

WR

07C1543
Andersen

FILED

MAY 04 2007

**BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT,**

IN RE MENU FOODS POISONED)	No. MDL 1850 – In re Pet Food
PET FOOD LITIGATION)	Products Liability Litigation
)	
)	

**PLAINTIFFS’ RESPONSE TO MOTION FOR TRANSFER AND CONSOLIDATION
AND REQUEST FOR TRANSFER AND CONSOLIDATION OF RELATED ACTIONS
TO THE WESTERN DISTRICT OF ARKANSAS UNDER 28 § 1407**

Plaintiffs Scott and Barbara Widen, Charles Ray and Pamela Simms, Sandra Gray, Kirby Cooper, and Nick and Deena Jackson (“Plaintiffs”) submit this response in support of their request to transfer and consolidate related actions to the Western District of Arkansas under 28 U.S.C. § 1407.

I. FACTS

A. Background

Defendant, Menu Foods, is a Canadian corporation doing business in the United States; Defendant, Nestle Purina, is a Missouri Corporation, with a pet food division in Fayetteville, Arkansas; and Defendant, Proctor & Gamble, is headquartered in Cincinnati, Ohio with offices in Fayetteville, Arkansas. Defendants distribute their pet food throughout the United States. Defendant, Del-Monte Pet Products, headquartered in San Francisco, California allegedly

produced contaminated pet food at their Lawrence, Kansas facility which is also closer to the Western District of Arkansas than any other currently suggested forum. These Defendants make a variety of pet food sold under many brand names and many private labels. Defendant, ChemNutra, Inc., (ChemNutra) is a Nevada Corporation which is alleged to have produced the contaminated wheat gluten. ChemNutra also has a production facility in Kansas which is closer to the Western District of Arkansas than any other currently suggested forum. The single largest distributor of Defendants' products is Wal-Mart Stores, Inc. (Wal-Mart). Wal-Mart has a private label agreement with Menu Foods and other producers of pet food in which Wal-Mart agrees that producer would manufacture pet food exclusively for Wal-Mart, thereby allowing Wal-Mart to purchase the pet food at a discounted rate and increase their profit margins and/or eliminate competition. Wal-Mart attaches its own name and reputation to each package of pet food manufactured under a private label agreement.

Plaintiffs assert their claim against the Defendants as class actions under Rule 23 of the Federal Rules of Civil Procedure on behalf of all persons who purchased any cat or dog food that was produced by Defendants from any Wal-Mart, Sam's Club, or any other retail outlet. Plaintiffs seek compensation for those whose pets suffered harm due to the consumption of defendants' tainted pet foods, those who accrued veterinarian bills due to actual harm to their pet, and those who accrued veterinarian bills because of their concern of possible harm from their pet's consumption of Defendants' tainted pet food. Plaintiffs seek reimbursement for those who purchased the tainted pet food and were forced to dispose of the contaminated food and replace it with untainted pet food, and punitive damages.

Defendant, Menu Foods, told the U. S. Food and Drug and Administration that they had become aware of the contamination on February 20, 2007. Menu Foods believed that the contamination came from their supplier of wheat gluten. Defendant, Menu Foods, conducted test to determine if the contamination was harmful to pets on February 27, 2007. The results of the test resulted in death to one out of every six pets who consumed the contaminated pet food.

Defendants and Wal-Mart did nothing to prevent the distribution of the contaminated pet food until weeks after the discovery occurred. This action, or lack thereof, permitted and caused additional harm to thousands of pet owners throughout the country.

B. The Poisoned Pet Food Class Actions

Thus far, over 75 class action complaints have been filed against the Defendants. These lawsuits assert claims for injuries arising from the deaths of pets that had consumed Defendants' pet food sold under various labels and some of the suits narrow the class to those who purchased Defendants' products sold at Wal-Mart stores. (See attached list of cases).

