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MENU FOODS HOLDING, INC.

6 Case 3:07-cv-00706-JAH-CAB Document 34 Filed 07/02/2007 Page 1 of 4

7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10
11 DIANE SWARBERG, individually and on
behalf of all others similarly situated,

12 Plaintiffs,

13 v.

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

16 Defendants.
17

CASE NO. 07cv0706 JAH(CAB)

18
19 NOTICE OF MULTIDISTRICT
CONSOLIDATION PURSUANT TO
20 28 U.S.C. § 1407 AND REQUEST TO
21 MAINTAIN STAY

22 CTROOM: 11
23 JUDGE: Hon. John A. Houston
24 TRIAL DATE: Not Set

25 On June 19, 2007, the Judicial Panel on Multidistrict Litigation (the "JPML") issued the
26 attached Transfer Order (Exhibit A hereto), creating a new multidistrict proceeding entitled *In re*
27 *Pet Food Products Liability Litigation* (the "MDL"), and assigning the MDL to Judge Noel L.
28 Hillman of the District of New Jersey.

As required by Rules 1.1, 7.4, and 7.5 of the Rules of Procedure of the Judicial Panel on
Multidistrict Litigation, this case has been identified to the Panel as a "tag-along" case (see
attached Notice of Related Action [Exhibit B hereto] submitted to the JPML, dated May 31,
2007).

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1 In light of the likely imminent transfer of this case, MENU FOODS HOLDING, INC.
2 requests that the current stay of proceedings remain in place pending transfer to the MDL, in
3 order to serve the interests of judicial economy. Counsel for plaintiff consents to this transfer.

4
5 DATED: July 2, 2007

HIGGS, FLETCHER & MACK LLP

6 By: /s/ Susan M. Hack
7 Case 3:07-cv-00706-JAH-CAB Document 34 Filed 07/02/2007 Page 2 of 4
8 SUSAN M. HACK, ESQ.
9 Attorneys for Defendant
10 MENU FOODS HOLDING, INC.

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EXHIBIT A

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUN 19 2007

FILED
CLERK'S OFFICE

RELEASED FOR PUBLICATION

DOCKET NO. 1850

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE PET FOOD PRODUCTS LIABILITY LITIGATION

BEFORE WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR., KATHRYN H. VRATIL, DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL

TRANSFER ORDER

This litigation presently consists of thirteen actions listed on the attached Schedule A and pending in eight districts as follows: five actions in the Western District of Washington; two actions in the Western District of Arkansas; and one action each in the Central District of California, the District of Connecticut, the Southern District of Florida, the Northern District of Illinois, the District of New Jersey, and the Eastern District of Tennessee. Before the Panel are three motions, pursuant to 28 U.S.C. § 1407, that taken together seek centralization for coordinated or consolidated pretrial proceedings of all of these actions.¹ All responding parties agree that centralization is appropriate, but differ regarding the most appropriate transferee district for this litigation. In favor of the District of New Jersey as transferee district are moving Central District of California and Southern District of Florida plaintiffs and plaintiffs in the District of Connecticut, the District of New Jersey, and three of the Western District of Washington actions before the Panel, as well as plaintiffs in fourteen potentially related actions. Plaintiffs in two of the five Western District of Washington actions move for centralization in the Western District of Washington; plaintiffs in the Eastern District of Tennessee action support centralization there; and plaintiffs in the other three Western District of Washington actions alternatively support centralization there. In favor of the Western District of Arkansas as transferee district are plaintiffs in the two Western District of Arkansas actions and the Northern District of Illinois action, and plaintiffs in six potentially related actions. Plaintiffs in two potentially related District of New Jersey actions alternatively support centralization in the Western District of Arkansas. Supporting the Northern District of Illinois as transferee district are all responding defendants, including Menu Foods, Inc., and its related entities, and plaintiffs in one potentially related action. In favor of the Central District of California as transferee district are plaintiffs in nine potentially related actions. Finally, plaintiff in a potentially related Northern District of Ohio action suggests centralization in the Northern District of Ohio.

On the basis of the papers filed and hearing session held, the Panel finds that the actions in this

^{*} Judge Miller did not participate in the decision of this matter.

¹ The Panel has been notified of 97 potentially related actions pending in multiple federal districts. In light of the Panel's disposition of this docket, these actions will be treated as potential tag-along actions. See Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001).

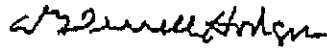
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litigation involve common questions of fact, and that centralization under Section 1407 in the District of New Jersey will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. All actions stem from the recall of pet food products allegedly tainted by melamine found in wheat gluten imported from China and used in these products. Centralization under Section 1407 is necessary in order to eliminate duplicative discovery; avoid inconsistent pretrial rulings, especially with respect to class certification; and conserve the resources of the parties, their counsel and the judiciary.

