

MDL 1850JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

MAR 30 2007

FILED
CLERK'S OFFICEBEFORE THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

In re:

MENU FOODS, INC. PRODUCTS
LIABILITY LITIGATION

MDL Docket No. _____

**FLORIDA PLAINTIFF CHRISTINA TROIANO'S MOTION TO TRANSFER AND
COORDINATE OR CONSOLIDATE ACTIONS UNDER 28 U.S.C. § 1407**Paul J. Geller
Stuart A. Davidson
James L. Davidson**LERACH COUGHLIN STOIA GELLER
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Facsimile: (561) 750-3364*Counsel for Florida Plaintiff Christina Troiano***OFFICIAL FILE COPY**

IMAGED APR 2 2007

JUDICIAL PANEL ON
MULTIDISTRICT
LITIGATION

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Pursuant to 28 U.S.C. § 1407 and the Rules of Procedure on Multidistrict Litigation, plaintiff in the action styled *Christina Troiano, individually and on behalf of all others similarly situated v. Menu Foods, Inc. et. al.*, Case No. 07-60428-CIV-COHN, United States District Court for the Southern District of Florida (“Troiano” or “Movant”), files this Motion and respectfully moves for an Order transferring all related pending actions against Menu Foods, Inc. and its related partners, affiliates and subsidiaries (the “Defendants”), including the actions listed on Schedule of Actions, to the Southern District of Florida.

As set forth below and in the accompanying Memorandum, Troiano believes the actions listed on the accompanying Schedule of Actions, and any future tag-along actions, satisfy the requirements for consolidation and coordination because they concern common questions of fact and law and consolidation or coordination will serve the interests of efficiency and convenience.

In support of this motion, Movants state as follows:

1. Movant is the plaintiff in the following case: *Christina Troiano, individually and on behalf of all others similarly situated v. Menu Foods, Inc. et. al.*, Case No. 07-60428-CIV-COHN which is currently pending in the United States District Court for the Southern District of Florida.
2. Movant is currently aware of six other pending class action cases containing similar factual allegations and seeking similar relief against the Defendants. The cases are listed on the attached Schedule.
3. Accompanying Movant’s Motion is a Rule 7.2(a)(ii) Schedule of Actions listing all related actions of which Movant is aware. True and correct copies of the complaints in Movant’s action and the complaints in each of the related actions are attached to the accompanying Schedule of Actions, filed herewith

4. As described in greater detail in the accompanying Memorandum, the factual allegations in each of the actions contain similar allegations regarding Defendants and their defective and ultimately deadly pet food. Each action contends that from December 3, 2006 up to and including March 6, 2007, and possibly at other times, Defendants entered into the stream of commerce pet food that was defective and, for thousands of household pets, deadly – Defendants’ pet food and pet food products (the “Products”) were contaminated with rat poison or a related agent that contributed to the illness and/or death of thousands of dogs and cats. As a result of the defective Products, each action contends that the Plaintiffs and members of the putative Class suffered damages in that they have incurred substantial veterinary bills, death of pets, and purchased and/or own pet food and pet food products that they would not otherwise have bought had they known such products were defective.

5. Each action further contends that Defendants should have known or know and have admitted that certain of the Products produced by the Defendants between December 3, 2006 and March 6, 2007 are defective and causing injury and death to pets, and on March 16, 2007, initiated a recall of some of the Products.

6. A centralization of all actions in the Southern District of Florida will be for the convenience of parties and witnesses under 28 U.S.C. §1407 and will save Defendants the burden of having to defend virtually identical actions in multiple states. Witnesses will also be spared the possibility of being required to testify in several locales.

7. Because each of these related cases arises from a virtually identical set of operative facts relating to Defendants’ conduct, discovery conducted in each of the actions proposed for consolidation will be substantially similar, and will involve the same or similar documents and witnesses.

8. Absent transfer of all of these cases to a single forum for coordinated and consolidated proceedings, there is a substantial risk of inconsistent and conflicting pretrial rulings on discovery and other key issues, such as class certification. Coordination and consolidation will promote the just and efficient conduct of the actions, because it will allow one court to address Defendants' ongoing conduct.

9. Centralization in the Southern District of Florida will also promote the just and efficient conduct of this litigation under 28 U.S.C. § 1407 as more fully set forth in the attached Memorandum.

10. These actions have all been filed on or after March 19, 2007, and are still in their nascent stages. Movant is not aware of any discovery conducted to date, and know of no initial disclosures that have been made in any of these cases. A transfer of these related cases will result in only one judge supervising discovery and resolving any subsequent motions, including motions for class certification.

11. Since all actions are in the beginning stage of the litigation, no prejudice or inconvenience would result from transfer, coordination and/or consolidation.

12. A comparison of the relative MDL case loads of potential transferee districts demonstrates that the Southern District of Florida is a suitable forum. According to the Distribution of Pending MDL Dockets as of March 26, 2007, there is only one pending MDL proceeding in the Southern District of Florida, and numerous judges who have the experience to handle MDL's (*See* Distribution of Pending MDL Dockets as of March 26, 2007, Ex. A.).

13. For these reasons, and as set forth more fully in the accompanying memorandum, Movant respectfully requests that the Panel enter an Order consolidating and coordinating the actions

identified on the accompanying Schedule together with any related actions subsequently filed or presently unknown to Movant for proceedings in the Southern District of Florida.

Respectfully submitted,

DATED: March 28, 2007

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**BEFORE THE JUDICIAL PANEL ON
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In re:

MENU FOODS, INC. PRODUCTS
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MDL Docket No. _____

**FLORIDA PLAINTIFF CHRISTINA TROIANO'S MEMORANDUM OF LAW
IN SUPPORT OF MOTION TO TRANSFER AND COORDINATE OR
CONSOLIDATE ACTIONS UNDER 28 U.S.C. § 1407**

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JUDICIAL PANEL ON
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Pursuant to 28 U.S.C. § 1407 and the Rules of Procedure on Multidistrict Litigation, Plaintiff in the action styled *Christina Troiano, individually and on behalf of all others similarly situated v. Menu Foods, Inc. et. al.*, CASE NO. 07-60428-CIV-COHN, United States District Court for the Southern District of Florida. Plaintiff Christina Troiano (“Troiano” or “Movant”), respectfully submits this Memorandum in Support of Florida Plaintiff Christina Troiano’s Motion for Transfer and Coordination or Consolidation. For the reasons set forth below, Movant’s lawsuit and the related lawsuits identified in the accompanying Schedule of Actions should be transferred to and consolidated in the Southern District of Florida.

I. INTRODUCTION

Troiano brings her class action to remedy the harm caused by the defective and deadly pet food manufactured and placed into the stream of commerce by Menu Foods, Inc. and its affiliates, partners and subsidiaries (collectively, the “Menu Foods Defendants” or “Defendants”). Defendants are the leading North American private label/contract manufacturer of wet pet food products (the “Products”) sold by supermarket retailers, mass merchandisers, pet specialty retailers, and other wholesale and retail outlets, including Wal-Mart, Safeway, Kroger, PetSmart, Inc., Giant Food, and other large retail chains, and has provided pet food products to or for Proctor & Gamble, Inc. Defendants produce hundreds of millions of containers of pet food annually.

