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5

6 Attorneys for Plaintiffs HAYLEY FORD and SHANNON J. KRAMER, individually and  
on behalf of other members of the public similarly situated

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

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

13 Plaintiffs, )

14 vs. )

15 )  
16 MENU FOODS INCOME FUND; MENU )  
17 FOODS MIDWEST CORPORATION, )  
18 MENU FOODS SOUTH DAKOTA INC., )  
19 MENU FOODS, INC., MENU FOODS )  
20 HOLDINGS, INC.; DEL MONTE FOODS )  
COMPANY; NESTLE PURINA )  
PETCARE COMPANY, HILLS PET )  
21 NUTRITION; NUTRO PRODUCTS, INC. )

22 Defendants. )  
23  
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**CASE NO. 07cv0734 JAH(CAB)**

**PLAINTIFFS' RESPONSE TO  
DEFENDANT'S NOTICE OF  
MULTIDISTRICT CONSOLIDATION  
AND REQUEST TO MAINTAIN STAY**

**CTROM: 11  
JUDGE: Hon. John A. Houston  
TRIAL DATE: None Set**

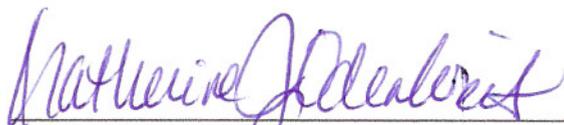
1 **TO THE HONORABLE UNITED STATES DISTRICT JUDGE AND TO**  
2 **ALL PARTIES:**

3 On July 3, 2007, Defendant MENU FOODS filed with the Court a Notice of  
4 Multidistrict Consolidation Pursuant to 28 U.S.C. § 1407 and Request to Maintain Stay.  
5 Defendant requests “a stay of further proceedings in this Court, pending transfer to the  
6 MDL”. [p.2, Def’s Notice]. Plaintiffs’ object to this request for the following reasons:

- 7 1. There has been no stay issued in this case.
- 8 2. This Notice does not comply with Local Rule 7.1(e)(1) which requires at  
9 least 28 days notice of any matter requiring the Court’s ruling.
- 10 3. A stay is not “imminent” and the transfer of this case has not yet been  
11 determined by the Multidistrict Litigation Panel. Plaintiffs have 15 days to  
12 file an Objection to the Conditional Transfer and prompt additional pleadings  
13 and another hearing before the MDL Panel. Plaintiffs are still evaluating this  
14 possibility.
- 15 4. Plaintiffs intend to file an Amended Complaint in this action prior to any  
16 transfer ordered by the MDL Panel.

17 For the foregoing reasons, Plaintiffs object and opposed Defendant’s request for a  
18 stay of these proceedings.

19 Dated: July 9, 2007

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**CERTIFICATE OF SERVICE**

I, Katherine Odenbreit, declare as follows:

I am employed in the County of Los Angeles, State of California. My business address is 11111 Santa Monica Blvd., Suite 1000, Los Angeles, CA 90025. I am over the age of 18 years and not a party to the above-captioned matter.

On July 9, 2007, I served on the interested parties in said action a full, true and correct copy of the following:

**1. PLAINTIFFS' RESPONSE TO DEFENDANT MENU FOODS' NOTICE OF MULTIDISTRICT CONSOLIDATION AND REQUEST TO MAINTAIN STAY.**

[xx] **EMAIL:** By attaching a PDF of the original to an electronic email address through the California Southern District Court's ECF filing system, to the email address(es) provided to the California Southern District Court by the parties and in accordance with the agreement signed by all parties with the Court, to the following:

Susan Hack  
Stephen T. Pelletier  
HIGGS, FLETCHER & MACK LLP  
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San Diego, CA 92101-7913  
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I declare that I am employed in the office of a member of the California State Bar who is permitted to practice before this Court, at whose direction the service stated above was made, and declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 9<sup>th</sup> day of July, 2007 at Los Angeles, California.

Katherine Odenbreit