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7 behalf of other members of the public similarly situated

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 ROBERT PAYNE and STEVE
11 BARTILUCCI, individually, for class
12 members, and on behalf of other members
of the public similarly situated,

13 Plaintiffs,

14 vs.

CASE NO. 07CV0705 JAH (CAB)
DECLARATION IN SUPPORT OF
PLAINTIFFS' NOTICE OF
OBJECTION TO DEFENDANT
MENU FOODS' MOTION TO STAY
CASE ; NOTICE OF
SUBSTITUTION OF ATTORNEY
FOR PLAINTIFFS

16 MENU FOODS, INC, PETCO ANIMAL
17 SUPPLIES, INC. a Delaware Corporation,.
18 SAFEWAY, INC., a Delaware
19 Corporation; THE PROCTOR &
GAMBLE COMPANY, an Ohio
20 Corporation, and DOES 1 to 50,
INCLUSIVE

21 Defendants.

DECLARATION OF KATHERINE J. ODENBREIT

I, Katherine J. Odenbreit, hereby declare:

1. That I am an attorney at law duly licensed to practice before all the courts of the State of California, and am an associate in the law firm of Class Action Litigation Group. Plaintiffs Robert Payne and Steven Bartilucci have filed a motion with this Court to substitute in myself and René L. Barge as their counsel of record.

2. I submit this Declaration in support of Plaintiffs' objection to defendant MENU FOODS (and other joining defendants) motion for a stay of this case until a determination has been made by the Multidistrict Litigation Panel to transfer and consolidate the In re Pet Food Litigation cases to a central district court. I am familiar with the contents of the file in this matter, and if called upon as a witness I would and could testify thereto.

3. On or about May 23, 2007, I contacted counsel for defendant Menu Foods, Susan Hack, Esq. I informed her that we would be filing a motion with the Court to substitute in as counsel of record for Plaintiffs Payne and Bartilucci. We discussed defendants' motion to stay which was set for hearing on May 31, 2007. I informed Ms. Hack that because we would be attending the hearing before the MDL Panel regarding the possible transfer of this case on May 31, 2007 in Las Vegas, we would not be available to attend the hearing. I requested that defendant take the motion off calendar until after the ruling from the MDL Panel and assured her that Plaintiffs had no intention of serving extensive discovery or filing other motions with the Court until the MDL Panel ruling was issued. Further, I offered to extend any defense deadlines for filing responses to Plaintiffs' pleadings currently pending.

4. I pulled defendants' Motion to Stay off of the Pacer Service Center. Upon review, I discovered that Menu Foods was requesting a stay far beyond the determination by the MDL Panel by seeking to stay the case pending a determination of class certification.

5. Later in the day on May 23, 2007, Ms. Hack emailed to me the Order from the Court vacating the May 31, 2007 hearing. I contacted her again and requested defendant Menu Foods withdraw its' motion for a stay, without prejudice, pending the MDL Panel ruling. Ms. Hack said she would submit the request to Menu Foods' national counsel and get back to me.

1 6. On May 29, 2007, I received an email from Ms. Hack stating Menu Foods had
2 declined our request to take the motion off-calendar.

3 7. The MDL Panel convened on May 31, 2007 to determine whether or not the In re
4 Pet Food Litigation cases will be consolidated to one District Court and if so, which court would
5 be assigned the cases. The MDL Panel took the matter under submission. We anticipate a written
6 ruling to be issued within the next 30 days, if not sooner.

7 I declare under penalty of perjury that the foregoing is true and correct. Executed this
8 1st day of June, 2007, at Huntington Beach, California.

9 DATED: June 1, 2007

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