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7 Attorneys for Defendant  
 8 MENU FOODS, INC., a New Jersey corporation

9 UNITED STATES DISTRICT COURT  
 10 SOUTHERN DISTRICT OF CALIFORNIA

11 ROBERT PAYNE and STEVE  
 12 BARTILUCCI,  
 13 Plaintiffs,

14 v.

15 MENU FOODS, INC., a New Jersey  
 16 corporation, PETCO ANIMAL SUPPLIES,  
 17 INC.; a Delaware corporation, SAFEWAY,  
 18 INC.; a Delaware corporation, THE  
 19 PROCTOR & GAMBLE COMPANY, a  
 20 Ohio corporation, and DOES 1 through 50,  
 21 Defendants.

CASE NO. 07 CV 0705 JAH (CAB)

**NOTICE OF RELATED CASES,  
 PURSUANT TO LOCAL RULE 40.1(e)**

CTROOM: 11  
 JUDGE: Hon. John A. Houston  
 TRIAL DATE: No Date Set

22 Defendant MENU FOODS, INC. hereby advises the Court, pursuant to Local Rule  
 23 40.1(e), of the following recently filed and/or served related cases:

- 24 1. *Swarberg v. Menu Foods Holding, Inc.*, 07 CV 0706 BTM (POR).

25 In these matters, the plaintiffs contend that their pets were injured and/or died following  
 26 their consumption of Defendant's products (specifically certain brands of dog and cat food).  
 27 Defendant submits that these matters: (1) arise from the same or substantially identical  
 28 happenings or events (the consumption of Defendant's products which is alleged to have caused  
 injury in each case); (2) involve the same (or substantially the same) parties; (3) call for  
 determination of the same or substantially identical questions of law; and (4) if heard by different  
 judges would entail the unnecessary duplication of labor.

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For these reasons, MENU FOODS, INC. requests that the “low number” rule be invoked for these two matters.

DATED: April 19, 2007

HIGGS, FLETCHER & MACK LLP

By: /s/Susan M. Hack

SUSAN M. HACK, ESQ.  
Attorneys for Defendant  
MENU FOODS, INC., a New Jersey  
Corporation