



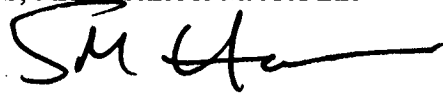
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In light of the likely imminent transfer of this case, MENU FOODS, INC. submits that a stay of further proceedings in this Court, pending transfer to the MDL, would serve the interests of judicial economy.

DATED: July 3, 2007

3 JULY 07

HIGGS, FLETCHER & MACK LLP



By: /s/ Susan M. Hack  
SUSAN M. HACK, ESQ.  
Attorneys for Defendant  
MENU FOODS, INC.



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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.<sup>1</sup> 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

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\* Judge Miller did not participate in the decision of this matter.

<sup>1</sup> 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

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## SCHEDULE A

### MDL-1850 -- In re Pet Food Products Liability Litigation

#### 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 Trolano 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, Inc.*, C.A. No. 2:07-453  
*Audrey Kornelius, et al. v. Menu Foods, Inc.*, C.A. No. 2:07-454  
*Suzanne E. Johnson, et al. v. Menu Foods, Inc.*, C.A. No. 2:07-455  
*Michele Suggett, et al. v. Menu Foods, Inc., et al.*, C.A. No. 2:07-457

**EXHIBIT B**

# MDL 1850

BEFORE THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

MAY 31 2007

FILED  
CLERK'S OFFICE

IN RE PET FOOD

PRODUCTS LIABILITY LITIGATION )

MDL Docket No. 1850

### 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:

PLEADING NO. 51

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
  - 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
  - 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, Nestlé 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

✓ 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

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
  
- 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

✓ 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
  
- 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
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
- D. Judge Irma E. Gonzalez

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

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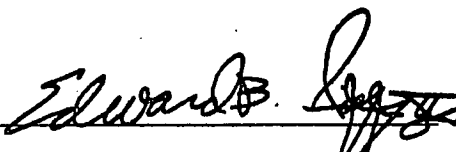
BEFORE THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

IN RE PET FOOD  
PRODUCTS LIABILITY LITIGATION

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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 31<sup>st</sup> 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.



Edward B. Ruff (IL Bar No. 6184322)

Pretzel & Stouffer, Chartered

One South Wacker Drive - Suite 2500

Chicago, Illinois 60606

Telephone: (312) 346-1973

Fax: (312) 346-8242

Attorney for Menu Foods

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION  
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(Panel Attorney Service List for MDL 1,850 Constructed)

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**ATTORNEY - FIRM**

**REPRESENTED PARTY(S)**

Karp, Adam P.  
 Animal Law Offices  
 114 West Magnolia Street  
 Suite 425  
 Bellingham, WA 98225

⇒ Phone: (360) 392-3936  
 James, Don; Suggatt, Michele

Myers, Michael David  
 Myers & Co., P.L.L.C.  
 1809 Seventh Avenue  
 Suite 700  
 Seattle, WA 98101

⇒ Phone: (206) 398-1188 Fax: (206) 408-1112  
 Whaley, Tom

Newman, Bruce E.  
 Newman, Creed & Associates  
 99 North Street, Route 6  
 P.O. Box 375  
 Bristol, CT 66011

⇒ Phone: (860) 583-5200 Fax: (860) 582-0012  
 Osborne, Laura A.; Sokolowski, Todd\*

Rottinghaus, Daniel L.  
 Berding & Weil  
 3240 Stone Valley Road West  
 Alamo, CA 94507

⇒ Phone: (925) 838-2090 Fax: (925) 820-5592  
 Swarberg, Diane\*

Ruff, III, Edward B.  
 Pretzel & Stouffer, Chrd.  
 One South Wacker Drive  
 Suite 2500  
 Chicago, IL 60608-4673

⇒ Phone: (312) 346-1973 Fax: (312) 346-8242  
 Menu Foods\*; Menu Foods Gen Par Ltd.\*; Menu Foods Holding, Inc.\*; Menu Foods Income Fund\*;  
 Menu Foods Ltd.\*; Menu Foods Ltd. Partnership\*; Menu Foods Midwest Corp.\*; Menu Foods  
 Operating Partnership\*; Menu Foods South Dakota Inc.\*; Menu Foods, Inc.\*

Savert, Sherrie R.  
 Berger & Monaghan, P.C.  
 1622 Locust Street  
 Philadelphia, PA 19103

⇒ Phone: (215) 875-3071 Fax: (215) 875-5716  
 Cohen, Mark\*; Cohen, Mona\*; Workman, Jared\*

Wal-Mart Stores, Inc.,  
 C/O Registered Agent  
 Corporation Trust Co.  
 1209 Orange Street  
 Wilmington, DE 19801-1120

⇒  
 Wal-Mart Stores, Inc.