Although several districts could be described as an appropriate transferee forum for this nationwide litigation, we are persuaded to select the District of New Jersey. Pretrial proceedings are advancing well there and about one-third of all pending actions are already in this district.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on the attached Schedule A and pending outside the District of New Jersey are transferred to the District of New Jersey and, with the consent of that court, assigned to the Honorable Noel L. Hillman for coordinated or consolidated pretrial proceedings with the actions pending there and listed on Schedule A.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

SCHEDULE AMDL-1850 -- In re Pet Food Products Liability Litigation

Case 3:07-cv-00706-JAH-CAB Document 34 Filed 07/02/2007 Page 6 of 4
Western District of Arkansas

Charles Ray Sims, et al. v. Menu Foods Income Fund, et al., C.A. No. 5:07-5053
Richard Scott Widen, et al. v. Menu Foods, Inc., et al., C.A. No. 5:07-5055

Central District of California

Shirley Sexton v. Menu Foods Income Fund, et al., C.A. No. 2:07-1958

District of Connecticut

Lauri A. Osborne v. Menu Foods, Inc., C.A. No. 3:07-469

Southern District of Florida

Christina Troiano v. Menu Foods, Inc., et al., C.A. No. 0:07-60428

Northern District of Illinois

Dawn Majerczyk v. Menu Foods, Inc., C.A. No. 1:07-1543

District of New Jersey

Jared Workman, et al. v. Menu Foods Ltd., et al., C.A. No. 1:07-1338

Eastern District of Tennessee

Lizajean Holt, et al. v. Menu Foods, Inc., C.A. No. 3:07-94

Western District of Washington

Tom Whaley v. Menu Foods, Inc., et al., C.A. No. 2:07-411
Stacey Heller, et al. v. Menu Foods, C.A. No. 2:07-453
Audrey Kornelius, et al. v. Menu Foods, C.A. No. 2:07-454
Suzanne E. Johnson, et al. v. Menu Foods, C.A. No. 2:07-455
Michele Suggett, et al. v. Menu Foods, et al., C.A. No. 2:07-457

EXHIBIT B

MDL 1850

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

MAY 31 2007

FILED
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BEFORE THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

IN RE PET FOOD

PRODUCTS LIABILITY LITIGATION)

MDL Docket No. 1850

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NOTICE OF POTENTIAL TAG ALONG ACTIONS

NOW COME the Defendants collectively referred to as "Menu Foods," by and through their attorneys, PRETZEL & STOUFFER, CHARTERED, and pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, hereby submits the following list of potential tag along actions:

1. A. *Gary Bruski, Individually and on behalf of all Other Similarly Situated v. Menu Foods, Inc., a Canadian Corporation; Nutro Products, Inc., a California Corporation; and Petsmart, Inc., an Arizona Corporation*
- B. United States District Court for the Northern District of Illinois (Chicago)
- C. 1:07-CV-02183
- D. Judge Wayne Andersen

2. A. *Diane Swarberg, individually and on behalf of all others similarly situated v. Menu Foods Holding Inc., The Iams company and Does 1 through 100, inclusive*
- B. United States District Court for the Southern District of California (San Diego)
- C. 3:07-CV-00706
- D. Judge John A. Houston

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3.

A. *Jayne Englander, an individual and Mitch Englander, an individual, on behalf of themselves, the general public, all others similarly situated, and as owners and guardians of Sparky and Bailey*

B. United States District Court for the Central District of California - Western Division (Los Angeles)

C. 2:07-CV-02964 Case 3:07-cv-00706-JAH-CAB Document 34 Filed 07/02/2007 Page 9 of 4

D. Judge Christina A. Snyder

4.

A. *Sandra L. Gray, Individually and All Other Persons Similarly Situated; Nick Jackson, As Husband and All Other Person Similarly Situated and Deena Jackson, As Wife and All Other Persons Similarly Situated v. Menu Foods, Menu Foods Income Fund, Menu Foods Gen Par Limited, Menu Foods Limited Partnership, Menu Foods Operating Partnership, Menu Foods Midwest Corporation, Menu Foods South Dakota, Menu Foods, Inc., Menu Foods Holdings, Inc., Walmart Stores, Inc. And Xuzhou Anying Biologic Technology Development Co., Ltd.*

B. United States District Court for the Western District of Arkansas (Fayetteville)

C. 5:07-CV-05065

D. Judge Robert T. Dawson

5.

A. *Ken Wahl, Shane Barbi, Sia Barbi, Jennifer Hart, Sheila R. Washington, Maria Mitchell, individually and on behalf of all individuals similarly situated v. Menu Foods Income Fund, Menu Foods Midwest Corporation, Menu Foods South Dakota Inc., Menu Foods Inc., Menu Foods Holdings Inc., Del Monte Foods Company, Nestle Purina Petcare Company, Hills Pet Nutrition, Nutro Products Inc., Petco Animal Supplies Stores Inc., Petco Animal Supplies Inc., Petco Southwest Inc., Petsmart Inc., and The IAMS Company*

B. United States District Court for the Central District of California - Western Division (Los Angeles)

C. 2:07-CV-02779

D. Judge George H. King

6. A. *Robert Payne and Steve Bartilucci v. Menu Foods, Inc., a New Jersey Corporation; Petco Animal Supplies, Inc., a Delaware Corporation; Safeway, Inc., a Delaware Corporation, The Proctor & Gamble Company, an Ohio Corporation; and DOES 1 through 50*

B. United States District Court for the Southern District of California (San Diego)

C. 3:07-CV-00705

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D. Judge John A. Houston

7. A. *Judy McGuriman, individually and on behalf of all others similarly situated v. Menu Foods Limited, a Canadian business entity trading as Menu Foods; Menu Foods, Inc., a New Jersey corporation trading as Menu Foods*