Defendants design, manufacture, market, advertise and warrant their pet food Products. In conjunction with each sale, Defendants market, advertise and warrant that the Products are fit for the ordinary purpose for which such goods are used – consumption by pets – and are free from defects. Defendants produce the pet food Products intending that consumers will purchase the pet food products, regardless of brand or label name, place of purchase, or the location where pets actually consume them. The pet food Products are placed in the stream of commerce and distributed and

offered for sale and sold to Troiano and purchasers in Florida and the United States and fed to their pets.

From December 3, 2006 up to and including March 6, 2007, and possibly at other times, Defendants entered into the stream of commerce pet food Products that were deadly and defective — Defendants' pet food and pet food Products were potentially contaminated with rat poison or some other agent that contributed to the illness and/or death of thousands of dogs and cats. As a result of the defective Products, Troiano and members of the putative Class have suffered damages in that they have incurred substantial veterinary bills, death of pets, and purchased and/or own pet food and pet food products that they would not otherwise have bought had they known such products were defective.

Defendants know and have admitted that certain of the Products produced by the Defendants between December 3, 2006 and March 6, 2007 are defective and causing injury and death to pets, and on March 16, 2007, initiated a nationwide recall of some of the Products. Further, the Food and Drug Administration has reported that as many as one in six animals died in tests of the Products by Defendants last month after the Defendants received complaints the Products were poisoning pets around the country. A spokeswoman for the New York State Department of Agriculture and Markets has said that rodent poison was determined to have been mixed into the Products.

II. HISTORY OF THE PENDING LAWSUITS

The related actions, identified in the accompanying Schedule of Actions present common questions of law and fact, common defendants, and are brought on behalf of overlapping classes (*i.e.*, all persons and entities who suffered damages due to Defendants' defective pet food and pet food Products). Transfer and consolidation of all existing actions, and all subsequently filed related cases, to the Southern District of Florida will best serve the convenience of the parties and witnesses

and promote the just and efficient conduct of the litigation. Each related action is briefly discussed below.

On or about March 19, 2007, Tom Whaley, individually and on behalf of others similarly situated, filed the class action styled *Whaley v. Menu Foods, Inc., et. al.*, Case No. 2:07-cv-00411, in the United States District Court for the Western District of Washington (the “*Whaley Action*”). This complaint seeks damages and equitable relief for breach of contract, unjust enrichment, deceptive and unfair business practices, breach of warranties and negligent misrepresentation on behalf of a class of all persons who purchased any dog or cat food which was produced by the Defendants and/or has had a dog or cat become ill as a result of eating the food.

Also on March 19, 2007, Lizajean Holt, individually and on behalf of others similarly situated, filed the class action styled *Holt v. Menu Foods, Inc.*, Case No. 3:07-cv-00094, in the United States District Court for the Eastern District of Tennessee (the “*Holt Action*”). This complaint likewise seeks damages and equitable relief for deceptive and unfair business practices, breach of warranties and negligence on behalf of a class of all persons in the United States who purchased or fed his, her, or their cat(s) or dog(s) pet food produced or manufactured by Defendants that was or will be recalled by the Defendants, including that produced from December 3, 2006 up to and including March 6, 2007.

On or about March 20, 2007, Dawn Majerczyk, individually and on behalf of others similarly situated, filed the class action styled *Majerczyk v. Menu Foods, Inc.*, Case No. 1:07-cv-01543, in the United States District Court for the Northern District of Illinois (the “*Majerczyk Action*”). This complaint seeks damages and injunctive relief for breach of warranties and negligence on behalf of a class of herself and all others who purchased pet food in the United States that was ultimately subject to the March 16, 2007 Menu Foods recall.

On or about March 21, 2007, Charley Ray Sims and Pamela Sims, on behalf of themselves and all others similarly situated, filed the class action styled *Sims, et. al. v. Menu Foods Income Fund, et. al.*, Case No. 5:07-cv-05053, in the District Court for the Western District of Arkansas (the “*Sims Action*”). This complaint seeks damages for strict liability, fraud, breach of express and implied warranties and negligence on behalf of a class of (1) all persons or entities who purchased Menu Food brands at any time and disposed of or will not use the products based on publicity surrounding the safety and recall of the products; (2) all persons or entities who purchased Menu Foods products and fed products to their pets on or since December 6, 2006; and (3) all persons or entities who purchased Menu Food products from wholesale distributors on or since December 6, 2006.

On or about March 23, 2007, Jared Workman, and Mark and Mona Cohen, on behalf of themselves and all others similarly situated, filed the class action styled *Workman, et. al. v. Menu Foods Limited, et. al.*, Case No. 1:07-cv-01338, in the District Court for the District of New Jersey (the “*Workman Action*”). This complaint seeks damages for breach of express and implied warranties and negligence on behalf of a class of all persons in the United States who purchased any of the pet food brands manufactured by Defendants during the period commencing December 3, 2006, and ending March 6, 2007.

Also on March 23, 2007, Richard and Barbara Widen, and Mark and Mona Cohen, on behalf of themselves and all others similarly situated, filed the class action styled *Widen, et. al. v. Menu Foods, et. al.*, Case No. 5:07-cv-05055, in the District Court for the Western District of Arkansas (the “*Widen Action*”). This complaint seeks damages for strict liability and negligence on behalf of a class of all persons in the United States who purchased contaminated pet food from Wal-Mart that was produced by Menu Foods.

On March 26, 2007, Troiano, individually, and on behalf of all others similarly situated, filed her Complaint against Defendants alleging claims for negligence, breach of warranties, strict liability, and unjust enrichment.

III. ARGUMENT

In view of the facts outlined above, and the jurisprudence regarding multidistrict litigation set forth below, these cases should be centralized in the United States District Court for the Southern District of Florida. Transfer and consolidation is essential to permit the efficient and non-duplicative handling of these cases and the Southern District of Florida is the most appropriate venue for this multidistrict litigation.

A. The Similarity of These Class Actions Warrants Coordination and Consolidation

28 U.S.C. § 1407(a) authorizes the transfer of multiple civil actions pending in various federal districts to a single federal district court when the actions involve “one or more common questions of fact” Moreover, transfer is necessary “in order to eliminate duplicative discovery; prevent inconsistent rulings on pretrial motions, including those with respect to whether the actions should proceed as [class actions]” *In re Starmed Health Personnel, Inc. Fair Labor Standards Act Litig.*, 317 F. Supp. 2d 1380, 1381 (J.P.M.L. 2004); *see also In re Comp. of Managerial Prof'l and Tech. Employees Antitrust Litig.*, 206 F. Supp. 2d 1374, 1375 (J.P.M.L. 2002) (noting that centralization is “necessary in order to... prevent inconsistent pretrial rulings (especially with regard to class certification issues”)).

The requirements for transfer under section 1407 are easily satisfied here. As discussed above, each of these pending cases (i) purport to represent a large class of individuals and/or entities who were damaged by defective and deadly pet food marketed, manufactured and/or distributed by the Defendants, (ii) assert the same or similar claims against the Defendants, and (iii) seek to recover

losses based upon those damages caused by the Defendants. To separately litigate each pending case (and subsequently filed related cases) would waste resources and present the danger of inconsistent pretrial rulings. Consolidation of these cases is particularly critical because these related actions seek class action status on behalf of the same class or overlapping classes and, as a result, there is a significant potential for conflicting or inconsistent rulings on class certification issues. Accordingly, centralization and consolidation pursuant to 28 U.S.C. § 1407 is warranted.