Wexler, Kenneth A.  
 Wexler Torisova Wallace, LLP  
 One North LaSalle Street  
 Suite 2000  
 Chicago, IL 60602

⇒ Phone: (312) 346-2222 Fax: (312) 346-0723  
 Sexton, Shirley\*

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

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**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

**ATTORNEY - FIRM**

**REPRESENTED PARTY(S)**

Berman, Steve W.  
 Hagens Berman Sobol Shapiro, LLP  
 1301 Fifth Avenue  
 Suite 2900  
 Seattle, WA 98101

⇒ Phone: (206) 623-7292 Fax: (206) 623-0594  
 Heller, Stacey\*; Johnson, Suzanne H.\*; Klemm, Craig R.\*; Kornelius, Audrey\*; Mitchell, Cecily\*;  
 Mitchell, Terrence\*; Rapp, David\*; Robinson, Toineuse\*; Smith, Burt\*

Blim, John  
 Blim & Edelson, LLC  
 53 West Jackson Blvd.  
 Suite 1642  
 Chicago, IL 60604

⇒ Phone: (312) 913-9400 Fax: (312) 913-9401  
 Majorczyk, Dawn\*

Craft, Perry A.  
 Craft & Sheppard, PLC  
 The Shiloh Building  
 214 Conover Drive  
 Suite 223  
 Brentwood, TN 37027

⇒ Phone: (615) 309-1707 Fax: (615) 309-1717  
 Holt, Lizjean\*; Lefebvre, Donna\*; Leonard, Kim\*; Leroy, Debra\*

Davidson, Stuart A.  
 Lerach Coughlin Stoia Geller Rudman & Robbins, LLP  
 120 East Palmetto Park Road  
 Suite 500  
 Boca Raton, FL 33432-4809

⇒ Phone: (561) 750-3800 Fax: (561) 750-3364  
 Trojano, Christina\*

Eukanuba,  
 One Proctor & Gambie Plaza C-2  
 Cincinnati, OH 45202

⇒  
 Eukanuba

Hatfield, Jason Matthew  
 Lundy & Davis, LLP  
 300 North College Avenue  
 Suite 309  
 Fayetteville, AR 72701

⇒ Phone: (479) 527-3921 Fax: (479) 587-9196 Email: jhatfield@lundydavis.com  
 Sims, Charles Ray\*; Sims, Pamela\*

Hutchinson, Jeremy Y.  
 Patton, Roberts, McWilliams & Capshaw, LLP  
 Stephens Building  
 111 Center Street  
 Suite 1315  
 Little Rock, AR 72201

⇒ Phone: (501) 372-3480 Fax: (501) 372-3488  
 Widen, Barbara\*; Widen, Richard Scott\*

Ireland, D. Jeffrey  
 Faruki, Ireland & Cox, P.L.L.  
 500 Courthouse Plaza, S.W.  
 10 North Ludlow Street  
 Dayton, OH 45402

⇒ Phone: (937) 227-3710 Fax: (937) 227-3749 Email: djireland@farukinc.com  
 Iams Co.\*

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





# MDL 1850

BEFORE THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

MAY 31 2007

FILED  
CLERK'S OFFICE

IN RE PET FOOD  
PRODUCTS LIABILITY LITIGATION )

MDL Docket No. 1850

## 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:

PLEADING NO. 51

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
  - 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
- 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 LAMS 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
- ✓ 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

✓ 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
  
- ✓ 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

✓ 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
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

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
- D. Judge Irma E. Gonzalez

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

MAY 31 2007

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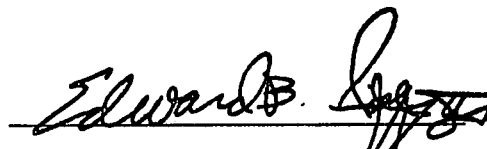
**BEFORE THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION**

**IN RE PET FOOD  
PRODUCTS LIABILITY LITIGATION**

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 31<sup>st</sup> 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.