B. United States District Court for the District of New Jersey (Camden)

C. 1:07-CV-02205

D. Judge Noel L. Hillman

8. A. *Olivia Guercioni, Individually, and on behalf of others that are similarly situated v. Menu Foods Limited, doing business as Menu Foods; Menu Foods Inc.; Menu Foods Midwest Corporation; JOHN DOES 1-10; and ABC CORPS 1-15*

B. United States District Court for the District of New Jersey (Camden)

C. 1:07-CV-02202

D. Judge Noel L. Hillman

9. A. *Kelly Finestone, on behalf of herself, similarly situated consumers, and the general public v. Menu Foods, Inc., a Canadian Corporation; The IAMS Company, an Ohio Corporation; Petco Animal Supplies Inc., a Delaware Corporation; DOES 1 through 500 inclusive; and Chemnutra Inc., sued and served herein as DOE No. 3*

B. United States District Court for the Central District of California - Western Division (Los Angeles)

C. 2:07-CV-02338

D. Judge Christina A. Synder

✓ 10. A. *Loren Byers and Camilla Brankov, individually and on behalf of all others similarly situated v. Menu Foods Income Fund; Menu Foods, Inc., a New Jersey Corporation; Menu Foods Midwest Corp., a Delaware Corporation; Menu Foods Limited, Menu Foods Operating Limited Partnership, Menu Foods South Dakota Corp., and DOES 1-50*

B. United States District Court for the District of New Jersey (Camden)

C. 1:07-CV-01747

D. Judge Noel L. Hillman

✓ 11. A. *Heather Amro, on behalf of herself and all others similarly situated v. Menu Foods Income Fund; Menu Foods, Inc., a New Jersey Corporation; Menu Foods Holdings, Inc.; Menu Foods Midwest Corporation, a Delaware Corporation; Chemnutra, Inc., a Delaware Corporation; Chemnutra LLC; The Proctor & Gamble Company, an Ohio Corporation; and The IAMS Company*

B. United States District Court for the Northern District of Illinois (Chicago)

C. 1:07-CV-02162

D. Judge Wayne Andersen

12. A. *George Birney and Audrey Birney v. Menu Foods, Inc.*

B. United States District Court for the Middle District of Florida (Orlando)

C. 6:07-CV-00803

D. Judge Anne C. Conway

✓ 13. A. *Hayley Ford, individually, for class members, and on behalf of other members of the public similarly situated and Shannon J. Kramer, individually, for class members, and on behalf of other members of the public similarly situated v. Menu*

Foods Income Fund, Menu Foods Midwest Corporation, Menu Foods South Dakota, Inc., Menu Foods, Inc., Menu Foods Holdings, Inc., Del Monte Foods Company, Nestle Purina Petcare Company, Hills Pet Nutrition, Nutro Products, Inc., Wal-Mart Stores, Petco Animal Supplies, Inc., Petco Southwest, Inc., Petco Animal Supplies Stores, Inc., The IAMS Company, Fry's Food Centers, Smith's Food and Drug Centers, Inc., Kroger co., Chemnutra, Inc., and Petsmart

- B. United States District Court for the Southern District of California (San Diego)
C. 3:07-CV-00734
D. Judge John A. Houston

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- ✓ 14. A. *Laura Migliore v. Menu Foods, a foreign corporation*
B. United States District Court for the Western District of Washington (Seattle)
C. 2:07-CV-00575
D. Judge Robert S. Lasnik

- ✓ 15. A. *Gail Moran v. Menu Foods, a foreign corporation*
B. United States District Court for the Western District of Washington (Seattle)
C. 2:07-CV-00576
D. Judge John C. Coughenour

- ✓ 16. A. *Sheryl Puett v. Menu Foods, a foreign corporation*
B. United States District Court for the Western District of Washington (Seattle)
C. 2:07-CV-00577
D. Judge Robert s. Lanik

- ✓ 17. A. *Mark Cashman, Individually and on behalf of all others similarly situated and
Ciro Aiello, Individually and on behalf of all others similarly situated v. Menu*

Foods Midwest Corporation, Menu Foods Income Fund, Menu Foods Limited, Menu Foods Inc., Menu Foods Holdings Inc., The Procter & Gamble Company, The Iams Company, Chemnutra Inc. and John Does No. 1 through 100

B. United States District Court for the Southern District of New York (Foley Square)

C. 1:07-CV-03236

D. Judge ~~Joe S. Rakoff~~ Case 3:07-cv-00706-JAH-CAB Document 34 Filed 07/02/2007 Page 18 of 4

✓ 18. A. *Megan Connerton and Kimberly Mello v. Menu Foods Midwest Corporation, Menu Foods Income Fund, Menu Foods Limited, Menu Foods Inc., Menu Foods Holdings, Inc., The Iams Company, Nutro Products, Inc., Target Corporation, ChemNutra Inc. and Xuzhou Anying Biologic Technology Development Company Ltd.*

B. United States District Court for the District of Massachusetts (Boston)

C. 1:07-CV-10797

D. Judge Douglas P. Woodlock

19. A. *Sonja Foxe, on behalf of herself and all others similarly situated v. Menu Foods, Inc., Menu Foods Income Fund, Safeway Inc. And John Does 1 through 100*

B. United States District Court for the Northern District of Illinois (Chicago)

C. 1:07-CV-02237

D. Judge Wayne Andersen

✓ 20. A. *Wendy Krosschell, on behalf of herself and all others similarly situated v. Menu Foods Income Fund, Menu Foods, Inc., Menu Foods Holdings, Inc., Menu Foods Midwest Corporation, ChemNutra LLC and ChemNutra Inc.*