The consolidation and transfer of these cases would further promote the efficient adjudication of these actions. As the class actions alleged in these related cases are similar if not identical, the discovery needed in each of these pending cases will unquestionably be duplicative. To have the parties engaged in duplicative discovery in multiple complex class actions would be singularly inefficient and an unnecessary burden on the judicial system and the parties. These factors again all weigh heavily in favor of consolidating and coordinating these cases.

B. The Southern District of Florida Is the Proper Forum for These Coordinated Proceedings

Numerous factors may be considered by the Panel in determining the most appropriate transferee forum, including “convenience of the parties and witnesses.” *See In re Computervision Corp. Sec. Litig.*, 814 F. Supp. 85, 86 (J.P.M.L. 1993). Here, the balance of relevant factors weighs strongly in favor of transferring these actions to the Southern District of Florida due to its convenient location, large concentration of putative class members, experience in handling MDL proceedings, and lack of pending MDL cases.

1. The Southern District of Florida Is as Appropriate as Any Other Forum for the Parties and Witnesses

The convenience of the parties and witnesses is a critical factor in determining to which district related actions should be transferred. *See* 28 U.S.C. § 1407(a) (related actions may be transferred to a district for coordinated proceedings upon a determination that the transfer “will be

for the convenience of parties and witnesses and will promote the just and efficient conduct of such actions"). In deciding whether a particular forum is convenient, the Panel examines factors such as: where the first filed and most advanced cases are pending; the location of the parties, documents and potential witnesses relative to that district; and the location where the majority of actions have been brought. *See In re Baldwin-United Corp. Litig.*, 581 F. Supp. 739, 740 (J.P.M.L. 1984).

The Defendants in the multiple class actions are a Canadian business entity and its United States subsidiaries and/or affiliates, as well as certain other Defendant-distributors of the defective products. Each of these entities is headquartered and/or incorporated in different jurisdictions, including Canada, New Jersey, and Delaware. Of the seven lawsuits currently pending, one is pending in the Western District of Washington, one is pending in the Eastern District of Tennessee, one is pending in the Northern District of Illinois, two are pending in the Western District of Arkansas, one is pending in the District Court for the District of New Jersey, and one is pending in the Southern District of Florida. Further, upon information and belief, Defendants conduct business, and potentially have caused damages to purported class members, in all fifty states. Thus, there is no central forum that would be more convenient over any others in terms of the locations of parties, documents, and potential witnesses.

2. The Accessibility of the Southern District of Florida Warrants Transfer

While there will be a large number of class members residing in Florida, Troiano anticipates that parties to this litigation will come from all across the country and not one centralized region. Those parties residing outside of Florida will find the courthouses in the Southern District of Florida convenient and accessible by all forms of transportation. The multiple federal courthouses in the Southern District of Florida – in, among other place, Miami, Fort Lauderdale and West Palm Beach – are all in very close proximity to airports that have direct flights on many airlines to

numerous cities across the United States. Traveling from the airport to the courthouse is also simple due to the varieties of ground transportation available. *See In re Comp. of Managerial, Prof'l and Tech. Employees Antitrust Litig.*, 206 F. Supp. 2d at 1375 (transferring cases to the District of New Jersey and noting that the District of New Jersey is an "accessible" metropolitan location that is geographically convenient for litigants and counsel). On balance, the accessibility factor favors transfer of the related actions in the Southern District of Florida.

3. The Southern District of Florida Has the Capacity and Expertise to Handle these Related Cases

A comparison of the relative MDL case loads of potential transferee districts demonstrates that the Southern District of Florida is a highly suitable forum. The judges of the Southern District of Florida have vast experience in Multidistrict litigation, having brought to termination a total of 24 cases through September 30, 2006.¹ Yet, as of March 26, 2007, the Southern District of Florida only had only one pending MDL proceeding, which is nearly in an inactive stage. Thus, while the Southern District of Florida is well versed in the nuances of Multidistrict litigation, the Southern District would not be overburdened with similar cases if these actions were transferred there.

C. No Party Is Prejudiced by the Transfer and Consolidation of These Lawsuits

Each of the related lawsuits is in its infancy. To Movant's knowledge, no party has served discovery, filed disclosures or engaged in substantive motion practice regarding these lawsuits. Because these related cases are all in their early stages, no party will be prejudiced by the transfer to the Southern District of Florida. Furthermore, since no discovery has occurred, an Order transferring

¹ Multidistrict Litigation Terminated Through September 30, 2006, available at <http://www.jpml.uscourts.gov/Statistics/TerminatedDocketsThroughSeptember2006.pdf>, viewed on March 26, 2007.

these cases to the Southern District of Florida can truly eliminate the expenses associated with the duplicative discovery that would otherwise occur in District Courts across the country.

IV. CONCLUSION

For the reasons discussed above, the Plaintiff respectfully request that the related actions identified on the accompanying Schedule of Actions, and any tag-along actions, be transferred to and consolidated in the Southern District of Florida. Accordingly, the Plaintiff respectfully request that this Panel enter an Order transferring the related actions, and any future related actions, to the Southern District of Florida.

Respectfully submitted,

DATED: March 28, 2007

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**Attorneys for Florida Plaintiff Christina
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In re:

MENU FOODS, INC. PRODUCTS
LIABILITY LITIGATION

MDL Docket No. _____

**SCHEDULE OF ACTIONS IN SUPPORT OF FLORIDA PLAINTIFF CHRISTINA
TROIANO'S MOTION TO TRANSFER AND COORDINATE OR CONSOLIDATE
ACTIONS UNDER 28 U.S.C. § 1407**

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SCHEDULE OF ACTIONS

Case Caption	Date Filed	Court	Civil Action No.	Judge
Plaintiffs: Tom Whaley Defendants: Menu Foods, The Iams Company, Dog Food Producers Number 1-50, Cat Food Producers 1-40	March 19, 2007	W.D. Washington	2:07-cv-00411	Ricardo S. Martinez
Plaintiffs: Lizajean Holt Defendants: Menu Foods, Inc.	March 19, 2007	E.D. Tennessee	3:07-cv-00094	Thomas W. Phillips
Plaintiffs: Dawn Majerczyk Defendants: Menu Foods, Inc.	March 20, 2007	N.D. Illinois	1:07-cv-01543	Wayne R. Anderson
Plaintiffs: Charles Ray Sims, Pamela Sims Defendants: Menu Foods Income Fund, Menu Foods Midwest Corporation, Menu Foods South Dakota Inc., Menu Foods, Inc., Menu Foods Holdings, Inc.	March 21, 2007	W.D. Arkansas	5:07-cv-05053	Jimm Larry Hendren
Plaintiffs: Richard Scott Widen, Barbara Widen Defendants: Menu Foods, Menu Foods Income Fund, Menu Foods General Partnership Limited, Menu Foods Limited	March 23, 2007	W.D. Arkansas	5:07-cv-05055	Robert T. Dawson

Partnership, Menu Foods Operating Partnership, Menu Foods Midwest				
✓ Plaintiffs: Jared Workman, Mark Cohen, Mona Cohen Defendants: Menu Foods Limited, Menu Foods Inc., Menu Foods Midwest Corporation	March 23, 2007	D. New Jersey	2:07-cv- 00411 1332	Noel L. Hillman
Plaintiffs: Christina Troiano Defendants: Menu Foods Limited, Menu Foods Inc., Menu Foods Midwest Corporation	March 26, 2007	S.D. Florida	0:07-cv- 60428	James I. Cohn

