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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DIANE SWARBERG, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

MENU FOODS HOLDING, INC.,
THE IAMS COMPANY and DOES 1
through 100, inclusive,

Defendants.

Civil No.07CV0706 JAH(CAB)

**ORDER GRANTING DEFENDANT
MENU FOODS HOLDING, INC.’S
MOTION TO STAY [DOC. # 6]**

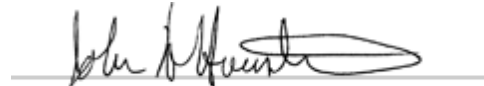
Defendant Menu Foods Holding, Inc. filed a motion seeking a stay of all proceedings pending a decision by the Judicial Panel on Multidistrict Litigation (“MDL Panel”) on transfer pursuant to 28 U.S.C. § 1407 and class certification pursuant to Federal Rule of Civil Procedure 23(d)(1). Defendant The Iams Company joined in the motion. Plaintiff failed to file an opposition to the motion within the time frame permitted for filing such pleadings.

After a careful review of the pleadings submitted, as well as the entire record in this case, this Court finds it appropriate to grant defendant Menu Foods Holding, Inc.’s stay request but only until the MDL Panel renders a decision on transfer.¹ Accordingly, IT IS

¹ This Court is mindful that defendant Menu Foods, Inc. agreed to withdraw its request for a stay pending the outcome of class certification proceedings before the MDL Panel after plaintiff filed an objection in a related case. See Civil Case No. 07cv0705 JAH(CAB), Doc. # 39 at 2. This Court deems that withdrawal as applicable to the instant case as well.

1 HEREBY ORDERED that defendant Menu Foods Holding, Inc.'s motion to stay
2 proceedings is **GRANTED** and the instant case is STAYED for sixty (60) days from the
3 date this Order is filed or until the MDL Panel issues a decision on plaintiff's transfer
4 request. Should no decision be reached within the sixty day period, plaintiff shall file a
5 status report with this Court **no later than ten (10) days prior to the expiration of the**
6 **sixty day period** advising the Court of the status of the transfer proceedings.

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8 Dated: June 8, 2007



10 HON. JOHN A. HOUSTON
11 United States District Judge

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