B. United States District Court for the District of Minnesota

C. 0:07-CV-02108

D. Judge Ann D. Montgomery

- ✓ 21. A. *Daniel Ray Reeves, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*
- B. United States District Court for the Western District of Washington (Seattle)
- C. 2:07-CV-00634
- D. Judge John C. Coughenour

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- ✓ 22. A. *Nancy Guthire, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*
- B. United States District Court for the Western District of Washington (Tacoma)
- C. 3:07-CV-05205
- D. Judge Robert J. Bryan

- ✓ 23. A. *Jeff Rusiecki, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*
- B. United States District Court for the Western District of Washington (Tacoma)
- C. 3:07-CV-05204
- D. Judge Robert J. Bryan

- ✓ 24. A. *Penny J. Roberts and Donald Gilbert Iverson v. Menu Foods Income Fund; Menu Foods, Inc.; Menu Foods Holdings, Inc.; Menu Foods Midwest Corporation; Chemnutra Inc.; and Chemnutra LLC*
- B. United States District Court for the Western District of Wisconsin (Madison)
- C. 07-CV-0248
- D. Judge Barbara B. Crabb

- ✓ 25. A. *Sheree A. Robinson, individually and on behalf of all others similarly situated v.*

Menu Foods, a foreign corporation

B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00666

D. Judge Robert S. Lasnik

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✓ 26. A. *Phyllis A. Ullman, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00667

D. Judge Marsha J. Pechman

✓ 27. A. *Megan Whitt, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00670

D. Judge Ricardo S. Martinez

✓ 28. A. *Elizabeth Palmer, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00668

D. Judge James L. Robart

✓ 29. A. *Jason Labbate, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

B. United States District Court for the Western District of Washington (Seattle)

- C. 2:07-CV-00669
- D. Judge Monica J. Benton

30.

- A. *Margaret Picus v. Wal-Mart Stores, Inc.; Menu Foods Inc.; Del Monte Foods Company; Sunshine Mills, Inc.; and ChenNutra Inc.*
- B. United States District Court for the District of Nevada (Las Vegas)

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- C. 2:07-CV-00686
- D. Judge Roger L. Hunt

31.

- A. *Lerae Dineen, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00686

D. Judge Marsha J. Pechman

32.

- A. *Deborah A. Mullen, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00689

D. Judge James L. Robart

33.

- A. *Helen Percy, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00690

D. Judge Robert S. Lasnik

34. A. *Sandra Shingle, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00687

D. Judge Marsha J. Pechman

Case 3:07-cv-00706-JAH-CAB Document 34 Filed 07/02/2007 Page 17 of 4

35. A. *Gary Thomas, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00688

D. Judge Thomas S. Zilly

36. A. *Linda Weitz, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00684

D. Judge Ricardo S. Martinez

✓ 37. A. *Richard Schwinger, Individually and all other Persons Similarly Situated v. Menu Foods; Menu Foods Income Fund; Menu Foods Gen Par Limited; Menu Foods Limited Partnership; Menu Foods Operating Partnership; Menu Foods Midwest Corp; Menu Foods South Dakota; Menu Foods, Inc.; Menu Foods Holdings, Inc.; Wal-Mart Stores Inc.; and Del Monte Foods, Inc.*

B. United States District Court for the Western District of Missouri (Joplin)

C. 3:07-CV-05041

D. Judge Sarah W. Hays

38. A. *Tony Boyer, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

✓ B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00746

D. Judge Robert S. Lasnik

Case 3:07-cv-00706-JAH-CAB Document 34 Filed 07/02/2007 Page 18 of 4

39. A. *Norman Brenton, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

✓ B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00747

D. Judge John C. Coughenour

40. A. *Teresa Eilers, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

✓ B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00749

D. Judge Thomas S. Zilly

✓ 41. A. *Paula Monk, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00745

D. Judge John C. Coughenour

✓ 42. A. *Lynda Nagel, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

- B. United States District Court for the Western District of Washington (Seattle)
- C. 2:07-CV-00748
- D. Judge James L. Robart
43. A. *Sarah Cavin, individually and all other Persons Similarly Situated v. Menu Foods, Menu Foods Income Fund, Menu Foods Limited Partnership, Menu Foods Midwest Corp.; Menu Foods South Dakota; Menu Foods Holdings, Inc.; Menu Foods, Inc.; and Wal-Mart Stores, Inc.*
- B. United States District Court for the Southern District of Mississippi (Western)
- C. 5:07-CV-00105
- D. Judge David C. Bramlette, III
44. A. *Dixie Keller, on behalf of herself and all others similarly situated v. Menu Foods Limited; Menu Foods Inc.; Menu Foods Midwest Corporation; Menu Foods Income Fund; Menu Foods South Dakota, Inc.; Menu Foods Holdings, Inc. And Does 1-100*
- B. United States District Court for the Middle District of Pennsylvania (Harrisburg)
- C. 1:07-CV-00929
- D. Judge Sylvia H. Rambo
45. A. *Diane Lowery, individually and on behalf of a class of similarly situated persons v. Menu Foods Income Fund; Menu Foods Limited Partnership; Menu Foods Midwest Corp.; Menu Foods South Dakota; Menu Foods, Inc.; and Menu Foods Holdings, Inc.*
- B. United States District Court for the Northern District of California (San Francisco)
- C. 3:07-CV-02665
- D. Judge Elizabeth D. Laporte

46.

