

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-736-JLK

EMILY TOMPKINS, individually and on behalf all others similarly situated,

Plaintiff,

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 SAFEWAY INC., THE KROGER CO., PETCO ANIMAL SUPPLIES, INC., PETCO ANIMAL SUPPLIES STORES, INC., and JOHN DOES 1 THROUGH 100,

Defendants.

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**ORDER GRANTING DEFENDANTS' MOTION TO STAY ALL PROCEEDINGS**

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THIS MATTER is before the Court on Defendants, MENU FOODS MIDWEST CORPORATION, MENU FOODS INCOME FUND, MENU FOODS LIMITED, MENU FOODS INC., and MENU FOODS HOLDINGS, INC.'s (collectively referred to as "Defendants"), Motion to Stay All Proceedings (doc. #2), filed April 20, 2007. It is

**ORDERED** that Motion is **GRANTED**. This case is **STAYED** pending the transfer decision by the Judicial Panel on Multidistrict Litigation on Defendants' Motion for Coordinated Pre-Trial Proceedings and a determination of class certification by the transferor court. All parties shall, during the pendency of the stay of this matter, comply with their duty to preserve all evidence that may be relevant to this action. This duty extends to documents, electronic data, and tangible things in the possession, custody and control of the parties to this action, and any employees, agents,

contractors, or carriers who possess materials reasonably anticipated to the subject of discovery in this action. "Preservation" is to be interpreted broadly to accomplish the goal of maintaining the integrity of all documents, data and tangible things reasonably anticipated to be the subject of discovery under Fed. R. Civ. P. 26, 45 and 56(e) in this action. Preservation includes taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of such material, as well as negligent or intentional handling that would make material incomplete or inaccessible. If the business practices of any party involve the routine destruction, recycling, relocation, or mutation of materials, the party must, to the extent practicable for the pendency of this order, either:

- i) halt such business practices;
- ii) sequester or remove such material from the business process; or
- iii) arrange for the preservation of complete and accurate duplicates or copies of

such material, suitable for later discovery if requested.

Dated this 8<sup>th</sup> day of May, 2007.

BY THE COURT:

*S/John L. Kane*  
U.S. District Court Judge