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6 Attorneys for Defendants
 MENU FOODS INCOME FUND; MENU FOODS, INC.;
 7 MENU FOODS MIDWEST CORPORATION; AND
 MENU FOODS SOUTH DAKOTA, INC.

8 UNITED STATES DISTRICT COURT
 9
 10 NORTHERN DISTRICT OF CALIFORNIA

Gordon & Rees LLP
 275 Battery Street, Suite 2000
 San Francisco, CA 94111

11)
 12 SHERRY INGLES, individually and on Behalf of)
 All Others Similarly Situated,)

13 Plaintiff,

14 vs.

15 MENU FOODS, INC., MENU FOODS INCOME)
 FUND, MENU FOODS MIDWEST)
 16 CORPORATION, and MENU FOODS SOUTH)
 DAKOTA INC.,)

17 Defendants.)
 18)
 19)
 20)

CASE NO. C 07 1809
**MENU FOODS' NOTICE OF
 PETITION TO AND HEARING
 BEFORE THE JUDICIAL PANEL
 ON MULTIDISTRICT
 LITIGATION**
 [Civil Local Rules 3-13]

Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111

1 Pursuant to Civil Local Rule 3-13 defendants Menu Foods Income Fund, Menu Foods,
2 Inc., Menu Foods Midwest Corporation, and Menu Foods South Dakota, Inc. (“Menu Foods
3 Defendants” or “Defendants”) provide the following Notice of Pendency of Other Action or
4 Proceeding:

5 This case is one of over seventy (70) putative class actions filed in this court and several
6 other courts throughout the country for damages and injunctive relief, arising from the
7 manufacture, distribution and/or sale of pet food products by Menu Foods Defendants. The
8 actions are currently pending in the Western District of Washington, Eastern District of
9 Tennessee, Northern District of Illinois, Western District of Wisconsin, Western District of
10 Arkansas, District of New Jersey, Northern District of Florida, Southern District of Florida,
11 Middle District of Florida, District of Massachusetts, District of Connecticut, Central District of
12 California, District of Rhode Island, District of Maine, Northern District of California, District of
13 Nevada, District of Idaho and Northern District of Ohio. Specifically, the pending cases allege
14 that Defendants sold contaminated pet food to the general public and individuals whose pets
15 consumed this pet food and sustained injuries and/or death.

16 On March 30, 2007, four (4) separate motions for transfer and coordination or
17 consolidation pursuant to 28 U.S.C. §1407 were filed by four (4) different groups of plaintiffs.
18 Plaintiff Shirley Sexton filed the first MDL motion, seeking to transfer her case and numerous
19 other cases involving alleged injuries and/or death arising out of the purchase and/or
20 consumption of pet food manufactured by Defendants to the Central District of California.
21 Plaintiff Christina Troiano filed the second MDL motion, seeking transfer to the Southern
22 District of Florida. Plaintiffs Tom Whaley, Stacey Heller, Toinette Robinson, David Rapp,
23 Cecily and Terrance Mitchelle, Suzanne E. Johnson, Craig R. Klemann, Audrey Kornelius,
24 Barbara Smith, Michelle Suggett and Don James, filed their MDL motion to transfer the cases to
25 the Western District of Washington. Finally, Plaintiffs Jayme Pittsonberger, David Carter, and
26 Jim Bullock filed their MDL motion to transfer the cases to the District of New Jersey.

27 On March 30, 2007, Plaintiff Shirley Ingles filed a products liability action in the
28 Northern District of California, alleging that Plaintiff’s pet sustained injuries and/or death as a

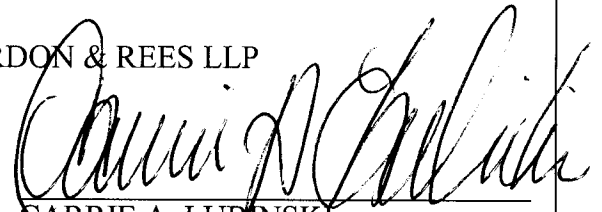
1 result of the purchase and/or consumption of pet food manufactured by Defendants.

2 On April 12, 2007, the Judicial Panel on Multidistrict Litigation ("JPML") issued a
3 Notice of Hearing Session for May 31, 2007 to consider the MDL motions ("Collectively known
4 as MDL 1850 - *In re Pet Food Products Liability Litigation*). See April 12, 2007 Notice of
5 Hearing Session, Ex. A attached hereto. Defendants will be filing their MDL response on or
6 before May 24, 2007, and are in agreement that MDL consolidation is appropriate.

7
8 Dated: May 9, 2007

GORDON & REES LLP

9
10 By:



11 CARRIE A. LUBINSKI
12 Attorneys for Defendants
13 MENU INCOME FOOD, MENU
14 FOODS INC. and FOODS MIDWEST
15 CORPORATION

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