These cases seek to recover damages on behalf of all persons whose pets became sick or died as a result of consuming pet food produced or sold by defendants, persons who accrued costs from veterinarian visits, and persons who were forced to dispose of contaminated pet food and replace it with non-contaminated food. Submitted herewith is a Schedule of Actions involved under 28 U.S.C. § 1407 that lists the actions to be transferred and consolidated.

Plaintiffs seek to have the aforementioned cases and all other cases involving the contamination of Defendants' pet food transferred to the Western District of Arkansas for centralization with the four class actions already pending in that jurisdiction. Transfer and consolidation is appropriate because these cases involve common factual questions, will further

the convenience of the parties and witnesses, and will promote the just and efficient conduct of these actions. The Western District of Arkansas is the appropriate place for transfer and consolidation for the following reasons: the district has the resources and judicial expertise to properly conduct this case, Defendants transact business in the district, Defendants largest customer and distributor is in the district, Defendant, Wal-Mart, is headquartered in the district. Defendant, Menu Foods' plant, which is allegedly responsible for the production of the vast majority of the contaminated food, is located within one hour of the district,¹ and every other domestic defendant has production facilities within three hundred miles of the Western District of Arkansas.² Additionally, four related class actions are already filed in the district, and the Western District of Arkansas is easily accessed by all parties.

II. Argument

A. **Transfer and Consolidation of All Poisoned Pet Food Actions for Coordinated Pretrial Proceedings is Appropriate.**

28 U.S.C. § 1407 authorizes this Panel to transfer and consolidate two or more civil cases for coordinated pretrial proceedings upon a determination that (i) they “involv[e] one or more common questions of fact,” (ii) transfer will further “the convenience of the parties and witnesses,” and (iii) transfer “will promote the just and efficient conduct of the actions.” The requirements for transfer under Section 1407 are clearly satisfied here. The numerous related poisoned pet food class actions are characterized almost entirely by common questions of fact. In addition, transfer and consolidation will promote convenience for the parties and efficiency in

¹ Google Map Search

² Google Map Search

the pretrial proceedings by eliminating duplicative discovery and the potential for inconsistent rulings, including determinations on class certification.

1. The related actions involve common questions of fact.

The first requirement of § 1407 - that the actions to be transferred involve common questions of fact - is satisfied. The factual issues to be determined in each of the actions proposed for transfer and coordination arise from the same course of conduct and, therefore, are identical. See *In re Neurontin Mktg. & Sales Practices Litig.*, 342 F. Supp. 2d 1350, 1351 (J.P.M.L. 2004); *In re Publ'n Paper Antitrust Litig.*, 346 F. Supp.2d 1370, 1371 (J.P.M.L. 2004).

Among the many common questions of law and fact at issue in the related actions are:

- 1) Whether the Defendants' pet food was materially defective, and unfit for consumption by a domesticated pet;
- 2) Whether the Defendants breached any contract, implied contract or warranties relating to the sale of the pet food;
- 3) Whether the Defendants' pet food caused Plaintiffs' and other Class members' pets to become ill;
- 4) Whether the Defendants' contaminated pet food and the warnings surrounding the contaminate caused Plaintiffs to incur veterinarian costs;
- 5) Whether the Defendants' contaminated pet food and subsequent warnings surrounding the contamination caused Plaintiffs to dispose of the contaminated pet food and purchase new uncontaminated pet food;
- 6) Whether the Plaintiffs and other Class members have been damaged, and, if so, what is the proper measure thereof;

- 7) What is the appropriate form of injunctive, declaratory, and other relief; and
- 8) Do the Defendants' actions or lack thereof warrant punitive damages;

The factual issues to be determined in all of the class actions are nearly identical, making transfer to a single forum highly appropriate. See, e.g. *Neurontin*, 342 F. Supp.2d at 1351. In *Neurontin*, for example, the Panel ruled that there were common issues warranting transfer and consolidation where “[a]ll actions [we]re purported class actions involving allegations that common defendants have engaged in the illegal promotion and sale of the drug Neurontin for ‘off-label’ use.” *Id.*

