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

8 UNITED STATES DISTRICT COURT
 9
 10 NORTHERN DISTRICT OF CALIFORNIA

11 DIANE LOWERY, individually and on behalf of a)
 class of similarly situated persons,)

12)
 13 Plaintiff,)

14 vs.)

15 MENU FOODS INCOME FUND; MENU FOODS)
 LIMITED PARTNERSHIP; MENU FOODS)
 16 MIDWEST CORP.; MENU FOODS SOUTH)
 DAKOTA, INC.; MENU FOODS, INC.; MENU)
 17 FOODS HOLDINGS, INC.)

18 Defendants.)

CASE NO.: C 07 2665 EDL

**REQUEST FOR ASSIGNMENT TO
 A DISTRICT JUDGE**

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

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1 Pursuant to Local Rules 73-1(a)(2), Defendants MENU FOODS INCOME FUND,
2 MENU FOODS LIMITED PARTNERSHIP, MENU FOODS MIDWEST CORPORATION,
3 MENU FOODS SOUTH DAKOTA, INC., MENU FOODS, INC., and MENU FOODS
4 HOLDINGS, INC. hereby request re-assignment from a magistrate judge (The Honorable
5 Elizabeth D. Laporte) to a district judge. The request comes now as Defendants and Plaintiffs
6 have filed a Stipulation And [Proposed] Order For Stay Of All Proceedings And Preservation Of
7 Evidence prior to the initial case management conference.

8 In addition, defendants direct the Court's attention to the Notice Of Pendency Of Other
9 Actions And Proceedings And Notice Of Transfer Order filed in this case. A related action is
10 filed in this Court and has been assigned to the Honorable Maxine Chesney. This related case
11 was filed on March 21, 2007 and is entitled *Sherry Ingles, et al. v. Menu Foods, Inc. et al.* Case
12 No. 3:07-CV-01809-MMC.

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15 Dated: June 21, 2007

Respectfully submitted,

GORDON & REES LLP

By: 

Carrie A. Lubinski

Attorneys for Defendants
MENU FOODS INCOME FUND; MENU
FOODS LIMITED PARTNERSHIP; MENU
FOODS MIDWEST CORPORATION;
MENU FOODS SOUTH DAKOTA, INC;
MENU FOODS, INC.; and MENU FOODS
HOLDINGS, INC.