

## **EXHIBIT D**

**UNITED STATES OF AMERICA**  
**JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**CHAIRMAN:**  
Judge Wm. Terrell Hodges  
United States District Court  
Middle District of Florida

**MEMBERS:**  
Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Judge Kathryn H. Vratil  
United States District Court  
District of Kansas

Judge David R. Hansen  
United States Court of Appeals  
Eighth Circuit

Judge Anthony J. Scirica  
United States Court of Appeals  
Third Circuit

**DIRECT REPLY TO:**

Jeffery N. Lüthi  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-255, North Lobby  
Washington, D.C. 20002

Telephone: [202] 502-2800  
Fax: [202] 502-2888

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April 12, 2007

**NOTICE OF HEARING SESSION**

Dear Counsel:

Pursuant to the order of the Judicial Panel on Multidistrict Litigation filed today, you are hereby notified that a hearing session has been scheduled to consider various matters pursuant to 28 U.S.C. § 1407.

**DATE OF HEARING SESSION:** May 31, 2007

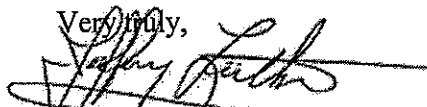
**LOCATION OF HEARING SESSION:** Lloyd D. George United States Courthouse  
Courtroom 7C, 7th Floor  
333 Las Vegas Boulevard South  
Las Vegas, Nevada 89101

**TIME OF HEARING SESSION:** In those matters designated for oral argument, counsel presenting oral argument must be present at **8:30 a.m.** in order for the Panel to allocate the amount of time for oral argument. Oral argument will commence at **9:30 a.m.**

Please direct your attention to the enclosed Hearing Session Order and Schedule of Matters for Hearing Session for a listing of the matters scheduled for consideration at this hearing session.

- Section A of this Schedule lists the matters designated for oral argument.
- Section B of this Schedule lists the matters that the Panel has determined to consider **without oral argument**, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001).

For those matters listed on Section A of the Schedule, the enclosed blue "Notice of Presentation or Waiver of Oral Argument" must be returned to this office no later than **May 14, 2007**. Note the procedures governing Panel oral argument which are outlined on the enclosed "Procedures for Oral Argument before the Judicial Panel on Multidistrict Litigation." These procedures are strictly adhered to and your cooperation is appreciated.

Very truly,  
  
Jeffery N. Lüthi  
Clerk of the Panel

c: Clerk, U.S. District Court for the District of Nevada

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JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION  
FILED

APRIL 12, 2007

JEFFERY N. LÜTHI  
CLERK OF THE PANEL

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**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

***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***

### **HEARING SESSION ORDER**

IT IS ORDERED that on May 31, 2007, a hearing session will be held in Las Vegas, Nevada, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

IT IS FURTHER ORDERED that at said hearing session the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section A of the attached Schedule shall be designated for oral argument.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section B of the attached Schedule shall be considered without oral argument, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001). The Panel reserves the prerogative, on any basis including submissions of parties pursuant to Panel Rule 16.1(b), to issue a subsequent notice designating any of those matters for oral argument.

IT IS FURTHER ORDERED that the Clerk of the Judicial Panel on Multidistrict Litigation shall direct notice of this hearing session to counsel for all parties involved in the matters on the attached Schedule.

FOR THE PANEL:



Wm. Terrell Hodges  
Chairman

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SCHEDULE OF MATTERS FOR HEARING SESSION  
May 31, 2007 -- Las Vegas, Nevada

SECTION A  
MATTERS DESIGNATED FOR ORAL ARGUMENT

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MDL-1835 -- In re Brian L. Roberts Litigation

Motion of plaintiff Brian L. Roberts for centralization of the following actions in the United States District Court for the Southern District of New York:

Southern District of New York

*Brian L. Roberts v. Sony Corp., et al.*, C.A. No. 1:06-6337

District of Utah

*Brian L. Roberts v. Sony, et al.*, C.A. No. 2:04-673

MDL-1836 -- In re Mirapex Products Liability Litigation

Motion of defendants Boehringer Ingelheim Pharmaceuticals, Inc., and Pfizer Inc. for centralization of the following actions in the United States District Court for the Southern District of New York or, in the alternative, the United States District Court for the District of Connecticut or other suitable United States district court:

Northern District of California

*Therese Bottiglieri v. Pfizer Inc., et al.*, C.A. No. 3:06-3248

District of Maryland

*William David Livingston, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 1:06-1887

District of Minnesota

*Gary Selinsky, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-873  
*Robert M. Zwayer, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-874

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MDL-1836 (Continued)

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District of Minnesota (Continued)

*Michael A. Dubaich, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-875  
*Donald J. Nelsen v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-876  
*Larry Webb, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-898  
*Timothy Harms v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*, C.A. No. 0:06-899  
*Timothy L. Estep v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-900  
*Mary Conway v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*, C.A. No. 0:06-901  
*Dennis M. Scharpen, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-1206  
*Gary E. Charbonneau, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-1215  
*Todd R. Cain v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*, C.A. No. 0:06-1582  
*Manuel A. Quintela, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-1675  
*Thaddeus R. Fayard v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-2144  
*Hylton H. Dodd v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-2145  
*Michael W. Averitt, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-2194  
*William F. Courtney, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-2546  
*Richard I. Bloom, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-2577  
*Joyce A. Anderson v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-2578  
*Kathleen R. Frye, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-2662  
*Cynthia Harris, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-3009

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MDL-1836 (Continued)

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District of Minnesota (Continued)

*Daniel M. Hayward, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3180  
*Daniel F. Neal v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,* C.A. No. 0:06-3182  
*Peggy J. Bronson v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3254  
*Theresa R. Seaman, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3255  
*Madeline J. Vingers v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3284  
*Irene M. Conejo v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3519  
*Melody S. Erickson v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3526  
*Alan Kite, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3527  
*George P. Wagner v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3537  
*Gordon J. Haughey, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3539  
*Stella C. Rush, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3544  
*Carl M. Milam, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3778  
*Floyd Wayne Kanuch v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3839  
*Rick James Berger v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-4358  
*Mark Mayer v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,* C.A. No. 0:06-4366  
*Resa King, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-4502  
*George Konrad v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-4699  
*Steven Purser, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-4783

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District of Minnesota (Continued)

*Barbara Goldman, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4784  
*James Holmes, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4785  
*Florene D. Saracco v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4827  
*Greg Stutz v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*, C.A. No. 0:06-4828  
*Thomas M. Celorie v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4868  
*Maryann J. Deleo, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4869  
*William Chamberlain, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4870  
*Ronald P. Markel, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4871  
*Hilarie Pearce v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*, C.A. No. 0:06-4944  
*Linda Michels, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4945  
*David Emery, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4946  
*Richard Scott Brown v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4947  
*William Gage, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4948  
*Carolyn Paulette Shows, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4949  
*Michele C. Glancy, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-5123  
*Tza Ping Aliya Lee, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:07-39

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Western District of Missouri

*Wayne Jackson, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 4:06-969

Western District of Washington

*Matthew Andresen, et al. v. Pfizer Inc., et al.*, C.A. No. 2:06-1413

MDL-1837 -- In re BMW Subframe Marketing and Sales Practices Litigation

Motion of plaintiff Scott Halperin for centralization of the following actions in the United States District Court for the District of New Jersey:

Central District of California

*Eric Bacca, et al. v. BMW of North America, LLC*, C.A. No. 2:06-6753

Middle District of Florida

*Frances Perrone v. BMW of North America, LLC*, C.A. No. 8:06-2045

Southern District of Mississippi

*Jaime Moore v. BMW of North America, LLC*, C.A. No. 4:06-139

District of New Jersey

*Lyndsay Alpert, et al. v. BMW of North America, LLC*, C.A. No. 2:06-5198

MDL-1838 -- In re TJX Companies, Inc., Customer Data Security Breach Litigation

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Motion of plaintiffs Julie Buckley, et al., for centralization of the following actions in the United States District Court for the District of Massachusetts:

Northern District of Alabama

*Jo Wood, et al. v. TJX, Inc., et al.*, C.A. No. 2:07-147

District of Massachusetts

*Paula G. Mace v. TJX Companies, Inc.*, C.A. No. 1:07-10162

*Amerifirst Bank v. TJX Companies, Inc., et al.*, C.A. No. 1:07-10169

*Julie Buckley, et al. v. TJX Companies, Inc.*, C.A. No. 1:07-10209

*Thomas J. Gaydos v. TJX Companies, Inc., et al.*, C.A. No. 1:07-10217

District of Puerto Rico

*Patricia Miranda, et al. v. TJX, Inc., et al.*, C.A. No. 3:07-1075

MDL-1839 -- In re Pro Tem Partners, Inc., and Semico Research Corp. Contract Litigation

Motion of Pro Tem Partners, Inc., for centralization of the following actions in the United States District Court for the District of Massachusetts:

District of Arizona

*Semico Research Corp. v. Jan-Charles Fine, et al.*, C.A. No. 2:06-2475

District of Massachusetts

*Pro Tem Partners, Inc. v. Semico Research Corp.*, C.A. No. 1:05-11822

MDL-1840 -- In re Motor Fuel Temperature Sales Practices Litigation

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Motion of defendants Exxon Mobil Corp.; Hess Corp.; and Motiva Enterprises LLC for centralization of the following actions in the United States District Court for the District of New Jersey:

Northern District of California

*Mark Rushing, et al. v. Alon USA, Inc., et al.*, C.A. No. 3:06-7621

District of Kansas

*Zachary Wilson, et al. v. Ampride, Inc., et al.*, C.A. No. 2:06-2582  
*American Fiber & Cabling LLC, et al. v. BP Corp. North America, Inc., et al.*,  
C.A. No. 2:07-2053

Western District of Kentucky

*Keen Exploration, LLC, et al. v. Amoco Oil Co., et al.*, C.A. No. 5:07-14

Western District of Missouri

*Victor VanDyne v. Murphy Oil USA, Inc., et al.*, C.A. No. 2:06-4302  
*Ditzfeld Transfer, Inc. v. Pilot Travel Centers, LLC, et al.*, C.A. No. 2:07-4025  
*James Vanderbilt v. BP Corp. North America, Inc., et al.*, C.A. No. 4:06-1052  
*Brent Donaldson, et al. v. BP Corp. North America, Inc., et al.*, C.A. No. 4:07-93

District of New Jersey

*Richard Galauski, et al. v. Amerada Hess Corp., et al.*, C.A. No. 3:06-6005

Western District of Oklahoma

*Craig Massey, et al. v. BP Corp. North America, Inc., et al.*, C.A. No. 5:07-102  
*Cynthia J. Cary, et al. v. BP Corp. North America, Inc., et al.*, C.A. No. 5:07-155

Western District of Tennessee

*Diane Foster, et al. v. BP North America Petroleum, Inc., et al.*, C.A. No. 2:07-2059

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MDL-1841 -- In re Wells Fargo Loan Processor Overtime Pay Litigation

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Motion of defendant Wells Fargo Home Mortgage for centralization of the following actions in the United States District Court for the District of Kansas:

Northern District of California

*Mary Basore, et al. v. Wells Fargo Home Mortgage, et al.*, C.A. No. 3:07-461

District of Kansas

*Trudy Bowne, et al. v. Wells Fargo Home Mortgage*, C.A. No. 2:06-2020

MDL-1842 -- In re Kugel Mesh Hernia Patch Products Liability Litigation

Motion of plaintiffs Sonia Montiel, et al., for centralization of certain of the following actions in the United States District Court for the District of Rhode Island and motion of plaintiffs Lilyan Kathleen Hall, et al., for centralization of the following actions in the United States District Court for the Northern District of Alabama:

Northern District of Alabama

*Lilyan Kathleen Hall, et al. v. Davol, Inc., et al.*, C.A. No. 3:07-480

Eastern District of Arkansas

*Carolene Jean Carter v. Davol, Inc., et al.*, C.A. No. 4:06-1012

Western District of Arkansas

*Mary Jane Campbell v. Davol, Inc., et al.*, C.A. No. 5:06-5154

Eastern District of California

*Daniel Poston, et al. v. Davol, Inc.*, C.A. No. 2:07-32

Northern District of Florida

*Jane R. Wilson v. Davol, Inc., et al.*, C.A. No. 3:06-541

MDL-1842 (Continued)

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Central District of Illinois