2. Consolidating the class action will further the convenience of the parties and the witnesses.

Consolidating the class actions will satisfy the second requirement for consolidation under § 1407 because it will serve the convenience of the parties and witnesses. It is expected that counsel for Plaintiffs in all actions will seek documents from the same Defendants on such issues as, inter alia; (a) where the recalled pet food was processed, (b) the manufacturing process for the recalled pet food, (c) the intended ingredients of the recalled pet food, (d) the name, composition and character of the contaminant(s) of the recalled pet food that poisoned the Class members pets, (e) the contaminant(s)' pathway into the recalled pet food, (f) Wal-Mart's contractual relationship with Defendants (g) when Defendants learned or should have learned that the recalled pet food was contaminated, and (h) what actions were taken when Defendants did learn of the contamination. Issues such as these will be central in all of the class actions.

Because the actions arise from a common nucleus of factual allegations, there is a strong likelihood of duplicative discovery demands and redundant depositions. Consolidation will

enable a single judge to establish a pretrial program that will minimize the inconvenience to the witnesses and expenses to the parties. These savings are precisely the types of savings that this Panel has traditionally used to justify the consolidation of actions in different jurisdictions. See e.g. *Neurontin*, 342 F. Supp.2d at 1351.

3. Transfer and consolidation will promote the just and efficient conduct of the related actions.

Finally, transferring and consolidating these class actions is appropriate because coordinating the pretrial proceedings will promote the just and efficient conduct of the actions. In light of the nearly identical factual allegations, and especially given that discovery has not yet begun in any action, transfer under § 1407 will avoid duplicative discovery and save judicial time and resources. See *Ephedra Prods. Liab. Litig.*, 314 F.Supp.2d at 1375. The Plaintiffs in each action will seek to depose many of the same individuals from Defendants and their various affiliates and request production of a substantially similar set of documents. Failing to consolidate these actions will therefore result in duplicative discovery efforts, requiring witnesses to appear for multiple depositions and defendants to produce several sets of the same documents. The consolidation and coordination of these actions would avoid this inconvenience and needless waste of resources. See *In re Univ. Serv. Fund Tel. Billing Practices Litig.*, 209 F. Supp.2d 1385, 1386 (J.P.M.L. 2002). Moreover, the corresponding savings in time and expense would confer benefits upon both the Plaintiffs and Defendants. See *In re Cygnus Telcoms. Tech., LLC Patent Litig.*, 177 F.Supp.2d 1375,1376 (J.P.M.L. 2001). Where, as here, consolidation and coordination will avoid duplicative discovery and potentially conflicting pretrial rulings, transfer for pretrial purposes is warranted to promote the interests of judicial economy and efficiency.

B. The Western District of Arkansas is the Proper Forum for Coordinated Pretrial Proceedings.

1. The Western District of Arkansas has a small and swift docket and can most efficiently conduct the MDL proceedings.

In selecting the most appropriate transferee forum for multidistrict litigation (MDL), the Panel considers the speed and efficiency with which alternative districts manage their respective caseloads. *See, In re Preferential Drug Prods. Pricing Antitrust*, 429, F. Supp. 1027, 1029 (J.P.M.L. 1977) (transferring cases based in part upon transferee courts low median time between filing and disposition in civil actions); *In re Corn Derivatives Antitrust Litig.*, 486 F. Supp. 929, 932 (J.P.M.L. 1980). (faster docket cited as reason for selecting transferee court). Here, this factor favors the Western District of Arkansas.

The Western District of Arkansas has one of the smallest dockets in the country. It is unburdened by any existing MDL and very capable of ensuring expeditious resolution of this MDL. If there are several forums which would be appropriate for MDL transfer, the MDL Panel should examine the relative caseloads in each district court as a factor in determining where the MDL should be sent. *See, e.g., In re Corn Derivatives Antitrust Litig.*, 486 F. Supp. 929, 932 (J.P.M.L. 1980); *In re Falstaff Brewing Corp. Antitrust Litig.*, 434 F. Supp. 1225, 1231 (J.P.M.L. 1977). While the Western District of Arkansas not only is the most convenient and suitable forum for an MDL, it also has one of the smallest caseload of all the districts and can proceed to trial faster than any other district.

