

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

HEATHER AMRO, on behalf of herself and
all others similarly situated,

Plaintiff,

v.

MENU FOODS INCOME FUND, MENU
FOODS, INC., a New Jersey corporation,
MENU FOODS HOLDINGS, INC., MENU
FOODS MIDWEST CORPORATION, a
Delaware corporation, CHEMNUTRA INC.,
a Delaware corporation, CHEMNUTRA
LLC, THE PROCTOR & GAMBLE
COMPANY, an Ohio corporation and THE
IAMS COMPANY,

Defendants.

DAWN MAJERCZYK, individually and on
behalf of a class of similarly situated
individuals,

Plaintiff,

v.

MENU FOODS, INC., a New Jersey
corporation, MENU FOODS INCOME FUND,
MENU FOODS OPERATING TRUST,
unincorporated open-ended trusts established
under Ontario law, MENU FOODS LIMITED
PARTNERSHIP, a limited partnership
organized under Ontario law, MENU FOODS
ACQUISITION INC., MENU FOODS
LIMITED, business corporations organized
under Ontario law, MENU FOODS
HOLDINGS, INC., and MENU FOODS
MIDWEST CORPORATION, a Delaware
corporation,

Defendants.

Case No. 07 C 2162

Judge John W. Darrah

JURY TRIAL DEMANDED

Case No. 07 CV 1543

Judge Wayne R. Andersen

JURY TRIAL DEMANDED

**PLAINTIFF AMRO'S SUPPLEMENTAL MEMORANDUM
IN SUPPORT OF HER MOTION FOR A FINDING OF RELATEDNESS**

Pursuant to this Court's instruction during the hearing on Plaintiff Amro's Motion For a Finding of Relatedness on March 26, 2007, Plaintiff Amro respectfully submits this supplemental memorandum to notify the Court of the filing at least two additional class actions in the District Court of the Northern District of Illinois regarding the sale contaminated pet food: *Foxe v. Menu Foods, Inc., et al.* (Case No. 07 CV 02237); and *Bruski v. Menu Foods, Inc.* (Case No. 07 CV 02183).

The *Foxe* Class Action Complaint (attached hereto as Exhibit A) was recently filed on April 24, 2007, and is currently assigned to the Honorable Amy J. St. Eve. Similar to *Amro*, *Demith* and *Majercyzk*, the *Foxe* Class Action Complaint seeks redress for consumers who purchased contaminated pet food products manufactured, marketed and sold by defendants that subsequently caused many consumers' pets to die or suffer kidney failure or other injury from eating the pet food products. (*Foxe* Class Action Compl. at ¶¶ 1-2, 11-20.) Plaintiff Foxe seeks certification of a class comprised of all "persons and entities who purchased the pet products at issue, defined herein as 'cuts and gravy' style pet food in can or pouch, manufactured by Menu Foods Income Fund or Menu Foods, Inc., between November 6, 2006 and March 6, 2007". (*Id.* at ¶ 21.)

Plaintiff Foxe also seeks certification of two subclasses: (1) "all persons or entities who purchased pet products at issue caused to be distributed, marketed and/or sold by Safeway Inc.;" and (2) "all persons and entities who purchased pet products at issue caused to be distributed, marketed and/or sold in the State of Illinois". (*Id.* at ¶¶ 22-23.)

The *Bruski* Class Action Complaint (attached hereto as Exhibit B) was filed on March 23, 2007, in the Circuit Court of Cook County, Illinois. This case was removed to the District Court for the Northern District of Illinois on April 19, 2006, and is currently assigned to the Honorable John W. Darrah.

Virtually identical to *Amro, Demith, Majerczyk and Foxe*, the *Bruski* Class Action Complaint also seeks relief as a result the defendants' sale of contaminated pet food and failure to issue a timely recall of such products. (*Bruski* Class Action Compl. at ¶¶ 16-56.) Plaintiff Bruski seeks certification of a class comprised of all "persons in Illinois who purchased cuts and gravy style dog and cat food, manufactured by Menu Foods at its facility in Emporia, Kansas between December 3, 2006 and March 6, 2007 for sale by Nutro Products and distributed by PetSmart throughout Illinois." (*Id.* at ¶ 2.)

Thus, as evidenced above, as of the date of the filing of this Supplemental Memorandum, at least five actions are pending in the District Court for the Northern District of Illinois arising from substantially identical claims based upon the defendants' improper conduct of manufacturing, distributing or selling contaminated pet food products. Accordingly, Plaintiff Amro respectfully requests that this Court find that these actions are related and order the transfer of the actions to this Court.

Dated: May 1, 2007

HEATHER AMRO, on behalf of herself and all others similarly situated,

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CERTIFICATE OF SERVICE

I, Andrae P. Reneau, hereby certify that I am one of plaintiff's attorneys and I caused copies of the foregoing **Plaintiff Amro's Supplemental Memorandum In Support of Her Motion for a Finding of Relatedness** to be served on:

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via U.S. Mail with proper postage prepaid, this 1st day of May, 2007.

/s/ Andrae P. Reneau _____