- A. *John Colliard, as an individual consumer, and on behalf of all others similarly situated v. Menu Foods, Inc., a New Jersey corporation and Chemnutra, Inc., a Delaware corporation*
- B. United States District Court for the Southern District of California (San Diego)
- C. 3:07-cv-00951
- D. Judge Irma E. Gonzalez

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

MAY 31 2007

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**BEFORE THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

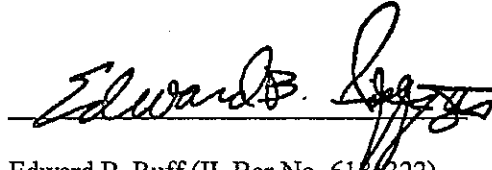
IN RE PET FOOD
PRODUCTS LIABILITY LITIGATION

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MDL Docket No. 1850

CERTIFICATION OF SERVICE

The undersigned certifies that Defendant's: Notice of Potential Tag-Along Actions was filed with the Judicial Panel on Multidistrict Litigation this 31st Day of May, 2007. Notice of this filing was sent to the parties as listed on the attached Judicial Panel on Multidistrict Litigation-Panel Attorney Service List by U.S. Mail from One South Wacker Drive, Chicago, Illinois.



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JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION
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2007 MAY 31 A 10:50

(Panel Attorney Service List for MDL 1,850 Continued)

Page 2

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Case 3:07-cv-00706-JAH-CAB Document 34 Filed 07/02/2007 Page 22 of 4

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Note: Please refer to the report title page for complete report scope and key.

Judicial Panel on Multidistrict Litigation - Panel Attorney Service List

Page 1

Docket: 1850 - In re Per Food Products Liability Litigation

Status: Pending on / /

Transferred District:

Judge:

Printed on 05/24/2007

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Note: Please refer to the report title page for complete report scope and key.

EXHIBIT B

MDL 1850

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

MAY 31 2007

FILED
CLERK'S OFFICE

BEFORE THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

IN RE PET FOOD
PRODUCTS LIABILITY LITIGATION)

MDL Docket No. 1850

Case 3:07-cv-00706-JAH-CAB Document 34 Filed 07/02/2007 Page 25 of 4

NOTICE OF POTENTIAL TAG ALONG ACTIONS

NOW COME the Defendants collectively referred to as "Menu Foods," by and through their attorneys, PRETZEL & STOUFFER, CHARTERED, and pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, hereby submits the following list of potential tag along actions:

1. A. *Gary Bruski, Individually and on behalf of all Other Similarly Situated v. Menu Foods, Inc., a Canadian Corporation; Nutro Products, Inc., a California Corporation; and Petsmart, Inc., an Arizona Corporation*
- B. United States District Court for the Northern District of Illinois (Chicago)
- C. 1:07-CV-02183
- D. Judge Wayne Andersen

2. A. *Diane Swarberg, individually and on behalf of all others similarly situated v. Menu Foods Holding Inc., The Iams company and Does 1 through 100, inclusive*
- B. United States District Court for the Southern District of California (San Diego)
- C. 3:07-CV-00706
- D. Judge John A. Houston

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3. A. *Jayne Englander, an individual and Mitch Englander, an individual, on behalf of themselves, the general public, all others similarly situated, and as owners and guardians of Sparky and Bailey*

B. United States District Court for the Central District of California - Western Division (Los Angeles)

C. 2:07-CV-02964

Case 3:07-cv-00706-JAH-CAB Document 34 Filed 07/02/2007 Page 26 of 4

D. Judge Christina A. Snyder

4. A. *Sandra L. Gray, Individually and All Other Persons Similarly Situated; Nick Jackson, As Husband and All Other Person Similarly Situated and Deena Jackson, As Wife and All Other Persons Similarly Situated v. Menu Foods, Menu Foods Income Fund, Menu Foods Gen Par Limited, Menu Foods Limited Partnership, Menu Foods Operating Partnership, Menu Foods Midwest Corporation, Menu Foods South Dakota, Menu Foods, Inc., Menu Foods Holdings, Inc., Walmart Stores, Inc. And Xuzhou Anying Biologic Technology Development Co., Ltd.*

B. United States District Court for the Western District of Arkansas (Fayetteville)

C. 5:07-CV-05065

D. Judge Robert T. Dawson

5. A. *Ken Wahl, Shane Barbi, Sia Barbi, Jennifer Hart, Sheila R. Washington, Maria Mitchell, individually and on behalf of all individuals similarly situated v. Menu Foods Income Fund, Menu Foods Midwest Corporation, Menu Foods South Dakota Inc., Menu Foods Inc., Menu Foods Holdings Inc., Del Monte Foods Company, Nestle Purina Petcare Company, Hills Pet Nutrition, Nutro Products Inc., Petco Animal Supplies Stores Inc., Petco Animal Supplies Inc., Petco Southwest Inc., Petsmart Inc., and The IAMS Company*

B. United States District Court for the Central District of California - Western Division (Los Angeles)

C. 2:07-CV-02779

D. Judge George H. King

6. A. *Robert Payne and Steve Bartilucci v. Menu Foods, Inc., a New Jersey Corporation; Petco Animal Supplies, Inc., a Delaware Corporation; Safeway, Inc., a Delaware Corporation, The Proctor & Gamble Company, an Ohio Corporation; and DOES 1 through 50*
- B. United States District Court for the Southern District of California (San Diego)
- C. 3:07-CV-00705
Case 3:07-cv-00706-JAH-CAB Document 34 Filed 07/02/2007 Page 27 of 4
- D. Judge John A. Houston