The Western District of Arkansas enjoys a swift civil docket. The Western District of Arkansas has one of the shortest amounts of time between the filing of a complaint and the trial

date. The median time for civil cases from filing to trial in the Western District of Arkansas is only 13.0 months, while the average length of time for district courts across the country is 23.2 months.³ Additionally, the Western District of Arkansas, while possessing the resources necessary to oversee a complex multi-party action such as this, has been under utilized as a transferee court for centralized proceedings. To the Respondents' knowledge, the Western District of Arkansas has never been assigned an MDL proceeding. This may have been due to the historical difficulty in traveling to the Western District of Arkansas. However, with the growth of Wal-Mart and the Regional Airport in Northwest Arkansas, direct flights are now available from New York, Chicago, Atlanta, Dallas, Los Angeles, Miami, Washington DC, and countless other metropolitan areas.⁴ While the Western District of Arkansas has never received a MDL proceeding, many other possible forums have multiple MDL's currently pending. As of September 30, 2006, the Western District of Washington had two (2) MDL cases still pending, the District of New Jersey has fifteen (15) MDL cases pending, the Northern District of Illinois has sixteen (16) MDL cases pending, and the Central District of California has nine (9) MDL cases pending.⁵

2. The Western District of Arkansas Has Judges Experienced in Complex Class Actions.

The Western District of Arkansas has increasingly become a hotbed for complex class action litigation. Because Wal-Mart, the country's largest retailer, is headquartered in the Western District of Arkansas, all the district's judges have been exposed to many national class action cases involving product liability. Judge Robert Dawson has ample experience with

³ U.S. Federal Courts Website: Information for 2006.

⁴ Northwest Arkansas Regional Airport Web Site.

⁵ U.S. Federal Courts Website.

complex class action cases. Judge Robert Dawson is also capable and experienced in handling complex litigation. Finally the District's Chief Judge, Judge Jimm Hendren has years of experience in dealing with product liability cases. All of the judges in the district are capable of administering an MDL proceeding and none of them are currently overburdened with an exhaustive docket. Each possible transferee judge in the Western District of Arkansas has a wealth of experience in complex commercial class actions and would be well-suited to handle this litigation.

3. The Western District of Arkansas is the most convenient forum for the convenience of the parties and witnesses.

The convenience of the parties and witnesses is a factor in determining to which district related actions should be transferred. 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 may consider the location of the parties, documents and potential witnesses relative to that district. See *In re Cigarette Antitrust Litig.*, 2000 U.S. Dist. Lexis 8209, at *4 (J.P.M.L. June 7, 2000).

This factor also supports Respondents' position that the MDL be transferred to the Western District of Arkansas. This case will involve parties from all over the United States and even Canada. Arkansas is conveniently located in between both coasts and therefore accessible to all parties.

One of the Defendant's plants where the contaminated pet food was produced is located

in Peoria Kansas, which is only 51.4 miles from the Western District of Arkansas.⁶ Much of the discovery will undoubtedly revolve around how the pet food was produced at the Peoria, Kansas plant became contaminated and what kind of quality control mechanisms were in place. Defendant, Nestle Purina, has a pet food division located in the Western District of Arkansas and a production plant in Nebraska, which is closer to the Western District of Arkansas than any other currently proposed forum. Additionally, Defendant, Proctor and Gamble, Inc., has a large regional corporate offices in the Western District of Arkansas. Defendant, Del-Monte Pet Products, has their production facility in Lawrence, Kansas which is where most of the discovery will focus and is closer to the Western District of Arkansas than any other currently proposed forum. ChemNutra, Inc. has a plant in Kansas, only a few hours from the Western District of Arkansas and closer than any other currently proposed MDL forum.⁷ Therefore, the Western District of Arkansas provides a very convenient forum to address these inevitable discovery matters.

