

Page 4 - Dioxin Contamination

Districts are to inform Dr. Daniel McChesney, HFV-222 via e-mail or FAX of the results of the sampling effort for each product listed on the attachment. (Responding by fax, please send to 301-594-1812.) For products sampled, fax a copy of each collection report; for products not sampled report on the information obtained above.

Analytical

Analyze all samples for PCBs using PAM Vol. I Chapter 3, section 303 or 304 for non-fatty and fatty foods, respectively. Perform a check analysis immediately for products found to contain PCBs at or above the limit of quantitation of 0.1 ppm on a *whole product basis*. This includes products that have PCB tolerances listed in 21 CFR 509.30 above 0.1 ppm. Original PCB analysis should be completed within 48 hours of sample receipt; check analysis within 24 hours of completion of original analysis.

Laboratories must notify collecting districts IMMEDIATELY of analytical results.

The labs are also to report all analytical results, including negative findings, as they are obtained to CVM, ATT: Dr. Daniel McChesney, HFV-222 via fax or e-mail. (Responding by fax, please send to 301-594-1812.) Maintain composites for all samples until further notice by CVM. CVM will make a determination of further analytical requirements (e.g. dioxin analysis) and analyzing laboratory for selected samples, including some that may have had no PCBs found.

REPORTING

Collection Reports and information on the outcome of the trace-forward on each of the products listed in Attachment C are to be faxed to Dr. Daniel McChesney, HFV-222 phone 301-827-6653, fax 301-594-1812.

PAC: 71R842

Product Codes: See Import Alert and attachment C.

Regulatory Action

Samples that exceed PCB tolerances listed in 21 CFR 509.30 are adulterated and follow-up action would be appropriate. However, some products sampled will not be covered by the tolerances. CVM will evaluate all findings of PCBs for products not covered by CFR tolerances and advise the home district of recommended follow-up action.

For products that exceed CFR tolerances or products containing PCBs at levels CVM determines to be of regulatory significance, immediately notify the firm at which the sample was collected and inquire as to their intentions to recall. If recall is not forthcoming, seizure or other regulatory action, as appropriate should be considered.

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This assignment is TOP priority and is to be implemented upon receipt. This assignment has the concurrence of ORA.

CVM/ORA Contacts

CVM- Assignment and Compliance Issues

Gloria Dunnavan, Director, Division of Compliance HFV-230

301-594-1726

John Young, CSO 301-594-1791

FAX for both, 301-594-1812

CVM –Scientific Issues

Dr. Randall Lovell, VMO HFV-222

301-827-0176

ORA –Barbara Marcelletti

301-827-5635

DFS Analytical Contact:

Len Valenti, HFC-140,

301-827-1027

Gloria Dunnavan

Attachments

Attachment A - Import Alert 99-24

Attachment B- Talk Paper 99-27

Attachment C - Consignee and product listing by country by district.

cc: HFC-1
HFC-102
HFC-130 Weitzman, Pierce, Marcelletti
HFC-140 Olson, Valenti
HFC-150 Arbaugh
HFC-170 McCallion, Notzon
HFV-1 Sundlof
HFV-200 Tollefson, Raynes, Matheson
HFV-220 Graber, McChesney, Lovell
HFV-230 Dunnavan
HFV-232 Young, Gushee
HFV-235 Washington
HFA-224
Draft: jyoung:6-21-99
Reviewed: jgushee:6-21-99
Revised: jyoung:6-22-99
Final:tvwooten: 6/22/99

ATTACHMENT A

To: ORA IO HQ Alerts@LISTS.local@FDAORAHQ, ORA DDs@LISTS@FDAORAHQ
cc:ORA RFDDs@LISTS@FDAORAHQ, Deborah Ralston@ORO@FDAORAHQ,
cc:ORA RFDDs@LISTS@FDAORAHQ, Deborah Ralston@ORO@FDAORAHQ,
David
Eggleston@OPD@FDA.CFSAN, Gloria Duran@OSC@FDACVM, John
Young@OSC@FDACVM, Matthew Eckel@OGC.FDA@FDAOC, Patrick
Wilson@OIA@FDAOC, Janice F Oliver@OCD@FDA.CFSAN, ORA IO Systems
Branch@LISTS.local@FDAORAHQ, Stella Notzon@IO@FDAORAHQ, Joseph