DATED: March 28, 2007

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MDL Docket No. _____

CERTIFICATE OF SERVICE

Paul J. Geller
Stuart A. Davidson
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Counsel for Florida Plaintiff Christina Troiano

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I, James L. Davidson, hereby declare as follows:

I am employed by Lerach Coughlin Stoia Geller Rudman & Robbins LLP, 120 E. Palmetto Park Road, Suite 500, Boca Raton, Florida 33432. I am over the age of eighteen years and not a party to this action. On March 28, 2007, I served the following documents:

1. **FLORIDA PLAINTIFF CHRISTINA TROIANO'S MOTION TO TRANSFER AND COORDINATE OR CONSOLIDATE ACTIONS UNDER 28 U.S.C. § 1407;**
2. **FLORIDA PLAINTIFF CHRISTINA TROIANO'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO TRANSFER AND COORDINATE OR CONSOLIDATE ACTIONS UNDER 28 U.S.C. § 1407;**
3. **SCHEDULE OF ACTIONS IN SUPPORT OF FLORIDA PLAINTIFF CHRISTINA TROIANO'S MOTION TO TRANSFER AND COORDINATE OR CONSOLIDATE ACTIONS UNDER 28 U.S.C. § 1407; and**
4. **CERTIFICATE OF SERVICE.**

on:

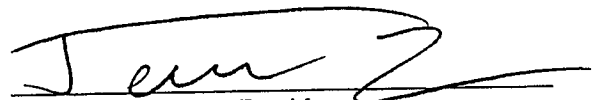
SEE ATTACHED SERVICE LIST "A"

X by placing the document(s) listed above for collection and mailing following the firm's ordinary business practices in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at Boca Raton, Florida addressed as set forth on the attached service list.

I further certify and declare that I caused the above documents to be delivered by the same means to the clerks of the following courts affected by the Motion for Transfer and Consolidation:

SEE ATTACHED SERVICE LIST "B"

I declare under penalty of perjury under the laws of the United States of America that the following is true and correct, executed this 29 day of March, 2007, at Boca Raton, Florida.


James L. Davidson

IN RE MENU FOODS PET FOOD LITIGATION**SERVICE LIST "A"**

Paul J. Geller Stuart A. Davidson James L. Davidson LERACH COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP 120 E. Palmetto Park Road, Suite 500 Boca Raton, FL 33432-4809 Telephone: (561) 750-3000 Facsimile: (561) 750-3364 <i>Attorneys for Florida Plaintiff Christina Troiano</i>	Menu Foods, Inc. 9130 Griffith Morgan Lane Pennsauken, NJ 08110 Defendant
Lawrence Kopelman KOPELMAN & BLANKMAN 350 E. Las Olas Blvd., Suite 980 Ft. Lauderdale, FL 33301 Telephone: (954) 462-6855 Facsimile: (954) 462-6899 <i>Attorneys for Florida Plaintiff Christina Troiano</i>	Menu Foods Income Fund 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 Defendant

WHALEY v. MENU FOODS, ET AL.
Case No.: 2:07-cv-00411-RSM
USDC, Western District of Washington

Michael David Myers MYERS & COMPANY, P.L.L.C. 1809 Seventh Avenue, Suite 700 Seattle, WA 98101 Telephone: (206) 398-1188 Facsimile: (206) 400-1112 <i>Attorneys for Plaintiff Tom Whaley</i>	Menu Foods 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 Defendant
	The Iams Company c/o Registered Agent - Joseph A. Stegbauer Attn: Corporate Secretary One Procter & Gamble Plaza C-2 Cincinnati, OH 45202 Defendant

HOLT v. MENU FOODS, INC.
Case No.: 3:07-cv-00094
USDC, Eastern District of Tennessee

A. James Andrews 905 Locust Street Knoxville, TN 37902 Telephone: (865) 660-3993 Facsimile: (865) 523-4623 <i>Attorneys for Plaintiff Lizajean Holt</i>	Menu Foods, Inc. 9130 Griffith Morgan Lane Pennsauken, NJ 08110 Defendant
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<p>Nicole Bass 905 Locust Street Knoxville, TN 37902 Telephone: (865) 310-6804 <i>Attorneys for Plaintiff Lizajean Holt</i></p> <p>Perry A. Craft CRAFT & SHEPPARD, PLC 214 Centerview Drive, Suite 233 Brentwood, TN 37027 Telephone: (615) 309-1707 Facsimile: (615) 309-1717 <i>Attorneys for Plaintiff Lizajean Holt</i></p>	
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MAJERCZYK v. MENU FOODS, INC.
Case No.: 1:07-cv-01543
USDC, Northern District of Illinois

<p>John Blim Jay Edelson Myles McGuire (Of Counsel) BLIM & EDELSON, LLC 53 West Jackson Blvd., Suite 1642 Chicago, IL 60604 Telephone: (312) 913-9400 Facsimile: (312) 913-9401 <i>Attorneys for Plaintiff Dawn Majerczyk</i></p>	<p>Menu Foods, Inc. 9130 Griffith Morgan Lane Pennsauken, NJ 08110 <i>Defendant</i></p>
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SIMS v. MENU FOODS INCOME FUND, ET AL.
Case No.: 5:07-cv-05053-JLH
USDC, Western District of Arkansas

<p>Jason M. Hatfield LUNDY & DAVIS, L.L.P. 300 N. College Avenue, Suite 309 Fayetteville, AR 72701 Telephone: (479) 527-3921 Facsimile: (479) 587-9196 <i>Attorneys for Plaintiffs Charles Ray Sims and Pamela Sims</i></p>	<p>Menu Foods Income Fund 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 <i>Defendant</i></p> <p>Menu Foods Midwest Corporation c/o Registered Agent - The Corporation Trust Co. 1209 Orange Street Wilmington, DE 19801-1120 <i>Defendant</i></p> <p>Menu Foods South Dakota, Inc. c/o Registered Agent The Corporation Trust Company 1209 Orange Street Wilmington, DE 19801-1120 <i>Defendant</i></p>
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	Menu Foods Holdings, Inc. c/o Registered Agent The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801-1120 Defendant
	Menu Foods, Inc. c/o Registered Agent Corporation Trust Company 820 Bear Tavern Road West Trenton, NJ 08628 Defendant

WIDEN v. MENU FOODS, ET AL.