Another Defendant in many of the lawsuits is Wal-Mart Stores, Inc. (Wal-Mart). Wal-Mart is the single largest distributor of Defendants' pet food in the country and had a private label agreement with Defendants by which Defendants would produce several brands of pet food exclusively for Wal-Mart. As such, Wal-Mart is an indispensable party to this lawsuit. Wal-Mart is, likely, the first place that consumers would have lodged complaints about the pet food. Many of the lawsuits seek reimbursement for the purchases of the contaminated pet food. These purchases were not made from Defendants directly, they were made at retail outlets - most of

⁶ Google Map Search – Peoria, KS to Bella Vista, AR

⁷ Google Map Search

which were made at Wal-Mart. Accordingly, it would be nearly impossible to calculate the level of reimbursement without pricing information from Wal-Mart.

Additional discovery will include the Plaintiffs acquisition of copies of the private label agreements between Wal-Mart and Defendants to determine the relationship between the two companies. Plaintiffs will also need information from Wal-Mart regarding the amount of Defendants' pet food which was purchased during the time at issue. Plaintiffs will need to seek information from Wal-Mart relating to the timing of the first customer complaints.

For the reasons mentioned above, Wal-Mart is a necessary party to the action. Wal-Mart's corporate headquarters is located within the Western District of Arkansas and is only about 57 miles from the Menu Foods plant in Peoria, Kansas.⁸ Nestle Purina, another Defendant who allegedly allowed contaminated pet food to enter the stream of commerce, has a pet food division in Fayetteville, Arkansas which is located in the heart of the Western District of Arkansas. Proctor & Gamble, Defendant who allegedly allowed contaminated pet food to be produced, also has a large regional headquarters in the Western District of Arkansas. Defendant, Del-Monte Pet Products, has a production facility in Lawrence, Kansas which is only a few hours drive from the Western District of Arkansas. Therefore, discovery will be most convenient for all parties if the MDL proceedings are administered by the Western District Court of Arkansas.

A common misconception is that Arkansas is a difficult destination point. This may have been true in the past but due to the phenomenal economic growth of several Fortune 500 companies, the Northwest Arkansas Regional Airport (XNA) services one of the most extensive

⁸ Google Map Search

list of direct flights in the nation. XNA has direct flights from New York, Los Angeles, Denver, Cincinnati, Miami, Minneapolis, Chicago, Atlanta, Dallas, Houston, Charlotte, Detroit, Salt Lake City, Newark, and others.⁹ The Western District of Arkansas is by far the most convenient forum both for discovery purposes and travel arrangements for all parties involved.

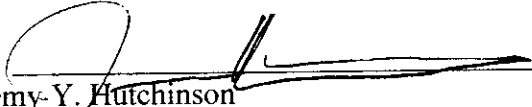
III. CONCLUSION

Consolidation is necessary to avoid duplication and wasted efforts. Transfer to the Western District of Arkansas is appropriate because at least four of the related actions were filed there; the Western District of Arkansas has the swiftest docket of all districts; the Judges are experienced and capable of conducting an MDL proceeding and are not overburdened with other MDL cases; the Western District of Arkansas is centrally located, easily accessible, and in close proximity to the nucleus of the discovery process. Therefore, Plaintiffs respectfully request that the Panel order that the related actions, as well as any other cases that may be subsequently filed asserting related or similar claims, be transferred to the Western District of Arkansas for consolidated and coordinated pretrial proceedings.

