

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA
DIVISION

CIVIL RIGHTS COMPLAINT FORM
TO BE USED BY PRO SE (NON-PRISONER) LITIGANTS IN ACTIONS
UNDER 28 U.S.C. § 1331 or § 1346 OR 42 U.S.C. § 1983

DEBRA Lynn Waldhauer
Satona Waldhauer, Baby Waldhauer (cat)
(Enter full name of Plaintiff(s))

vs.

CASE NO: 3.07cv131/MCR/EMT
(To be assigned by Clerk)

MENU Foods INC.
MENU Foods Income Fund
Wal-mart Corporation

WALDHAUER et al v. MENU FOODS INC et al

Doc. 1

(Enter name and title of each Defendant.
If additional space is required, use the
blank area below and directly to the right.)

ANSWER ALL QUESTIONS ON THE FOLLOWING PAGES:

CLERK
U.S. DISTRICT CT.
NORTHERN DIST. FLA.
PENSACOLA, FLA.

07 MAR 26 AM 9:45

FILED

2# FLN3-568
#350

I. PLAINTIFF:

State your full name and full mailing address in the lines below.

Name of Plaintiff: Debra Lynn Waldhauer and Satoru Waldhauer
Mailing address: 159 N Audrey Circle NW
FORT Walton Beach
FLorida 32548

II. DEFENDANT(S):

State the name of the Defendant in the first line, official position in the second line, place of employment in the third line, and mailing address. Do the same for **every** Defendant:

(1) Defendant's name: Menu Foods Inc.
Official position: Private Head quarters Location
Employed at: 9130 Griffith Morgan Ln.
Mailing address: Pennsauken NJ 08110
856-662-7412 856-662-4673 fax

(2) Defendant's name: Menu Foods Income Fund
Official position: _____
Employed at: 8 Falconer Drive
Mailing address: Streetville, ON
Canada L5N 1B1

(3) Defendant's name: Wal-mart Stores, Inc
Official position: Bentonville AR 72716 → Seller of Special Kitty
Employed at: _____ Made For Wal-mart
Mailing address: _____

(4) Defendant's name: _____
Official position: _____
Employed at: _____
Mailing address: _____

ATTACH ADDITIONAL PAGES HERE TO NAME ADDITIONAL DEFENDANTS

①
 III. **STATEMENT OF FACTS:**

State briefly the FACTS of this case. Describe how each Defendant was involved and what each person did or did not do which gives rise to your claim. In describing what happened, state the names of persons involved, dates, and places. Do not make any legal arguments or cite to any cases or statutes. You must set forth separate factual allegations in separately numbered paragraphs. You may make copies of this page if necessary to supply all the facts. Barring extraordinary circumstances, no more than five (5) additional pages should be attached. (If there are facts which are not related to this same basic incident or issue, they must be addressed in a separate civil rights complaint.)

On March 14, 2007 our 5 year old cat named Baby began not eating as much. On March 15, 2007 Baby was not moving around and not eating at all. Baby began drinking a lot of water. I called my vet. Baby was admitted to Wynn Haven Vet Clinic, March 14, 2007. Dr. Jennings did blood work and said that Baby was in Kidney Failure.

On March 18, 2007 an article was in the newspaper about the pet food recall. I called the emergency phone number for our vet. Dr. Whiteside returned my call. I saw the list of recalled food. The food that Baby had eaten was on the list. We had an answer to why this indoor cat, not exposed to any chemicals was in Kidney failure.

I called menu food on that same day March 18, 2007 after 4 1/2 hours of trying I finally got thru. My name, phone number, and information was given.

I also called the food and Drug Administration on March 19, 2007, by 11:30 am, Wanda King the Florida representor called me back I gave her all the information.

Baby had her lab work completed on 4 different days. Baby was released to me on March 21, 2007. I was sent home

Continued;

III. STATEMENT OF FACTS:

State briefly the FACTS of this case. Describe how each Defendant was involved and what each person did or did not do which gives rise to your claim. In describing what happened, state the names of persons involved, dates, and places. Do not make any legal arguments or cite to any cases or statutes. You must set forth separate factual allegations in separately numbered paragraphs. You may make copies of this page if necessary to supply all the facts. Barring extraordinary circumstances, no more than five (5) additional pages should be attached. (If there are facts which are not related to this same basic incident or issue, they must be addressed in a separate civil rights complaint.)

with IV Fluids to put under Baby's skin, antibiotics, Epakitin for lowering her phosphorus, Benzazepiril Hydrochloride.

subcut
accus

Baby was also put on a special diet, KD, for less stress on the Kidneys.

made
for
Wal-mart

I purchased 36 pouches of Special Kitty Gourmet Tuna in sauce. The date code is Dec 21, 08 and the sku # 681131575447. I still have 28 pouches. Baby had eaten 8 pouches.

The damage was already done once the diagnosis was confirmed by Dr. Whitside and Dr. Jennings. We can only wait and see. This is the most heartbreaking thing to deal with. If Baby dies the FDA wants an autopsy. This information is in the vet. notes.

If an animal dies you grieve, but when one is going thru the daily routine of Fluids, medication is very different. We are daily unsure of how long she will hold on. I want a Kidney transplant for Baby. (if her kidney test level out) her medical and all the cost of Future care, (even)

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III. STATEMENT OF FACTS:

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Wynn Haven Animal Clinic
351 Woodland AVE,
Mary Esther, Florida 32569
(850) 581-2213 Dr. Whiteside or Dr. Jennings

Bloodwork FOR KIDNEY FUNCTION ON BABY

3-16-07
3-19-07
3-21-07
3-26-07

Veterinarian expenses FOR Baby

3-21-07 \$1592.24
3-22-07 \$58.00 Lab
3-24-07 \$19.00 FLUIDS

* AS OF 3-26-07 MENUFOOD HAS NOT RETURNED CALL FOR THE REPORT ON BABY

* 3-18-07 - calls TO Report
3-26-07

* FDA HAS BEEN ³ IN CONTACT, Wanda Linger, Florida Division

* AS OF THE DATE OF THIS FILING MY CAT HAS BEEN TAKE TO THE VET. HAVING PROBLEMS WITH HER.

IV. STATEMENT OF CLAIMS:

State what rights under the Constitution, laws, or treaties of the United States you claim have been violated. Be specific. Number each separate claim and relate it to the facts alleged in Section III. If claims are not related to the same basic incident or issue, they must be addressed in a separate civil rights complaint.

The makers and seller of Special Kitty pet food products, as well as many other pet food brands manufactured between Dec 04 and March 2007, have put on the market pet food that is dangerous, if not deadly, to the life of pets.

* The care of animal Long term - lifespan Unknown

* Manufacturers may have known of problem before doing recall. A case of animal becoming ill in Feb, 07

V. RELIEF REQUESTED:

State briefly what relief you seek from the Court. Do not make legal arguments or cite to cases/ statutes.

I would like Menu food and it's sellers to cover the medical vet bill already paid and any future costs, including if able a kidney transplant, The cost of anti-rejection medications. The cost of any future treatments to maintain the life of BABY

* * ALL FUTURE MEDICAL incurred and Future

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENTS OF FACT, INCLUDING ALL CONTINUATION PAGES, ARE TRUE AND CORRECT.

March 25, 2007
(Date)

Hebe Lynn Wadlin
(Signature of Plaintiff)

159 N. Audrey Circle NW
Fort Walton Beach, FL.
850-243-8974 32548
850-259-1819