Case No.: 5:07-cv-05055-RTD

USDC, Western District of Arkansas

Jeremy Y. Hutchinson Jack Thomas Patterson II PATTON, ROBERTS, MCWILLIAMS & CAPSHAW, L.L.P. Stephens Building 111 Center Street, Suite 1315 Little Rock, AR 72201 Telephone: (501) 372-3480 Facsimile: (501) 372-3488 <i>Attorneys for Plaintiffs Richard Scott Widen and Barbara Widen</i> Richard Adams James C. Wyly Sean F. Rommel PATTON, ROBERTS, MCWILLIAMS & CAPSHAW, L.L.P. Century Bank Plaza, Suite 400 P.O. Box 6128 Texarkana, TX 75505-6128 Telephone: (903) 334-7000 Facsimile: (903) 334-7007 <i>Attorneys for Plaintiffs Richard Scott Widen and Barbara Widen</i>	Menu Foods 9130 Griffith Morgan Lane Pennsauken, NJ 08110 Defendant Menu Foods Income Fund 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 Defendant Menu Foods Gen Par Limited c/o Menu Foods Income Fund 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 Defendant Menu Foods Limited Partnership c/o Menu Foods Income Fund 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 Defendant Menu Foods Operating Partnership c/o Menu Foods Income Fund 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 Defendant
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	<p>Menu Foods Midwest Corporation c/o Registered Agent The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801-1120 <i>Defendant</i></p> <p>Menu Foods South Dakota c/o Registered Agent The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801-1120 <i>Defendant</i></p> <p>Menu Foods, Inc. c/o Registered Agent Corporation Trust Company 820 Bear Tavern Road West Trenton, NJ 08628 <i>Defendant</i></p> <p>Menu Foods Holdings, Inc. c/o Registered Agent The Corporation Trust Company 1209 Orange Street Wilmington, DE 19801-1120 <i>Defendant</i></p> <p>Wal-Mart Stores, Inc. c/o Registered Agent The Corporation Trust Company 1209 Orange Street Wilmington, DE 19801-1120 <i>Defendant</i></p>
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WORKMAN, ET AL. v. MENU FOODS LIMITED, ET AL.

Case No.: 1:07-cv-01338-NLH-AMD

USDC, District of New Jersey

<p>Donna Siegel Moffa Lisa J. Rodriguez TRUJILLO RODRIGUEZ & RICHARDS, LLC 8 Kings Highway West Haddonfield, NJ 08033 Telephone: (856) 795-9002 Facsimile: (856) 795-9887 <i>Attorneys for Plaintiffs Jared Workman, and Mark and Mona Cohen</i></p>	<p>Menu Foods Limited 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 <i>Defendant</i></p> <p>Menu Foods, Inc. 9310 Griffith Morgan Lane Pennsauken, NJ 08110 <i>Defendant</i></p>
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*Attorneys for Plaintiffs Jared Workman, and
Mark and Mona Cohen*

Menu Foods Midwest Corporation
P.O. Box 1046
1400 East Logan Avenue
Emporia, KS 66801
Defendant

IN RE MENU FOODS PET FOOD LITIGATION

CASE	CLERK
Whaley v. Menu Foods, et al. Case No.: 2:07-cv-00411-RSM USDC, Western District of Washington	USDC, Western District of Washington U.S. Courthouse 700 Stewart Street Seattle, WA 98101
Holt v. Menu Foods, Inc. Case No.: 3:07-cv-00094 USDC, Eastern District of Tennessee	USDC, Eastern District of Tennessee Howard H. Baker Jr. U.S. Courthouse 800 Market Street, Suite 130 Knoxville, TN 37902
Majerczyk v. Menu Foods, Inc.. Case No.: 1:07-cv-01543 USDC, Northern District of Illinois	USDC, Northern District of Illinois Everett McKinley Dirksen Building 219 South Dearborn Street Chicago, IL 60604
Sims v. Menu Foods Income Fund, et al. Case No.: 5:07-cv-05053-JLH USDC, Western District of Arkansas	USDC, Western District of Arkansas John Paul Hammerschmidt Federal Building 35 East Mountain Street, Suite 510 Fayetteville, AR 72701-5354
Widen v. Menu Foods, et al. Case No.: 5:07-cv-05055-RTD USDC, Western District of Arkansas	USDC, Western District of Arkansas John Paul Hammerschmidt Federal Building 35 East Mountain Street, Suite 510 Fayetteville, AR 72701-5354
Workman, et al. v. Menu Foods Limited, et al. Case No.: 1:07-cv-01338-NLH-AMD USDC, District of New Jersey	USDC, District of New Jersey Mitchell H. Cohen Building & U.S. Courthouse 4th & Cooper Streets, Room 1050 Camden, NJ 08101

EXHIBIT A

DISTRIBUTION OF PENDING MDL DOCKETS

(AS OF MARCH 12, 2007)

DISTRICT		JUDGE	LITIGATION	Actions Pending	Number of Actions
ARE		D.J. William R. Wilson, Jr.	MDL-1507 In re Prempro Products Liability Litigation	3,377	4,027
AZ		Sr.J. Paul G. Rosenblatt Sr.J. Roger G. Strand	MDL-1541 In re Allstate Insurance Co. Fair Labor Standards Act Litigation MDL-972 In re Diamond Benefits Life Insurance Company & American Universal Insurance Company Contracts Litigation	4 1	5 10
CAC		D.J. David O. Carter D.J. Dale S. Fischer D.J. A. Howard Matz Sr.J. Mariana R. Pfaelzer D.J. Manuel L. Real D.J. Manuel L. Real D.J. Christina A. Snyder C.J. Alicemarie H. Stotler Sr.J. Dickran M. Tevzian, Jr. D.J. Stephen V. Wilson	MDL-1807 In re Wachovia Securities, LLC, Wage and Hour Litigation MDL-1822 In re Bluetooth Headset Products Liability Litigation MDL-1610 In re Conesco Life Insurance Co. Cost of Insurance Litigation MDL-1574 In re Paxil Products Liability Litigation MDL-1601 In re StarMed Health Personnel, Inc., Fair Labor Standards Act Litigation MDL-1737 In re American Honda Motor Co., Inc., Oil Filter Products Liability Litigation MDL-1671 In re Reformulated Gasoline (RFG) Antitrust & Patent Litigation MDL-1803 In re Banc of America Investment Services, Inc., Overtime Pay Litigation MDL-1475 In re Heritage Bonds Litigation MDL-1745 In re Live Concert Antitrust Litigation	19 14 19 39 3 5 11 5 2 22	19 14 21 148 6 5 12 5 9 22
CAN		D.J. Sandra Brown Armstrong D.J. Sandra Brown Armstrong D.J. Charles R. Breyer D.J. Charles R. Breyer D.J. Jeremy D. Fogel D.J. Jeremy D. Fogel D.J. Phyllis J. Hamilton D.J. Martin J. Jenkins D.J. Marilyn Hall Patel D.J. Marilyn Hall Patel C.J. Vaughn R. Walker C.J. Vaughn R. Walker D.J. James Ware D.J. James Ware D.J. Claudia Wilken D.J. Jeffrey S. White D.J. Ronald M. Whyte D.J. Ronald M. Whyte	MDL-1781 In re Cintas Corp. Overtime Pay Arbitration Litigation MDL-1809 In re Terminix Employment Practices Litigation MDL-1699 In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation MDL-1793 In re International Air Transportation Surcharge Antitrust Litigation MDL-1257 In re Cable News Network and Time Magazine "Operation Tailwind" Litigation MDL-1654 In re Compression Labs, Inc., Patent Litigation MDL-1486 In re Dynamic Random Access Memory (DRAM) Antitrust Litigation MDL-1648 In re Rubber Chemicals Antitrust Litigation MDL-1369 In re Napster, Inc., Copyright Litigation MDL-1770 In re Wells Fargo Home Mortgage Overtime Pay Litigation MDL-1606 In re Deep Vein Thrombosis Litigation MDL-1791 In re National Security Agency Telecommunications Records Litigation MDL-1527 In re Cisco Systems, Inc., Securities & Derivative Litigation MDL-1665 In re Acacia Media Technologies Corp. Patent Litigation MDL-1819 In re Static Random Access Memory (SRAM) Antitrust Litigation MDL-1761 In re Ditropan XL Antitrust Litigation MDL-1423 In re Cygnus Telecommunications Technology, LLC, Patent Litigation MDL-1754 In re Apple iPod nano Products Liability Litigation	71 2 1,520 100 1 10 42 10 1 4 53 48 1 22 25 6 15 8	71 2 1,704 101 8 10 44 13 19 4 78 48 2 22 25 6 30 8