7. A. *Judy McGuriman, individually and on behalf of all others similarly situated v. Menu Foods Limited, a Canadian business entity trading as Menu Foods; Menu Foods, Inc., a New Jersey corporation trading as Menu Foods*
- B. United States District Court for the District of New Jersey (Camden)
- C. 1:07-CV-02205
- D. Judge Noel L. Hillman

8. A. *Olivia Guercioni, Individually, and on behalf of others that are similarly situated v. Menu Foods Limited, doing business as Menu Foods; Menu Foods Inc.; Menu Foods Midwest Corporation; JOHN DOES 1-10; and ABC CORPS 1-15*
- B. United States District Court for the District of New Jersey (Camden)
- C. 1:07-CV-02202
- D. Judge Noel L. Hillman

9. A. *Kelly Finestone, on behalf of herself, similarly situated consumers, and the general public v. Menu Foods, Inc., a Canadian Corporation; The IAMS Company, an Ohio Corporation; Petco Animal Supplies Inc., a Delaware Corporation; DOES 1 through 500 inclusive; and Chemnutra Inc., sued and served herein as DOE No. 3*
- B. United States District Court for the Central District of California - Western Division (Los Angeles)

- C. 2:07-CV-02338
- D. Judge Christina A. Synder
- ✓ 10. A. *Loren Byers and Camilla Brankov, individually and on behalf of all others similarly situated v. Menu Foods Income Fund; Menu Foods, Inc., a New Jersey Corporation; Menu Foods Midwest Corp., a Delaware Corporation; Menu Foods Limited; Menu Foods Operating Limited Partnership; Menu Foods South Dakota Corp., and DOES 1-50*
- B. United States District Court for the District of New Jersey (Camden)
- C. 1:07-CV-01747
- D. Judge Noel L. Hillman
- ✓ 11. A. *Heather Amro, on behalf of herself and all others similarly situated v. Menu Foods Income Fund; Menu Foods, Inc., a New Jersey Corporation; Menu Foods Holdings, Inc.; Menu Foods Midwest Corporation, a Delaware Corporation; Chemnutra, Inc., a Delaware Corporation; Chemnutra LLC; The Proctor & Gamble Company, an Ohio Corporation; and The IAMS Company*
- B. United States District Court for the Northern District of Illinois (Chicago)
- C. 1:07-CV-02162
- D. Judge Wayne Andersen
12. A. *George Birney and Audrey Birney v. Menu Foods, Inc.*
- B. United States District Court for the Middle District of Florida (Orlando)
- C. 6:07-CV-00803
- D. Judge Anne C. Conway
- ✓ 13. A. *Hayley Ford, individually, for class members, and on behalf of other members of the public similarly situated and Shannon J. Kramer, individually, for class members, and on behalf of other members of the public similarly situated v. Menu*

Foods Income Fund, Menu Foods Midwest Corporation, Menu Foods South Dakota, Inc., Menu Foods, Inc., Menu Foods Holdings, Inc., Del Monte Foods Company, Nestle Purina Petcare Company, Hills Pet Nutrition, Nutro Products, Inc., Wal-Mart Stores, Petco Animal Supplies, Inc., Petco Southwest, Inc., Petco Animal Supplies Stores, Inc., The IAMS Company, Fry's Food Centers, Smith's Food and Drug Centers, Inc., Kroger co., Chemnutra, Inc., and Petsmart

- Case 3:07-cv-00734-JAH-SAB Document 34 Filed 07/20/07 Page 29 of 40
- B. United States District Court for the Southern District of California (San Diego)
- C. 3:07-CV-00734
- D. Judge John A. Houston
- ✓ 14. A. *Laura Migliore v. Menu Foods, a foreign corporation*
- B. United States District Court for the Western District of Washington (Seattle)
- C. 2:07-CV-00575
- D. Judge Robert S. Lasnik
- ✓ 15. A. *Gail Moran v. Menu Foods, a foreign corporation*
- B. United States District Court for the Western District of Washington (Seattle)
- C. 2:07-CV-00576
- D. Judge John C. Coughenour
- ✓ 16. A. *Sheryl Puett v. Menu Foods, a foreign corporation*
- B. United States District Court for the Western District of Washington (Seattle)
- C. 2:07-CV-00577
- D. Judge Robert s. Lanik
- ✓ 17. A. *Mark Cashman, Individually and on behalf of all others similarly situated and
Ciro Aiello, Individually and on behalf of all others similarly situated v. Menu*

Foods Midwest Corporation, Menu Foods Income Fund, Menu Foods Limited, Menu Foods Inc., Menu Foods Holdings Inc., The Procter & Gamble Company, The Iams Company, Chemnutra Inc. and John Does No. 1 through 100

- B. United States District Court for the Southern District of New York (Foley Square)
- C. 1:07-CV-03236
- D. Judge Jed S. Rakoff

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- ✓ 18. A. *Megan Connerton and Kimberly Mello v. Menu Foods Midwest Corporation, Menu Foods Income Fund, Menu Foods Limited, Menu Foods Inc., Menu Foods Holdings, Inc., The Iams Company, Nutro Products, Inc., Target Corporation, ChemNutra Inc. and Xuzhou Anying Biologic Technology Development Company Ltd.*

