

**United States District Court**  
SOUTHERN DISTRICT OF CALIFORNIA

Diane Swarberg, individually and on behalf of all others similarly situated

Plaintiff,

V.

Menu Foods Holding Inc.; The Iams Company;  
Does 1 through 100, inclusive

Defendant

No. 07cv0706-BTM(POR)

FILED

~~07 MAY -1 PM 3:26~~

**REPORT OF CLERK AND ORDER OF CLERK OF DISTRICT COURT  
TRANSFER PURSUANT TO SOUTHERN DISTRICT OF CALIFORNIA  
"LOW-NUMBER" RULE.**

BY:

DEPUTY

**REPORT OF CLERK PURSUANT TO LOW NUMBER RULE**

Re: "Low Numbered" Case No. 07cv0705-JAH(CAB)

Title: Payne et al v. Menu Foods, Inc. et al

Nature of Case: 385 Property Damage Product Liability

The above "low numbered" case and the present case appear

- (1) to arise from the same or substantially identical transactions, happenings or events; or
- (2) involve the same or substantially the same parties or property; or
- (3) involve the same patent or trademark or different patents or trademarks covering the same or substantially identical things; or
- (4) call for determination of the same or substantially identical questions of law; or
- (5) where a case is refiled within one year of having previously been terminated by the Court; or
- (6) for other reasons would entail unnecessary duplication of labor if heard by different judges.

New Case #: 07cv0706-JAH(CAB)

This case was transferred pursuant to the Low Number Rule. The related cases have been assigned to the same judge and magistrate judge but they are NOT CONSOLIDATED at this point; all pleadings must still be filed separately in each case.

**W. Samuel Hamrick, Jr.**, Clerk of Court ,

DATED: April 23, 2007

By: V. Trujillo



(By) Deputy,

**ORDER OF TRANSFER PURSUANT TO "LOW NUMBER" RULE**

I hereby consent to transfer of the above-entitled case to my calendar pursuant to Local Rule 40.1, Transfer of Civil Cases under the "Low Number" Rule.

DATED: 4-23-07

John A. Houston  
United States District Judge

It appearing that the above-entitled case is properly transferable in accordance with the provisions of the "Low Number" Rule, IT IS HEREBY ORDERED that this case is transferred to the calendar of Judge John A. Houston and Magistrate Judge Cathy Ann Bencivengo for all further proceedings.

DATED: 4-30-07

Barry Ted Moskowitz  
United States District Judge