Edward B. Ruff (IL Bar No. 6187322)

Pretzel & Stouffer, Chartered

One South Wacker Drive - Suite 2500

Chicago, Illinois 60606

Telephone: (312) 346-1973

Fax: (312) 346-8242

Attorney for Menu Foods

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JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

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 05/24/2007 13:17 FAX 2025022888

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

Page 2

**ATTORNEY - FIRM**

**REPRESENTED PARTY(S)**

Karp, Adam P.  
 Animal Law Offices  
 114 West Magnolia Street  
 Suite 425  
 Bellingham, WA 98225

⇒ Phone: (360) 392-3936  
 James, Don; Suggott, Michela

Myers, Michael David  
 Myers & Co., P.L.L.C.  
 1809 Seventh Avenue  
 Suite 700  
 Seattle, WA 98101

⇒ Phone: (206) 398-1188 Fax: (206) 400-1112  
 Whaley, Tom

Newman, Bruce E.  
 Newman, Creed & Associates  
 99 North Street, Route 6  
 P.O. Box 575  
 Bristol, CT 66011

⇒ Phone: (860) 583-5200 Fax: (860) 582-0012  
 Osborne, Lauri A.; Sokolowski, Todd\*

Rottinghaus, Daniel L.  
 Berding & Wolf  
 3240 Stone Valley Road West  
 Alamo, CA 94507

⇒ Phone: (925) 838-2090 Fax: (925) 820-5592  
 Swarborg, Diane\*

Ruff, III, Edward B.  
 Pretzel & Stouffer, Chd.  
 One South Wacker Drive  
 Suite 2500  
 Chicago, IL 60606-4673

⇒ Phone: (312) 346-1973 Fax: (312) 346-8243  
 Menu Foods\*; Menu Foods Gen Pwr Ltd.\*; Menu Foods Holding, Inc.\*; Menu Foods Income Fund\*;  
 Menu Foods Ltd.\*; Menu Foods Ltd. Partnership\*; Menu Foods Midwest Corp.\*; Menu Foods  
 Operating Partnership\*; Menu Foods South Dakota Inc.\*; Menu Foods, Inc.\*

Savert, Sherris R.  
 Berger & Montague, P.C.  
 1622 Locust Street  
 Philadelphia, PA 19103

⇒ Phone: (215) 875-3071 Fax: (215) 875-5716  
 Cohen, Mark\*; Cohen, Mona\*; Workman, Jared\*

Wal-Mart Stores, Inc.,  
 C/O Registered Agent  
 Corporation Trust Co.  
 1209 Orange Street  
 Wilmington, DE 19801-1120

⇒ Wal-Mart Stores, Inc.

Wexler, Kenneth A.  
 Wexler Tarascova Wallace, LLP  
 One North LaSalle Street  
 Suite 2000  
 Chicago, IL 60602

⇒ Phone: (312) 346-2222 Fax: (312) 346-0023  
 Sexton, Shirley\*

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

05/24/07 14:13 FAX  
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**Judicial Panel on Multidistrict Litigation - Panel Attorney Service List**

Page 1

Docket: 1850 - In re Pet Food Products Liability Litigation

Status: Pending on / /

Transferee District: Judge:

Printed on 05/24/2007

**ATTORNEY - FIRM**

**REPRESENTED PARTY(S)**

Berman, Steve W.  
 Hagens Berman Sobol Shapiro, LLP  
 1301 Fifth Avenue  
 Suite 2900  
 Seattle, WA 98101

⇒ Phone: (206) 623-7292 Fax: (206) 623-0594  
 Heller, Stacy\*; Johnson, Suzanne E.\*; Klemm, Craig R.\*; Kornelius, Audrey\*; Mitchell, Cecily\*;  
 Mitchell, Terrence\*; Rapp, David\*; Robinson, Toinette\*; Smith, Burt\*\*

Blin, John  
 Blin & Edelson, LLC  
 53 West Jackson Blvd.  
 Suite 1642  
 Chicago, IL 60604