- B. United States District Court for the District of Massachusetts (Boston)
- C. 1:07-CV-10797
- D. Judge Douglas P. Woodlock

- 19. A. *Sonja Foxe, on behalf of herself and all others similarly situated v. Menu Foods, Inc., Menu Foods Income Fund, Safeway Inc. And John Does 1 through 100*

- B. United States District Court for the Northern District of Illinois (Chicago)
- C. 1:07-CV-02237
- D. Judge Wayne Andersen

- ✓ 20. A. *Wendy Krosschell, on behalf of herself and all others similarly situated v. Menu Foods Income Fund, Menu Foods, Inc., Menu Foods Holdings, Inc., Menu Foods Midwest Corporation, ChemNutra LLC and ChemNutra Inc.*

- B. United States District Court for the District of Minnesota
- C. 0:07-CV-02108
- D. Judge Ann D. Montgomery

21. A. *Daniel Ray Reeves, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00634

D. Judge John C. Coughenour

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22. A. *Nancy Guthire, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

B. United States District Court for the Western District of Washington (Tacoma)

C. 3:07-CV-05205

D. Judge Robert J. Bryan

23. A. *Jeff Rusiecki, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

B. United States District Court for the Western District of Washington (Tacoma)

C. 3:07-CV-05204

D. Judge Robert J. Bryan

24. A. *Penny J. Roberts and Donald Gilbert Iverson v. Menu Foods Income Fund; Menu Foods, Inc.; Menu Foods Holdings, Inc.; Menu Foods Midwest Corporation; Chemnutra Inc.; and Chemnutra LLC*

B. United States District Court for the Western District of Wisconsin (Madison)

C. 07-CV-0248

D. Judge Barbara B. Crabb

25. A. *Sheree A. Robinson, individually and on behalf of all others similarly situated v.*

Menu Foods, a foreign corporation

B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00666

D. Judge Robert S. Lasnik

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✓ 26. A. *Phyllis A. Ullman, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00667

D. Judge Marsha J. Pechman

✓ 27. A. *Megan Whitt, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00670

D. Judge Ricardo S. Martinez

✓ 28. A. *Elizabeth Palmer, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00668

D. Judge James L. Robart

✓ 29. A. *Jason Labbate, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

B. United States District Court for the Western District of Washington (Seattle)

- C. 2:07-CV-00669
- D. Judge Monica J. Benton

30. A. *Margaret Picus v. Wal-Mart Stores, Inc.; Menu Foods Inc.; Del Monte Foods Company; Sunshine Mills, Inc.; and ChenNutra Inc.*

B. United States District Court for the District of Nevada (Las Vegas)

- C. 2:07-CV-00686
- D. Judge Roger L. Hunt

31. A. *Lerae Dineen, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

B. United States District Court for the Western District of Washington (Seattle)

- C. 2:07-CV-00686
- D. Judge Marsha J. Pechman

32. A. *Deborah A. Mullen, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

B. United States District Court for the Western District of Washington (Seattle)

- C. 2:07-CV-00689
- D. Judge James L. Robart

33. A. *Helen Percy, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

B. United States District Court for the Western District of Washington (Seattle)

- C. 2:07-CV-00690
- D. Judge Robert S. Lasnik

34. A. *Sandra Shingle, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*
- B. United States District Court for the Western District of Washington (Seattle)
- C. 2:07-CV-00687
- D. Judge Marsha J. Pechman

Case 3:07-cv-00706-JAH-CAB Document 34 Filed 07/02/2007 Page 34 of 4

35. A. *Gary Thomas, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*
- B. United States District Court for the Western District of Washington (Seattle)
- C. 2:07-CV-00688
- D. Judge Thomas S. Zilly

36. A. *Linda Weitz, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*
- B. United States District Court for the Western District of Washington (Seattle)
- C. 2:07-CV-00684
- D. Judge Ricardo S. Martinez

- ✓ 37. A. *Richard Schwinger, Individually and all other Persons Similarly Situated v. Menu Foods; Menu Foods Income Fund; Menu Foods Gen Par Limited; Menu Foods Limited Partnership; Menu Foods Operating Partnership; Menu Foods Midwest Corp; Menu Foods South Dakota; Menu Foods, Inc.; Menu Foods Holdings, Inc.; Wal-Mart Stores Inc.; and Del Monte Foods, Inc.*
- B. United States District Court for the Western District of Missouri (Joplin)
- C. 3:07-CV-05041
- D. Judge Sarah W. Hays

38. A. *Tony Boyer, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

✓ B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00746

D. Judge Robert S. Lasnik

Case 3:07-cv-00706-JAH-CAB Document 34 Filed 07/02/2007 Page 35 of 4

39. A. *Norman Brenton, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

✓ B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00747

D. Judge John C. Coughenour

40. A. *Teresa Eilers, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

✓ B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00749

D. Judge Thomas S. Zilly

✓ 41. A. *Paula Monk, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

B. United States District Court for the Western District of Washington (Seattle)

C. 2:07-CV-00745

D. Judge John C. Coughenour

✓ 42. A. *Lynda Nagel, individually and on behalf of all others similarly situated v. Menu Foods, a foreign corporation*

