.  
 Ctrm: 650

NOTE CHANGES MADE BY THE COURT.

Defendants.

Judge: Hon. George H. King

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DOCKETED ON CM  
 MAY 24 2007  
 021

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1 On 5/22, 2007, defendants, MENU FOODS INCOME FUND, MENU  
2 FOODS, INC., MENU FOODS LIMITED, MENU FOODS MIDWEST CORP., MENU  
3 FOODS SOUTH DAKOTA INC., and MENU FOODS HOLDINGS INC.'s Motion to  
4 Stay All Proceedings came on regularly for hearing before the Honorable George H.  
5 King, Judge presiding in the above-entitled action.

6 Having considered the motion, the papers filed in support thereof and in  
7 opposition thereto, all relevant authorities, ~~the oral argument of counsel~~, and the case  
8 file, the Court hereby,

9 **IT IS ORDERED AND ADJUDGED** that this matter, including the deadlines for  
10 the parties to participate in class certification and other pretrial proceedings, be stayed  
11 pending the establishment of *In re: Pet Food Products Liability Litigation*, MDL Docket  
12 No. 1850, and the potential subsequent transfer of this case for coordinated pretrial  
13 proceedings with other actions pending throughout the country. *is sooner.*

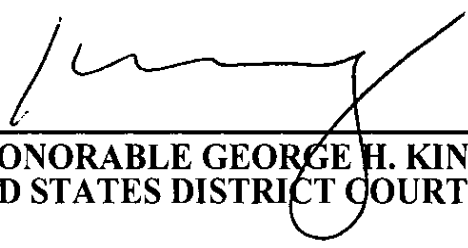
14 **IT IS FURTHER ORDERED** that all parties shall, during the pendency of the  
15 stay of this matter, comply with their duty to preserve all evidence that may be relevant  
16 to this action. This duty extends to documents, electronic data, and tangible things in the  
17 possession, custody and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

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

RECEIVED

DATED: 5/22/07

  
 \_\_\_\_\_  
 THE HONORABLE GEORGE H. KING  
 UNITED STATES DISTRICT COURT JUDGE

**PROOF OF SERVICE**

SCANNED

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 801 South Grand Avenue, 9th Floor, Los Angeles, California 90017-4613.

On May 11, 2007, I served true copies of the following document described as **[PROPOSED] ORDER STAYING ALL PROCEEDINGS AND FOR PRESERVATION OF EVIDENCE** on the interested parties in this action as follows:

**BY MAIL:** I enclosed the document in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Murchison & Cumming's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on May 11, 2007, at Los Angeles, California.

  
MARJORIE K. DE JOHNETTE

**SERVICE LIST**

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Cheryl A. Williams, Esq.  
 Jeff S. Westerman, Esq.  
 Michiyo Michelle Furukawa, Esq.  
 Sabrina S. Kim, Esq.  
 MILBERG WEISS  
 300 South Grand Avenue, Suite 3900  
 Los Angeles, CA 90071  
 Tele: (213) 617-1200  
 Fax: (213) 617-1975

Plaintiffs, Dennis Lee Townsend and  
 Glenna Townsend

Anthony G. Brazil, Esq.  
 David J. Vendler, Esq.  
 Megan S. Wayne, Esq.  
 Wendi J. Frisch, Esq.  
 MORRIS, POLICH & PURDY  
 1055 West 17th Street, 24th Floor  
 Los Angeles, CA 90017-2503  
 Tele: (213) 891-9100