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Case	Plaintiff	Case No.	Case Name	Total Settlements	Total Settlements
CAS	D.J. Roger T. Benitez	MDL-1806	In re Morgan Stanley & Co., Inc., Overtime Pay Litigation (No. II)	10	10
	D.J. Napoleon A. Jones, Jr.	MDL-1296	In re Alliance Equipment Lease Program Securities Litigation	1	27
	D.J. Jeffrey T. Miller	MDL-1751	In re Jamster Marketing Litigation	5	5
	C.J. Robert H. Whaley (WAE)	MDL-1405	In re California Wholesale Electricity Antitrust Litigation	5	30
CO	D.J. Robert E. Blackburn	MDL-1788	In re Qwest Communications International, Inc., Securities & "ERISA" Litigation (No. II)	30	30
	D.J. Wiley Y. Daniel	MDL-1743	In re American Family Mutual Insurance Co. Overtime Pay Litigation	2	2
CT	Sr.J. Alfred V. Covello	MDL-1568	In re Parcel Tanker Shipping Services Antitrust Litigation	7	18
	D.J. Alvin W. Thompson	MDL-1463	In re Xerox Corp. Securities Litigation	22	22
	D.J. Stefan R. Underhill	MDL-1542	In re Ethylene Propylene Diene Monomer (EPDM) Antitrust Litigation	15	15
	D.J. Stefan R. Underhill	MDL-1631	In re Publication Paper Antitrust Litigation	28	31
	D.J. Stefan R. Underhill	MDL-1642	In re Polychloroprene Rubber (CR) Antitrust Litigation	9	9
	D.J. Stefan R. Underhill	MDL-1649	In re Helicopter Crash Near Wendle Creek, British Columbia, on August 8, 2002	4	4
DC	D.J. John D. Bates	MDL-1772	In re Series 7 Broker Qualification Exam Scoring Litigation	20	20
	C.J. Thomas F. Hogan	MDL-1285	In re Vitamin Antitrust Litigation	4	84
	C.J. Thomas F. Hogan	MDL-1290	In re Lorazepam & Clorazepate Antitrust Litigation	2	14
	C.J. Thomas F. Hogan	MDL-1686	In re Iraq and Afghanistan Detainees Litigation	4	4
	D.J. Ellen Segal Huvelle	MDL-1792	In re InPhonic, Inc., Wireless Phone Rebate Litigation	15	15
	D.J. Name Withheld		UNDER SEAL	2	30
	D.J. Richard J. Leon	MDL-1515	In re Nifedipine Antitrust Litigation	6	10
	D.J. Richard J. Leon	MDL-1668	In re Federal National Mortgage Association Securities, Derivative & "ERISA" Litigation	7	18
	D.J. James Robertson	MDL-1796	In re Department of Veterans Affairs (VA) Data Theft Litigation	3	3
	D.J. Ricardo M. Urbina	MDL-1798	In re Long-Distance Telephone Service Federal Excise Tax Refund Litigation	3	3
DE	D.J. Joseph J. Farnan, Jr.	MDL-1717	In re Intel Corp. Microprocessor Antitrust Litigation	74	74
	D.J. Gregory M. Sleet	MDL-1660	In re PharmaStem Therapeutics, Inc., Patent Litigation	6	6
FLM	D.J. Henry Lee Adams, Jr.	MDL-1698	In re American General Life & Accident Insurance Co. Retiree Benefits "ERISA" Litigation	80	80
	D.J. Anne C. Conway	MDL-1769	In re Seroquel Products Liability Litigation	342	342
	D.J. James S. Moody, Jr.	MDL-1626	In re Accutane Products Liability Litigation	24	29
	Sr.J. Harvey E. Schlesinger	MDL-1624	In re GMAC Insurance Management Corp. Overtime Pay Litigation	2	2
	D.J. James D. Whittemore	MDL-1656	In re CP Ships Ltd. Securities Litigation	7	7

Case Name	Attorney	Case Name	Case Name	Case Name	Case Name
FLS	D.J. Federico A. Moreno	MDL-1334 In re Managed Care Litigation	6	123	
GAN	D.J. Thomas W. Thrash, Jr.	MDL-1804 In re Stand 'n Seal Products Liability Litigation	13	13	
GAS	C.J. William T. Moore, Jr.	MDL-1677 In re NovaStar Home Mortgage Inc. Mortgage Lending Practices Litigation	3	3	
IAS	Sr.J. Ronald E. Longstaff	MDL-1733 In re Teflon Products Liability Litigation	22	22	
ILN	Sr.J. Marvin E. Aspen Sr.J. Marvin E. Aspen D.J. Elaine E. Bucklo D.J. David H. Coar D.J. David H. Coar D.J. Mark R. Filip D.J. Robert W. Gettleman Sr.J. John F. Grady	MDL-1425 In re Aimster Copyright Litigation MDL-1715 In re Ameritrust Mortgage Co. Mortgage Lending Practices Litigation MDL-1784 In re McDonald's French Fries Litigation MDL-1536 In re Sulfuric Acid Antitrust Litigation MDL-1783 In re JP Morgan Chase & Co. Securities Litigation MDL-1818 In re Citifinancial Services Incorporated Prescreened Offer Litigation MDL-1350 In re Trans Union Corp. Privacy Litigation MDL-986 In re "Factor VIII or IX Concentrate Blood Products" Products Liability Litigation MDL-1521 In re Wireless Telephone 911 Calls Litigation MDL-1703 In re Sears, Roebuck & Co. Tools Marketing and Sales Practices Litigation MDL-1773 In re Air Crash Near Athens, Greece, on August 14, 2005 MDL-1604 In re Ocwen Federal Bank FSB Mortgage Servicing Litigation MDL-1778 In re Ocean Financial Corp. Prescreening Litigation MDL-899 In re Mortgage Escrow Deposit Litigation MDL-1392 In re General Motors Corporation Vehicle Paint Litigation (No. III)	11 318 10 7 3 5 14 103	11 322 10 7 3 5 15 356	
ILS	Sr.J. John F. Grady Sr.J. John F. Grady Sr.J. George W. Lindberg D.J. Charles R. Norgle, Sr. D.J. Amy J. St. Eve D.J. James B. Zagel D.J. James B. Zagel	MDL-1562 In re General Motors Corp. Dex-Cool Products Liability Litigation MDL-1748 In re Profiler Products Liability Litigation	6 4	11 4	
INN	D.J. Rudy J. Lozano C.J. Robert L. Miller, Jr.	MDL-1767 In re H&R Block Mortgage Corp. Prescreening Litigation MDL-1700 In re FedEx Ground Package System, Inc., Employment Practices Litigation (No. II)	3 36	3 42	
INS	D.J. Sarah E. Barker D.J. David F. Hamilton D.J. John D. Tinder	MDL-1373 In re Bridgestone/Firestone, Inc., Tires Products Liability Litigation MDL-1313 In re AT&T Corp. Fiber Optic Cable Installation Litigation MDL-1727 In re COBRA Tax Shelters Litigation	23 35 3	819 35 3	
KS	C.J. John W. Lungstrum C.J. John W. Lungstrum D.J. Kathryn H. Vratil	MDL-1468 In re Universal Service Fund Telephone Billing Practices Litigation MDL-1616 In re Urethane Antitrust Litigation MDL-1721 In re Cessna 208 Series Aircraft Products Liability Litigation	63 30 7	68 30 7	