⁹ Northwest Arkansas Regional Airport Website

DATED: April 16, 2007

**PATTON, ROBERTS, MCWILLIAMS,
& CAPSHAW, L.L.P.**

By: 
Jeremy Y. Hutchinson
Jack Thomas Patterson II
Stephens Building
111 Center St., Suite 1315
Little Rock, AR 72201
Telephone: (501) 372-3480
Facsimile: (501) 372-3488

Richard Adams
James C. Wylly
Sean F. Rommel
**PATTON, ROBERTS, MCWILLIAMS
& CAPSHAW, L.L.P.**
Century Bank Plaza, Suite 400
P.O. Box 6128
Texarkana, Texas 75505-6128
Telephone: (903) 334-7000
Facsimile: (903) 334-7007

Timothy C. Hutchinson
WILLIAMS & HUTCHINSON LLP
5417 Pinnacle Point Drive, Suite 500
Rogers, AR 72758
Telephone: (479) 464-4944

Bill G. Horton
NOLAN, CADDELL, & REYNOLDS, P.A.
5414 Pinnacle Point Drive, Suite 101
Rogers, AR 72758
Telephone: (479) 782-5297
Facsimile: (479) 782-5184

Jason M. Hatfield
LUNDY & DAVIS LLP
3000 N. College Avenue, Suite 309
Fayetteville, AR 72701
Telephone: (479) 527-3921
Facsimile: (479) 587-9196

ATTORNEYS FOR PLAINTIFFS



The Official Website Northwest Arkansas Regional Airport



HOME

ABOUT XNA

TRAVEL PLANNING

VISITORS

SECURITY

Travel Planning → Airlines

Airlines and Cities Served

For flight status, availability, fares, schedules, reservations and more cities via connecting flights, see each airline's website.

Airline	Cities served	Phone numbers
	Service to Chicago, Dallas, New York, St. Louis, Los Angeles	Information/Reservations: 1-800-433-7300 Baggage Service: 1-800-535-5225
	Service to Houston, Newark	Information/Reservations: 1-800-525-0280 Baggage Service: 1-800-335-2247
	Service to Atlanta, Cincinnati, and Salt Lake City	Information/Reservations: 1-800-282-3424 Baggage Service: 1-800-325-8224
	Service to Memphis, Minneapolis/St. Paul, Detroit	Information/Reservations: 1-800-225-2525 Baggage Service: 1-800-648-4897
	Service to Charlotte	Information/Reservations: 1-800-428-4322 Baggage Service: 1-800-371-4771
	Service to Chicago and Denver	Information/Reservations: 1-800-864-8331 Baggage Service: 1-800-221-6903

- ▢ Arrivals
- ▢ Departures
- ▢ Airlines
- ▢ Rental Cars
- ▢ Buses, Shuttles & Taxis
- ▢ Parking
- ▢ Frequently Asked Questions

ABOUT XNA

Choose category

TRAVEL PLANNING

Choose category

VISITORS GUIDE

Choose category

SECURITY

Northwest Arkansas Regional Airport
 Alice L. Walton Terminal Building
 One Airport Blvd. Suite 100
 Bentonville, AR 72712
 Tel: 479-205-1000, Fax: 479-205-1001

Website Design by Epoch Online

HOME CONTACTS LEGAL



The Official Website of the Northwest Arkansas Regional Airport

HOME

ABOUT XNA

TRAVEL PLANNING

VISITORS

SECURITY

About XNA [Press Releases & Announcements](#)

American Eagle adds new non-stop jet service to Miami, Florida

February 9, 2007

AMERICAN EAGLE AIRLINES NEW SERVICE WILL CONNECT NORTHWEST ARKANSAS AND SOUTH FLORIDA

FORT WORTH, Texas – American Eagle, the regional affiliate of American Airlines, will add nonstop service between Northwest Arkansas Regional Airport and Miami International Airport, beginning April 10.

American Eagle's service will be the first ever between the state of Arkansas and Miami. The airline will operate round-trip service between the two cities, using a 44-seat Embraer ERJ-140 jet.

"American and American Eagle have been proud to give travelers from Northwest Arkansas their first nonstop access to New York and Los Angeles, and this new route will allow them to access the premier Latin American gateway at our Miami hub," said American Eagle President Peter Bowler.