From: Import Alerts@IO@FDAORAHQ

Date: Fri Jun 11 12:26:28 1999

Attached: None

DATE: June 11, 1999 (Updated 6/15/99)

FROM: ACTING DIRECTOR, DIVISION OF IMPORT OPERATIONS & POLICYHFC-
(HFC-170)

SUBJECT: IMPORT ALERT #99-24, "DETENTION WITHOUT PHYSICAL
EXAMINATION OF HUMAN FOOD PRODUCTS AND ANIMAL FEEDS
CONTAMINATED WITH DIOXIN AND/OR PCB COMPOUNDS"

TO: IMPORT PROGRAM MANAGERS

TYPE OF ALERT: Detention Without Physical Examination

(Note: This import alert contains the agency's current guidance to FDA field personnel regarding the manufacturer(s) and/or product(s) at issue. It does not create or confer any rights for, or on any person, and does not operate to bind FDA or the public.)

PRODUCTS: HUMAN PRODUCTS
-All egg and egg containing products
-Meats

ANIMAL PRODUCTS
-All medicated and non-medicated animal feed
-All animal feed ingredients
-All pet food

PRODUCT CODES: See Attachment

PROBLEM: Chemical Contamination - Dioxin and/or PCB Compounds

PAC FOR
COLLECTION: 04R842
71003A

PAF: PES

COUNTRY: HUMAN PRODUCTS: Belgium
France
Netherlands

ANIMAL PRODUCTS: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom

MANUFACTURER/ N/A

FEI:

CHARGE: The article is subject to refusal of admission pursuant to section 801(a)(3) in that it appears to contain dioxins and/or PCB compounds, poisonous or deleterious substances and/or unapproved food additives, which may render it injurious to health [Adulteration, Section 402(a)(1), 402(a)(2)(C)(i), 402(a)(2)(A)].

RECOMMENDING

OFFICE: CFSAN, Office of Field Programs, (HFS-600)
CVM, Division of Compliance, (HFV-230)

REASON FOR

ALERT: FDA has received information that animal fat from a rendering company in Belgium was contaminated with dioxins and/or PCB compounds in January of 1999. This product was shipped to animal feed manufacturers and incorporated into animal feed. Contaminated feed was fed to chickens, which resulted in contaminated eggs, and may have been fed to other domestic animals. Dioxins and PCBs persist in the environment. Any animals fed contaminated product and subsequently slaughtered may have levels of dioxins/PCBs remaining in slaughter by-products. These may be rendered and subsequently used in other animal feeds, allowing the dioxins/PCBs to continue to be recycled through the food chain.

GUIDANCE: Districts may detain without physical examination shipments of any of the products as noted above and in the attachment.

In order to gain release of detained product, importers should provide laboratory test results for dioxin TEQ (Toxic Equivalents which will include all 17 congeners, 2,3,7,8 chloro-substituted dioxins and furans) and/or for PCBs.

At this time, a government or industry certificate of compliance alone, without laboratory analysis, should not be accepted as evidence for allowing entry of detained product.

CONTACTS: CFSAN, HFS-606, Brian Landesburg (202) 205-5247
CVM, HFV-230, Gloria Dunnavan (301) 594-1726
DIOP, HFC-170, Stella Notzon (301) 443-6553

PRIORITIZATION

GUIDANCE: I

FOI: No purging is required

KEYWORDS: Dioxin, feed, egg, PCB

PREPARED BY: CFSAN, HFS-606, Dave Egelhofer
CVM, HFV-230, Gloria Dunnavan
DIOP, HFC-170, Stella Notzon

DATE LOADED
INTO FIARS: June 11, 1999

\s\

Joseph L. McCallion

ATTACHMENT

Product Codes:

A). For Belgium, France, and the Netherlands - [HUMAN PRODUCTS]

03- Bakery Products, Doughs, Bakery Mixes and Icings

All Products EXCEPT:

03L [][[]]- Prepared Dry Cookie, Biscuit & Wafer Mixes w/o Eggs

04- Macaroni and Noodle Products

All Products

07- Snack Food Items (Flour, Meal or Vegetable Base)

07A [][[]]01 - Snack Food, Baked-Bread Sticks, ONLY

07B [][[]]01 - Snack Food, Fried - Bread Sticks, ONLY

13- Ice Cream and Related Products

All Products EXCEPT:

13D[][[]] - Sherbet

13F[][[]] - Fruit Flavored Ices

15- Egg and Egg Products

All Products

16- Fishery/Seafood Products

16W[][[]] - Mixed Fishery/Seafood Products, ONLY

17- Meat/Meat Products

All Products

24-25 Vegetable and Vegetable Products

24V[] [] [] - Leaf & Stem Vegetables with Sauce, ONLY
25H[] [] [] - Mixed Vegetables with Sauce, ONLY
25N[] [] [] - Root and Tuber Vegetables with Sauce, ONLY
25Y[] [] [] - Vegetables & Vegetable Products nec, ONLY

27- Dressings and Condiments

27A[] [] [] - Standardized Dressings, ONLY
27B[] [] [] - Non-Standardized Dressings, ONLY
27Y[] [] 07 - Sandwich Spreads, ONLY
27Y[] [] 99 - Condiments, ONLY

35- Gelatin, Rennet, Pudding Mixes and Pie Fillings

35C[] [] [] - Custard Pudding (Pie)Mixes, ONLY
35D[] [] [] - Pudding (Pie Filling)Mixes other than Custard, ONLY

37- Multiple Food Dinners, Gravies, Sauces and Specialties

All Products

39 - Prepared Salad Products

39B---- Salad with Egg, Meat, or Poultry Products
39Y----Prepared Salad, n.e.c. (Only those containing Eggs, Egg Yolk Solids, Milk/Dairy)

40-Baby (Infant and Junior)Products

40A[] [] []- Baked Goods
40C[] [] []- Formula Products (Milk and Milk Substitutes)
40F[] [] []- Meats and Combination Meat Dinners
40G[] [] []- Poultry and Combination Poultry Dinners
40H[] [] []- High Meat Dinners and Cheese Foods
40J[] [] []- Egg Products
40K[] [] []- Desserts (puddings, custards, etc.)
40L[] [] []- Soups and soup mixes
40Y[] [] []- Baby(Infant and Junior)Foods, nec

B. For Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom

[Animal Products]

54- Vitamins and Minerals for Animals

All products EXCEPT:
54A[] [] [] - Vitamins
54B[] [] [] - Minerals

69- Medicated Animal Feeds

All Products

70- Non-Medicated Animal Feeds

All Products

71- By-products for Animal Food

All products EXCEPT:

71F[][][] - Brewery & Distillery

71G[][][] - Corn Products

71H[][][] - Flour Mill

71I[][][] - Rice Mill

71J[][][] - Fruit

71K[][][] - Vegetable

71L[][][] - Oilseed

72- Pet and Laboratory Animal Foods

All Products

ATTACHMENT B

FDA TALK PAPER

T99-27
June 11, 1999

Judith Foulke: 202-205-4144
Broadcast Media:
Consumer Inquiries: 888-INFO-FDA

**ALL EGGS AND EGG-CONTAINING PRODUCTS FROM BELGIUM, FRANCE AND
THE NETHERLANDS AND ANIMAL FEED FROM EUROPEAN COUNTRIES TO BE
DETAINED AT PORTS OF ENTRY**

The Food and Drug Administration announced today that all imports of eggs, products containing eggs, and game meats (FDA regulated) from Belgium, France and the Netherlands, and all animal products including animal derived medicated and non-medicated feeds, feed ingredients, and pet foods from all European countries will be detained at U.S ports of entry.

These products are being detained because of the possibility that they may be contaminated with polychlorinated byphenyls (PCB's) and dioxins. Dioxins and PCB's are groups of compounds that may be potential carcinogens at low levels of exposure over extended periods of time and may have other types of toxicological effects. FDA is detaining these products as a precautionary step.

FDA is taking this action in response to recent reports that a fat product from a rendering company in Europe was

- MORE -

T99-27, Page 2, Belgium

contaminated with PCB's and dioxins in January 1999. This fat was subsequently sold to European animal feed manufacturers. Most of these feed manufacturers are in Belgium although some of the contaminated feed has reportedly been shipped to feed manufacturers in France and the Netherlands. Food producing animals may have consumed the feed resulting in potentially contaminated food products, for example, eggs. Since some animals that ate the contaminated feed may have been rendered and the renderings added to feed shipped to other European countries, FDA is also detaining all animal-derived feed and feed ingredients as well as pet food from all European countries.