SYSTEM	Case Name	Case Number	Case Description	Case Status	Case Type
LAE	D.J. Eldon E. Fallon D.J. Eldon E. Fallon D.J. Martin L.C. Feldman D.J. Martin L.C. Feldman D.J. Martin L.C. Feldman D.J. Sarah S. Vance	MDL-1355 MDL-1657 MDL-1371 MDL-1390 MDL-1395 MDL-1643	In re Propulsid Products Liability Litigation In re Vioxx Marketing, Sales Practices and Products Liability Litigation In re Monumental Life Insurance Company Industrial Life Insurance Litigation In re Life Insurance Co. of Georgia Industrial Life Insurance Litigation In re Western & Southern Life Insurance Co. Industrial Life Insurance Litigation In re Educational Testing Service PLT 7-12 Test Scoring Litigation	362 8,538 11 112 7 31	474 8,530 14 133 8 31
MA	D.J. Nancy Gertner D.J. Nancy Gertner Sr.J. Edward F. Harrington D.J. Patti B. Saris D.J. Patti B. Saris D.J. Patti B. Saris D.J. Richard G. Stearns D.J. Joseph L. Tauro D.J. Joseph L. Tauro D.J. Douglas P. Woodlock D.J. Douglas P. Woodlock D.J. Rya W. Zobel D.J. Rya W. Zobel	MDL-1354 MDL-1753 MDL-1143 MDL-1456 MDL-1629 MDL-1713 MDL-1430 MDL-1790 MDL-1820 MDL-1543 MDL-1704 MDL-1380 MDL-1461	In re Citigroup, Inc., Capital Accumulation Plan Litigation In re Standard Automotive Corp. Retiree Benefits "ERISA" Litigation In re Mutual Life Insurance Company of New York Premium Litigation In re Pharmaceutical Industry Average Wholesale Price Litigation In re Neuronfin Marketing, Sales Practices and Products Liability Litigation In re Bank of America ATM Fee Litigation In re Lupron Marketing and Sales Practices Litigation In re Volkswagen and Audi Warranty Extension Litigation In re Webloyalty.com, Inc., Marketing and Sales Practices Litigation In re Carbon Black Antitrust Litigation In re M3Power Razor System Marketing & Sales Practices Litigation In re Xcelera.com Inc. Securities Litigation In re Shell Oil Products Co. Dealer Franchise Litigation	6 2 3 18 50 3 2 6 4 1 1 2 1	16 2 23 116 209 3 17 6 4 16 26 20 3
MD	D.J. Catherine C. Blake D.J. Catherine C. Blake D.J. Andre M. Davis D.J. Andre M. Davis C.J. Benson Everett Legg D.J. J. Frederick Motz D.J. J. Frederick Motz D.J. Andre M. Davis and D.J. Catherine C. Blake	MDL-1421 MDL-1539 MDL-1110 MDL-1518 MDL-1387 MDL-1332 MDL-1586	In re Wireless Telephone Radio Frequency Emissions Products Liability Litigation In re Royal Ahold N.V. Securities & "ERISA" Litigation In re Second Chance Body Armor, Inc., Advertising Litigation In re Allegheny Energy, Inc., Securities Litigation In re ProteGen Sling and Vesica System Products Liability Litigation In re Microsoft Corp. Windows Operating Systems Antitrust Litigation In re Mutual Funds Investment Litigation	2 37 2 2 8 2 423	19 37 9 17 584 116 437
ME	D.J. D. Brock Hornby	MDL-1532	In re New Motor Vehicles Canadian Export Antitrust Litigation	30	31
MIE	C.J. Bernard A. Friedman D.J. Gerald E. Rosen D.J. Gerald E. Rosen	MDL-1718 MDL-1725 MDL-1749	In re Ford Motor Co. Speed Control Deactivation Switch Products Liability Litigation In re Delphi Corp. Securities, Derivative & "ERISA" Litigation In re General Motors Corp. Securities & Derivative Litigation	39 24 5	40 25 5

State	Party	Case Name	Count	Total
MN	D.J. Michael J. Davis	MDL-1431 In re Baycol Products Liability Litigation	1,392	9,044
	D.J. Donovan W. Frank	MDL-1708 In re Guidant Corp. Implantable Defibrillators Products Liability Litigation	1,200	1,212
	Sr.J. Paul A. Magnuson	MDL-1328 In re Monosodium Glutamate Antitrust Litigation	1	14
	Sr.J. Paul A. Magnuson	MDL-1724 In re Viagra Products Liability Litigation	65	70
	C.J. James M. Rosenbaum	MDL-1726 In re Medtronic, Inc., Implantable Defibrillators Products Liability Litigation	966	966
	D.J. John R. Tunheim	MDL-1396 In re St. Jude Medical, Inc., Silzone Heart Valves Products Liability Litigation	30	57
MOE	D.J. Jean C. Hamilton	MDL-1702 In re Air Crash Near Kirkville, Missouri, on October 19, 2004	6	11
	Sr.J. Stephen N. Limbaugh	MDL-1672 In re Express Scripts, Inc., Pharmacy Benefits Management Litigation	9	12
	D.J. Catherine D. Perry	MDL-1811 In re LLRice 601 Contamination Litigation	59	59
	D.J. Rodney W. Sippel	MDL-1736 In re Celera and Lexapro Products Liability Litigation	32	32
MOW	D.J. Richard E. Dorr	MDL-1786 In re H&R Block, Inc., Express IRA Marketing Litigation	21	21
NCE	Sr.J. W. Earl Britt	MDL-1132 In re Exterior Insulation Finish System (EIFS) Products Liability Litigation	1	109
NCM	C.J. James A. Beatty, Jr.	MDL-1622 In re Cotton Yarn Antitrust Litigation	9	9
NCW	C.J. Richard L. Voorhees	MDL-1516 In re Polyester Staple Antitrust Litigation	17	36
NH	D.J. Paul J. Barbadoro	MDL-1335 In re Tyco International, Ltd., Securities, Derivative and "ERISA" Litigation	13	101
NJ	Sr.J. Harold A. Ackerman	MDL-1687 In re Ford Motor Co. E-350 Van Products Liability Litigation (No. II)	5	5
	C.J. Garrett E. Brown, Jr.	MDL-1471 In re Compensation of Managerial, Professional and Technical Employees Antitrust Litigation	4	4
	C.J. Garrett E. Brown, Jr.	MDL-1663 In re Insurance Brokerage Antitrust Litigation	41	42
	D.J. Stanley R. Chesler	MDL-1658 In re Merck & Co., Inc., Securities, Derivative & "ERISA" Litigation	2	35
	D.J. Stanley R. Chesler	MDL-1777 In re SFBC International, Inc., Securities & Derivative Litigation	1	14
	Sr.J. Dickinson R. Debevoise	MDL-1337 In re Holocaust Era German Industry, Bank & Insurance Litigation	2	59
	D.J. Joseph A. Greenaway, Jr.	MDL-1419 In re K-Dur Antitrust Litigation	1	44
	Sr.J. John C. Liffand	MDL-1384 In re Gapabentin Patent Litigation	15	17
	Sr.J. John C. Liffand	MDL-1479 In re Neurontin Antitrust Litigation	22	22
	D.J. Jose L. Linares	MDL-1730 In re Hypodermic Products Antitrust Litigation	7	8
	D.J. William J. Martini	MDL-1763 In re Human Tissue Products Liability Litigation	136	136
	D.J. Jerome B. Simandle	MDL-1514 In re Electrical Carbon Products Antitrust Litigation	1	25
	Sr.J. William H. Walls	MDL-1292 In re Cendant Corporation Securities Litigation	3	18
	D.J. Susan D. Wigenton	MDL-1550 In re IDT Corp. Calling Card Terms Litigation	4	5
	D.J. Freda L. Wolfson	MDL-1799 In re Vonage Initial Public Offering (IPO) Securities Litigation	15	15