⇒ Phone: (312) 913-9400 Fax: (312) 913-9401  
 Majerczyk, Dawn\*

Craft, Perry A.  
 Craft & Sheppard, PLC  
 The Shiloh Building  
 214 Conservview Drive  
 Suite 223  
 Brentwood, TN 37027

⇒ Phone: (615) 309-1707 Fax: (615) 309-1717  
 Holt, Lizajean\*; Lafeyvre, Donna\*; Leonard, Kim\*; Leroy, Debra\*

Davidson, Smart A.  
 Lerach Coughlin Stoia Geller Rudman & Robbins, LLP  
 120 East Palmetto Park Road  
 Suite 500  
 Boca Raton, FL 33432-4809

⇒ Phone: (561) 750-3000 Fax: (561) 750-3364  
 Troiano, Christian\*

Eukanuba,  
 One Proctor & Gamble Plaza C-2  
 Cincinnati, OH 45202

⇒  
 Eukanuba

Hatfield, Jason Matthew  
 Lundy & Davis, LLP  
 300 North College Avenue  
 Suite 309  
 Fayetteville, AR 72701

⇒ Phone: (479) 527-3921 Fax: (479) 587-9196 Email: jhatfield@lundydavis.com  
 Sims, Charles Ray\*; Sims, Pamela\*

Hutchinson, Jeremy Y.  
 Patton, Roberts, McWilliams & Capshaw, LLP  
 Stephens Building  
 111 Center Street  
 Suite 1315  
 Little Rock, AR 72201

⇒ Phone: (501) 372-3480 Fax: (501) 372-3488  
 Widen, Barbara\*; Widen, Richard Scott\*

Ireland, D. Jeffrey  
 Faruki, Ireland & Cox, P.L.L.  
 500 Courthouse Plaza, S.W.  
 10 North Ludlow Street  
 Dayton, OH 45402

⇒ Phone: (937) 227-3710 Fax: (937) 227-3749 Email: djireland@ficidll.com  
 Inns Co.\*

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



1 SUSAN M. HACK, ESQ. (Bar No. 145347)  
STEPHEN T. PELLETIER, ESQ. (Bar No. 231236)  
2 HIGGS, FLETCHER & MACK LLP  
401 West A Street, Suite 2600  
3 San Diego, CA 92101-7913  
TEL: 619.236.1551  
4 FAX: 619.696.1410

5 Attorneys for Defendant  
MENU FOODS, INC.

6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10  
11 HAYLEY FORD and SHANNON J.  
12 KRAMER, individually, for class members,  
and on behalf of other members of the public  
similarly situated,

13  
14 Plaintiffs,

15 v.

16 MENU FOODS INCOME FUND; MENU  
FOODS MIDWEST CORPORATION;  
17 MENU FOODS SOUTH DAKOTA, INC.;  
MENU FOODS, INC.; ETC., ET AL.

18 Defendants.

CASE NO. 07cv0734 JAH(CAB)

**PROOF OF SERVICE BY MAIL**

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

19 I, the undersigned, declare:

20 I am a resident of the State of California and over the age of eighteen years, and not a  
21 party to the within action; my business address is 401 West "A" Street, Suite 2600, San Diego,  
22 California 92101. On July 3, 2007 I served the within documents:

23 **NOTICE OF MULTIDISTRICT CONSOLIDATION PURSUANT TO 28 U.S.C.**  
24 **§1407 AND REQUEST TO MAINTAIN STAY**

25 on the interested parties in this action, by placing true copies thereof in a separate  
26 envelope addressed to each addressee, respectively, as follows:  
27  
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By transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. A copy of the transmission report issued by the transmitting facsimile machine is attached hereto.

(BY MAIL): I deposited such envelope in the mail at San Diego, California. The envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit or mailing in affidavit. (CCP §§ 1013, 2015.5.)

**Rene Barge, Esq.  
Katherine J. Odenbreit, Esq.  
CLASS ACTION LITIGATION GROUP  
11111 Santa Monica Blvd., Suite 1000  
Los Angeles, CA 90025-3344  
Tel: (310) 481-9851  
Fax: (310) 479-7051**

**Attorneys for Plaintiffs HAYLEY FORD  
and SHANNON J. KRAMER, etc.**

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 3, 2007, at San Diego, California.

  
\_\_\_\_\_  
DIANA ZOTTOLO