FDA is gathering information on food products that may be affected. Because this was a one-time incident with eggs being only one component of many in egg-containing products, FDA believes that the exposure of U.S. consumers to harmful levels of PCB's and dioxins is minimal. However, FDA is continuing its investigation and is sampling and analyzing products that have been imported since the incident in question. FDA is working with officials in Europe as the investigation progresses.

At this time, in order for products to be released from detention, importers must provide laboratory test results showing PCB's are not detectable and/or that dioxins do not

- MORE -

Page 3, T99-27, Belgium
exceed 1 part-per-trillion (ppt).

The United States Department of Agriculture is holding poultry and pork from all European Community member states because of the possibility that the livestock may have been fed the contaminated feed. USDA is initiating investigations and analyses of these products.

FDA will continue to provide updates to this information. For updated information, consult the FDA web site at WWW.CFSAN.FDA.GOV, under the heading "What's New."

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JS 44 (Rev. 11/05)

CIVIL COVER SHEET

07-21221

CIV - ALTONAGA

MAGISTRATE JUDGE

TURNOFF

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below:**

<p>I. (a) PLAINTIFFS RENEE BLASZKOWSKI, AMY HOLLUB and PATRICIA DAVIS Individually and on behalf of others similarly situated,</p> <p>(b) County of Residence of First Listed Plaintiff <u>Oakland County</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) Catherine J. MacIvor Maltzman Foreman, P.A. 2 South Biscayne Boulevard, Suite 2300, Miami, Florida 33131 Phone: 305-358-6555 Fax: 305-374-9077</p>	<p>DEFENDANTS Menu Foods, Inc., et al</p> <p>County of Residence of First Listed Defendant <u>Garden County</u> FILED IN U.S. PLAINTIFF CASES ONLY</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED. MAY 04 2007</p> <p>Attorneys (If Known) CLARENCE MADDOX CLERK U.S. DIST. CT. S.D. OF FLA. 13th JUD. CIR.</p>
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(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2"></th> <th>PTF</th> <th>DEF</th> <th colspan="2"></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input checked="" type="checkbox"/></td> <td>1</td> <td><input type="checkbox"/></td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/></td> <td>4</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Citizen of Another State</td> <td><input checked="" type="checkbox"/></td> <td>2</td> <td><input type="checkbox"/></td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/></td> <td>5</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Foreign Country</td> <td><input type="checkbox"/></td> <td>3</td> <td><input type="checkbox"/></td> <td>Foreign Nation</td> <td><input type="checkbox"/></td> <td>6</td> <td><input type="checkbox"/></td> </tr> </table>			PTF	DEF			PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/>	1	<input type="checkbox"/>	Incorporated or Principal Place of Business In This State	<input type="checkbox"/>	4	<input checked="" type="checkbox"/>	Citizen of Another State	<input checked="" type="checkbox"/>	2	<input type="checkbox"/>	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/>	5	<input checked="" type="checkbox"/>	Foreign Country	<input type="checkbox"/>	3	<input type="checkbox"/>	Foreign Nation	<input type="checkbox"/>	6	<input type="checkbox"/>
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Citizen of This State	<input checked="" type="checkbox"/>	1	<input type="checkbox"/>	Incorporated or Principal Place of Business In This State	<input type="checkbox"/>	4	<input checked="" type="checkbox"/>																										
Citizen of Another State	<input checked="" type="checkbox"/>	2	<input type="checkbox"/>	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/>	5	<input checked="" type="checkbox"/>																										
Foreign Country	<input type="checkbox"/>	3	<input type="checkbox"/>	Foreign Nation	<input type="checkbox"/>	6	<input type="checkbox"/>																										

Jade 07-21221-CO-Altonaga Turnoff

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Acts <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <p>Habeas Corpus:</p> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Re-filed- (see VI below) 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S). (See instructions second page):

a) Re-filed Case YES NO b) Related Cases YES NO

JUDGE _____ DOCKET NUMBER _____

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):
 28 U.S.C. § 1332; Class Action Fairness Act of 2005 and 28 U.S.C. § 1367

LENGTH OF TRIAL via _____ days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 5,000,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD: *Catherine J. MacIvor* DATE: 5/9/07

FOR OFFICE USE ONLY

AMOUNT: \$350.00 RECEIPT #: 959317

05/09/07