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JUDGE	COUNSEL	CASE NAME	TOTAL	TOTAL
NV	D.J. Kent J. Dawson Sr.J. Lloyd D. George C.J. Philip M. Pro C.J. Philip M. Pro	MDL-1619 In re Musha Cay Litigation MDL-1357 In re NOS Communications, Inc., Billing Practices Litigation MDL-1566 In re Western States Wholesale Natural Gas Antitrust Litigation MDL-1735 In re Wal-Mart Wage and Hour Employment Practices Litigation	3 7 3 23	3 8 30 25
NYE	D.J. Carol Bagley Amon D.J. Raymond J. Dearie D.J. John Gleeson D.J. John Gleeson Sr.J. Thomas C. Platt, Jr. Sr.J. Charles P. Sifton Sr.J. David G. Trager Sr.J. Jack B. Weinstein Sr.J. Jack B. Weinstein	MDL-1775 In re Air Cargo Shipping Services Antitrust Litigation MDL-1613 In re Nigeria Charter Flights Contract Litigation MDL-1575 In re Visa/MasterCard Antitrust Litigation MDL-1720 In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation MDL-799 In re Air Disaster at Lockerbie, Scotland, on December 21, 1988 MDL-1689 In re Air Crash Near Woodbury, Connecticut, on December 20, 2002 MDL-1738 In re Vitamin C Antitrust Litigation MDL-381 In re "Agent Orange" Products Liability Litigation MDL-1596 In re Zyprexa Products Liability Litigation	82 13 6 51 37 8 10 4 1,720	82 14 8 51 297 8 10 627 1,722

Plaintiff	Defendant	Case No.	Settlement Amount
NYS	Sr.J. Harold Baer, Jr.	MDL-1661 In re Rivastigmine Patent Litigation	5
	D.J. Deborah A. Batts	MDL-1714 In re Rhodia S.A. Securities Litigation	4
	D.J. Richard A. Berman	MDL-1628 In re Pineapple Antitrust Litigation	4
	D.J. Charles L. Brieant	MDL-1368 In re High Pressure Laminate Antitrust Litigation	6
	D.J. Charles L. Brieant	MDL-1508 In re Medco Health Solutions, Inc., Pharmacy Benefits Management Litigation	12
	D.J. Richard C. Casey	MDL-1570 In re Terrorist Attacks on September 11, 2001	6
	D.J. Denise Cote	MDL-1487 In re WorldCom, Inc., Securities & "ERISA" Litigation	22
	D.J. Paul A. Croffy	MDL-1794 In re Novartis Wage and Hour Litigation	28
	D.J. George B. Daniels	MDL-1379 In re Literary Works in Electronic Databases Copyright Litigation	2
	Sr.J. Kevin Thomas Duffy	MDL-1443 In re America Online, Inc., Community Leaders Litigation	3
	Sr.J. Thomas P. Griesa	MDL-1336 In re Abercrombie & Fitch Co. Securities Litigation	3
	Sr.J. Thomas P. Griesa	MDL-1644 In re Elevator and Escalator Antitrust Litigation	20
	D.J. Alvin K. Hellerstein	MDL-1230 In re Philip Services Corporation Securities Litigation	4
	D.J. Richard J. Holwell	MDL-1771 In re "A Million Little Pieces" Litigation	1
	D.J. Barbara S. Jones	MDL-1291 In re Omprazole Patent Litigation	11
	D.J. Lewis A. Kaplan	MDL-1348 In re Rezulin Products Liability Litigation	6
	D.J. Lewis A. Kaplan	MDL-1653 In re Parmalat Securities Litigation	991
	Sr.J. John F. Keenan	MDL-1484 In re Merrill Lynch & Co., Inc., Research Reports Securities Litigation	16
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LSS

**U.S. District Court
Southern District of Florida (Ft. Lauderdale)
CIVIL DOCKET FOR CASE #: 0:07-cv-60428-JIC**

Troiano v. Menu Foods, Inc. et al
Assigned to: Judge James I. Cohn
Demand: \$5,000,000
Cause: 28:1332 Diversity-Property Damage

Date Filed: 03/26/2007
Jury Demand: Plaintiff
Nature of Suit: 385 Prop. Damage Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Christina Troiano

represented by **James Lee Davidson**
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V.

Defendant

Menu Foods, Inc.

Defendant

Menu Foods Income Fund

Date Filed	#	Docket Text
03/26/2007	<u>1</u>	COMPLAINT against Menu Foods, Inc., Menu Foods Income Fund Filing fee \$ 350. Receipt#: 539659, filed by Christina Troiano.(ls) (Entered: 03/26/2007)
03/26/2007	<u>2</u>	Summons Issued as to Menu Foods, Inc.. (ls) (Entered: 03/26/2007)
03/26/2007	<u>3</u>	Summons Issued as to Menu Foods Income Fund. (ls) (Entered: 03/26/2007)

PACER Service Center			
Transaction Receipt			
03/28/2007 13:46:34			
PACER Login:	mw0078	Client Code:	060228-00001/91103
Description:	Docket Report	Search Criteria:	0:07-cv-60428-JIC
Billable Pages:	1	Cost:	0.08

MAGISTRATE JUDGE
SNOW

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. **07-60428**

CIV-COHN

CHRISTINA TROIANO, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,


JURY TRIAL DEMAND

vs.

MENU FOODS, INC. and MENU FOODS
INCOME FUND,

Defendants.

CLASS ACTION COMPLAINT

FILED BY 
2007 MAR 26 PM 1:11
CLARENCE HADDOCK
CLERK U.S. DIST. CT.
S.D. OF FLA.-FT. L.

Plaintiff Christina Troiano ("Plaintiff"), individually and on behalf of all others similarly situated, files this Class Action Complaint against Defendants Menu Foods, Inc., a New Jersey Corporation and Menu Foods Income Fund, a foreign corporation (collectively "Defendants") and alleges as follows:

I. INTRODUCTION

1. This is a class action lawsuit brought on behalf of Plaintiff and others similarly situated who purchased pet food and pet food products produced, manufactured and/or distributed by Defendants that caused injury, illness, and/or death to Plaintiff's household pets.

2. Defendants are the leading North American private label/contract manufacturer of wet pet food products sold by supermarket retailers, mass merchandisers, pet specialty retailers, and other wholesale and retail outlets, including Wal-Mart, Safeway, Kroger, PetSmart, Inc., Giant Food, and other large retail chains, and has provided pet food products to or for Proctor & Gamble, Inc. Defendants produce hundreds of millions of containers of pet food annually.