

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

Case No: 6:07-CV-803-ORL-18KRS

GEORGE BIRNEY and  
AUDREY BIRNEY,

Plaintiffs,

vs.

MENU FOODS, INC., *et al.*,

Defendant.

---

**ORDER GRANTING DEFENDANT'S  
MOTION TO STAY ALL PROCEEDINGS**

THIS MATTER having come before the Court upon Defendant's, MENU FOODS INC., Motion to Stay All Proceedings, and the Court having reviewed the record, upon agreement of the parties, and being duly advised in the premises, it is hereby

**ORDERED AND ADJUDGED** that Defendant's, MENU FOODS, Motion to Stay All Proceedings is **GRANTED** pending the transfer decision by the Judicial Panel on Multidistrict Litigation in the case styled *In re Pet Food Products Liability Litigation*, MDL No. 1850, 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

{RDM/013804.0109/L4124521\_1 }

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 involves 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.

**DONE AND ORDERED** in Orlando, Florida this \_\_\_\_ day of May 2007.

---

United States District Court Judge

Copies furnished:  
Counsel of Record

**BIRNEY v. MENU FOODS**  
**SERVICE LIST – 6:07-CV-803-ORL-18KRS**

Luis G. Figueroa, Esq.  
Martinez, Manglardi, Diez-Arguelles & Tejedor  
Attorneys Trial Group  
540 N. Semoran Boulevard  
Orlando, Florida 32807  
P: 407-381-4123  
[lfigueroa@attorneystrialgroup.com](mailto:lfigueroa@attorneystrialgroup.com)

*Attorneys for Plaintiffs*

---

Robert D. McIntosh, Esq.  
Adorno & Yoss, LLP  
888 Southeast 3<sup>rd</sup> Avenue, Suite 500  
Fort Lauderdale, Florida 33316  
P: 954-523-5885  
[rdm@adorno.com](mailto:rdm@adorno.com)

*Attorneys for Defendant, Menu Foods, Inc.*