*James Daniel Mathien v. Davol, Inc., et al.*, C.A. No. 2:07-2031

Eastern District of Missouri

*Timothy J. Edgar v. Davol, Inc.*, C.A. No. 4:06-1471

District of New Jersey

*Jenine Von Essen v. C.R. Bard, Inc., et al.*, C.A. No. 2:06-4786

Eastern District of New York

*Thomas D. Hyland, et al. v. Davol, Inc., et al.*, C.A. No. 2:07-1054

Southern District of New York

*Sophia Katechis, et al. v. Davol, Inc., et al.*, C.A. No. 1:07-2098

Northern District of Ohio

*Richard H. Saylor, et al. v. Davol, Inc., et al.*, C.A. No. 1:07-765

District of Rhode Island

*Sonia Montiel, et al. v. Davol, Inc., et al.*, C.A. No. 1:07-64

Middle District of Tennessee

*George Andrew Luffman v. C.R. Bard, Inc., et al.*, C.A. No. 3:07-243

MDL-1843 -- In re Schering Marketing and Sales Practices Litigation

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Motion of plaintiff United American Insurance Company for centralization of the following actions in the United States District Court for the Eastern District of Pennsylvania:

District of New Jersey

*International Brotherhood of Teamsters Local No. 331 Health & Welfare Trust Fund v. Schering-Plough Corp.*, C.A. No. 2:06-5774

Eastern District of Pennsylvania

*Blue Cross & Blue Shield of Alabama v. Schering-Plough Corp., et al.*,  
C.A. No. 2:07-568

*United American Insurance Co. v. Schering-Plough Corp., et al.*, C.A. No. 2:07-702

MDL-1844 -- In re Air Crash Near Peixoto de Azeveda, Brazil, on September 29, 2006

Motion of plaintiff Zita Swensson de Mattos for centralization of the following actions in a single United States district court:

Central District of California

*Maria Jose Miranda Bermudes Abreu, et al. v. ExcelAire Service, Inc., et al.*,  
C.A. No. 2:07-1296

Middle District of Florida

*Suely de Castro Alves Miranda, etc. v. Joseph Lepore, et al.*, C.A. No. 6:07-283

Eastern District of Missouri

*Bianca Pi Hancock, etc. v. ExcelAire Services, Inc., et al.*, C.A. No. 4:07-372

Eastern District of New York

*Patricia Abraham Barbosa Garcia, et al. v. ExcelAire Service, Inc., et al.*,  
C.A. No. 1:06-5964

*Mario De Abreu Lleras, et al. v. ExcelAire Service, Inc., et al.*, C.A. No. 2:06-6083

MDL-1844 (Continued)

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Southern District of New York

*Zita Swensson de Mattos, etc. v. ExcelAire Services, Inc., et al.*, C.A. No. 1:07-948

MDL-1845 -- In re ConAgra Peanut Butter Products Liability Litigation

Motion of plaintiffs Grady Ware, et al., for centralization of certain of the following actions in the United States District Court for the Northern District of Georgia; motion of plaintiffs Thomas B. Price, Annie Blackwell, and Jamie S. Jeffords for centralization of certain of the following actions in the United States District Court for the District of South Carolina; and motion of plaintiff Pamela Gateley, etc., for centralization of certain of the following actions in a single United States district court:

Middle District of Florida

*Marion Caldarera v. ConAgra Foods, Inc., et al.*, C.A. No. 8:07-384

Southern District of Florida

*Charles Stafford v. ConAgra Foods, Inc.*, C.A. No. 9:07-80178

Middle District of Georgia

*Karen Klepsig, et al. v. ConAgra Foods, Inc.*, C.A. No. 1:07-37

*Geoffrey Midler v. ConAgra Foods, Inc.*, C.A. No. 1:07-42

Northern District of Georgia

*Anne Cease, et al. v. ConAgra Foods, Inc.*, C.A. No. 1:07-425

*John Harper v. ConAgra Foods, Inc.*, C.A. No. 1:07-538

*Grady Ware, et al. v. ConAgra Foods, Inc.*, C.A. No. 4:07-40

Northern District of Mississippi

*Pamela Gateley, etc. v. ConAgra Foods, Inc.*, C.A. No. 2:07-35