"As the sixth-fastest growing region in the country, this is great news for the people of Northwest Arkansas," said Sen. Mark Pryor (D-Ark.). "I know that American Eagle with this new route will continue to provide the same high quality of service that we have grown to appreciate."

"American was the first airline to commit to XNA, and the airline has led the way in expanding its service to new destinations," said Stan Green, chairman of the Board of Directors of the Northwest Arkansas Regional Airport Authority. "The Miami service will be an excellent addition for American, providing yet another option for international travel to and from Northwest Arkansas."

"We are very pleased with the travel opportunities that the new American Eagle nonstop flight from XNA to Miami will bring to the residents of Northwest Arkansas," said Duane Futch, Director of Global Travel Services, Wal-Mart Stores Inc. "The new flight will add yet another time efficiency for business and pleasure travelers that have a requirement to travel to South Florida, the Caribbean and Latin America."

The schedule for the new route is as follows (all times local):

MIAMI TO NORTHWEST ARKANSAS (MIA-XNA)

Flight Departs Arrives Days
4515 8:45 P.M. 10:45 P.M. DAILY

NORTHWEST ARKANSAS TO MIAMI (XNA-MIA)

Flight Departs Arrives Days
4514* 6:30 A.M. 10:20 A.M. DAILY

*Effective April 11, 2007

- [About the Airport](#)
- [History Overview](#)
- [Map & Directions](#)
- [Airport Traffic Statistics](#)
- [Chambers of Commerce](#)
- [Job/Business Opportunity](#)
- [Press Releases & Announcements](#)
- [Charter Service / Cargo](#)
- [Weather](#)
- [Frequently Asked Questions](#)
- [Lost & Found](#)
- [Links of Interest](#)
- [Lost & Found](#)
- [Traveling With Pets](#)

American Airlines is a founding member of the global oneworld® Alliance.

About American Eagle

American Eagle is the largest U.S. regional airline, operating over 1,800 daily flights to more than 140 cities throughout the United States, Canada, the Bahamas, Mexico, and the Caribbean on behalf of American Airlines. American Airlines is the world's largest airline. American, American Eagle, and the AmericanConnection® airlines serve 250 cities in over 40 countries with more than 4,000 daily flights. The combined network fleet numbers more than 1,000 aircraft. American's award-winning Web site, AA.com, provides users with easy access to check and book fares, plus personalized news, information and travel offers. American Airlines is a founding member of the oneworld® Alliance, which brings together some of the best and biggest names in the airline business, enabling them to offer their customers more services and benefits than any airline can provide on its own. Together, its members serve more than 600 destinations in over 135 countries and territories. American Airlines, Inc. and American Eagle Airlines, Inc. are subsidiaries of AMR Corporation. American Airlines, American Eagle, AmericanConnection, AA.com and AAdvantage are registered trademarks of American Airlines, Inc. (NYSE:AMR).

####

Current AMR Corp. news releases are available via the Internet.
The address is <http://www.aa.com>

Return

ABOUT XNA

Choose category

TRAVEL PLANNING

Choose category

VISITORS GUIDE

Choose category

SECURITY

Northwest Arkansas Regional Airport
Alice L. Walton Terminal Building
One Airport Blvd. Suite 100
Bentonville, AR 72712
Tel: 479-205-1000, Fax: 479-205-1001

HOME CONTACTS LEGAL

Website Design by Epoch Online

FILED

MAY 04 2007

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

67C1743

**BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

**IN RE MENU FOODS POISONED
PET FOOD LITIGATION**

)
)
)
)

**No. MDL 1850 – In re Pet Food
Products Liability Litigation**

CERTIFICATE OF SERVICE

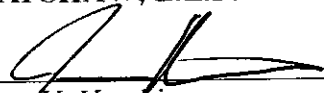
This is to certify that I have this day served upon all Parties' counsel of record, or upon the Party if no counsel of record appears, a copy of the within and foregoing **"PLAINTIFFS' RESPONSE TO MOTION FOR TRANSFER AND CONSOLIDATION AND REQUEST FOR TRANSFER AND CONSOLIDATION OF RELATED ACTIONS TO THE WESTERN DISTRICT OF ARKANSAS UNDER 28 § 1407** by causing a copy of the same to be deposited in the United States mail, postage prepaid, and properly addressed to the person and entities listed on the attached service list.