- B. United States District Court for the Western District of Washington (Seattle)
- C. 2:07-CV-00748
- D. Judge James L. Robart
43. A. *Sarah Cavin, individually and all other Persons Similarly Situated v. Menu Foods; Menu Foods Income Fund; Menu Foods Gen Par Limited; Menu Foods Limited Partnership; Menu Foods Operating Partnership; Menu Foods Midwest Corp.; Menu Foods South Dakota; Menu Foods Holdings, Inc.; Menu Foods, Inc.; and Wal-Mart Stores, Inc.*
- B. United States District Court for the Southern District of Mississippi (Western)
- C. 5:07-CV-00105
- D. Judge David C. Bramlette, III
44. A. *Dixie Keller, on behalf of herself and all others similarly situated v. Menu Foods Limited; Menu Foods Inc.; Menu Foods Midwest Corporation; Menu Foods Income Fund; Menu Foods South Dakota, Inc.; Menu Foods Holdings, Inc. And Does 1-100*
- B. United States District Court for the Middle District of Pennsylvania (Harrisburg)
- C. 1:07-CV-00929
- D. Judge Sylvia H. Rambo
45. A. *Diane Lowery, individually and on behalf of a class of similarly situated persons v. Menu Foods Income Fund; Menu Foods Limited Partnership; Menu Foods Midwest Corp.; Menu Foods South Dakota; Menu Foods, Inc.; and Menu Foods Holdings, Inc.*
- B. United States District Court for the Northern District of California (San Francisco)
- C. 3:07-CV-02665
- D. Judge Elizabeth D. Laporte

46.

A. *John Colliard, as an individual consumer, and on behalf of all others similarly situated v. Menu Foods, Inc., a New Jersey corporation and Chemnutra, Inc., a Delaware corporation*

B. United States District Court for the Southern District of California (San Diego)

C. 3:07-CV-00951

Case 3:07-cv-00706-JAH-CAB Document 34 Filed 07/02/2007 Page 37 of 4

D. Judge Irma E. Gonzalez

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

MAY 31 2007

FILED
CLERK'S OFFICE

**BEFORE THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

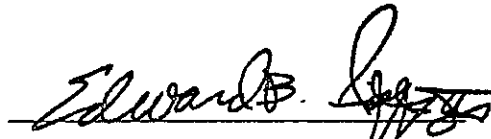
**IN RE PET FOOD
PRODUCTS LIABILITY LITIGATION**

MDL Docket No. 1850

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CERTIFICATION OF SERVICE

The undersigned certifies that Defendant's: Notice of Potential Tag-Along Actions was filed with the Judicial Panel on Multidistrict Litigation this 31st Day of May, 2007. Notice of this filing was sent to the parties as listed on the attached Judicial Panel on Multidistrict Litigation-Panel Attorney Service List by U.S. Mail from One South Wacker Drive, Chicago, Illinois.



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JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

(Panel Attorney Service List for MDL 1,850 Continued)

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Case 3:07-cv-00706-JAH-CAB Document 34

Filed 07/02/2007

Page 39 of 4

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Note: Please refer to the report title page for complete report scope and key.

Judicial Panel on Multidistrict Litigation - Panel Attorney Service List

Docket: 1850 - In re Per Food Products Liability Litigation

Status: Pending on //

Transferred District: Judge:

Printed on 05/24/2007

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8 MENU FOODS HOLDING, INC.

9 Case 3:07-cv-00706-JAH-CAB Document 34 Filed 07/02/2007 Page 41 of 4

10
11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

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

15 Plaintiffs,

16 v.

17 MENO FOODS HOLDING, INC., THE
18 JAMS COMPANY, and DOES 1 through
19 100, inclusive,

20 Defendants.

CASE NO. 07cv0706 JAH (CAB)

**PROOF OF SERVICE BY
MAIL/ELECTRONIC NOTICE**

TRIAL DATE: No Date Set

21 I, the undersigned, declare:

22 I am a resident of the State of California and over the age of eighteen years, and not a
23 party to the within action; my business address is 401 West "A" Street, Suite 2600, San Diego,
24 California 92101. On July 2, 2007, I served the within documents:

25 **NOTICE OF MULTIDISTRICT CONSOLIDATION PURSUANT TO
26 28 U.S.C. § 1407 AND REQUEST TO
27 MAINTAIN STAY**

28 on the interested parties in this action, by placing true copies thereof in a separate
envelope addressed to each addressee, respectively, as follows:

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(BY ELECTRONIC FILING): I am familiar with the United States District Court, Southern District of California's practice for collecting and processing electronic filings. Under that practice, documents are electronically filed with the court. The court's CM/ECF system will generate a Notice of Electronic Filing (NEF) to the filing party, the assigned judge, and any registered users in the case. The NEF will constitute service of the document. Registration as a CM/ECF user constitutes consent to electronic service through the court's transmission facilities. Under said practice, the following CM/ECF users were served:

~~SEE NEXT PAGE~~ Case 07-cv-00706-JAH-CAB Document 34 Filed 07/02/2007 Page 42 of 4

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1 I am readily familiar with the firm's practice of collection and processing correspondence
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3 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
4 motion of the party served, service is presumed invalid if postal cancellation date or postage
5 meter date is more than one day after date of deposit for mailing in affidavit.

6 I declare under penalty of perjury under the laws of the State of California that the above
7 is true and correct. Executed on July 2, 2007, at San Diego, California. Case 3:07-cv-00706-JAH-CAB Document 34 Filed 07/02/2007 Page 44 of 4

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