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8 Attorneys for Defendant
9 MENU FOODS HOLDING, INC.

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

20 Defendants.

CASE NO. 07 CV 0706 BTM (POR)

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

CTROOM: 15
JUDGE: Hon. Barry Ted Moskowitz
TRIAL DATE: No Date Set

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

- 23 1. *Payne/Bartilucci v. Menu Foods, Inc.*, 07 CV 0705 JAH (CAB).

24 In these matters, the plaintiffs contend that their pets were injured and/or died following
25 their consumption of Defendant's products (specifically certain brands of dog and cat food).
26 Defendant submits that these matters: (1) arise from the same or substantially identical
27 happenings or events (the consumption of Defendant's products which is alleged to have caused
28 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.

802365.1

1 MENU FOODS, INC. has filed a Notice of Related Cases in the matter of
2 *Payne/Bartilucci v. Menu Foods, Inc.*, 07 CV 0705 JAH (CAB) and requested that the “low
3 number” rule be invoked for these two matters.

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5 DATED: April 19, 2007

HIGGS, FLETCHER & MACK LLP

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7 By: /s/Susan M. Hack

8 SUSAN M. HACK, ESQ.
9 Attorneys for Defendant
10 MENU FOODS HOLDING, INC.
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