This is also to certify that I have this day mailed to the clerk of each United States District Court in which an action is pending that will be affected by the Motion for Transfer and Coordination Pursuant to 28 U.S.C. § 1407 a copy, for purposes of filing in said Court, of the within and foregoing **"PLAINTIFFS' RESPONSE TO MOTION FOR TRANSFER AND CONSOLIDATION AND REQUEST FOR TRANSFER AND CONSOLIDATION OF RELATED ACTIONS TO THE WESTERN DISTRICT OF ARKANSAS UNDER 28 § 1407** by causing a copy of same to be

deposited in the United States mail, postage prepaid, and properly addressed to the courts listed on the attached service list.

Dated: April 16, 2007

**PATTON, ROBERTS, MCWILLIAMS,
& CAPSHAW, L.L.P.**

By: 
Jeremy Y. Hutchinson

Stephens Building
111 Center St., Suite 1315
Little Rock, AR 72201
Telephone: (501) 372-3480
Facsimile: (501) 372-3488

SERVICE LIST OF DEFENDANTS

Menu Foods Midwest Corporation P.O. Box 1046 1400 East Logan Avenue Emporia, KS 66801	Menu Foods Income Fund 8 Falconer Drive Streetsville, ON Canada, L5N 1B1
Menu Foods, Inc. 9130 Griffith Mogan Lane Pennsauken, NJ 08110	Menu Foods Limited 8 Falconer Drive Streetsville, ON Canada, L5N 1B1
Menu Foods South Dakota, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	Menu Foods Holdings, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
Menu Foods Gen Par Limited c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	Menu Foods Limited Partnership c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
Menu Foods Operating Partnership c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	Wal-Mart Stores, Inc. c/o The Corporation Company 425 W. Capitol Avenue, Suite 1700 Little Rock, AR 72201
Eukanuba One Proctor & Gamble Plaza C-2 Cincinnati, OH 45202	The Iams Company One Proctor & Gamble Plaza C-2 Cincinnati, OH 45202
Xuzhou Anying Biologic Technology Development Company Ltd. Wangdian Industrial Pei County Jiangshu P.R. China, Xuzhou, Jiangsu China	Suzhou Textile Import and Export Co. 201 Zhuhui Rd. Suzhou, Jiangsu, China 215006
Nestle Purina PetCare Company Checkerboard Square St. Louis, MO 63164	Del Monte Foods 372 N Shore Drive Pittsburgh, PA 15212

COURTS	
<p>Clerk of Court U.S. District Court, Western District of Washington 700 Stewart Street Seattle, WA 98101</p>	<p>Clerk of Court U.S. District Court, Western District of Arkansas 35 E. Mountain Street, Suite 510 Fayetteville, AR 72701-5354</p>
<p>Clerk of Court U.S. District Court, District of New Jersey 4th & Cooper Streets, Suite 1050 Camden, NJ 08101</p>	<p>Clerk of Court U.S. District Court Southern District of Florida 299 E. Broward Blvd., Suite 108 Fort, Lauderdale, FL 33301</p>
<p>Clerk of Court U.S. District Court, District of New Jersey Martin Luther King Building & U.S. Courthouse 50 Walnut Street Room 4015 Newark, NJ 07101</p>	<p>Clerk of Court U.S. District Court, District of Connecticut 450 Main Hartford, CT 06103</p>
<p>Clerk of Court U.S. District Court, Central District of California 312 N. Spring St., Rm G-8 Los Angeles, CA 90012</p>	<p>Clerk of Court U.S. District Court, Northern District of Illinois 209 S. Dearborn Street Chicago, IL 60604</p>
<p>Clerk of the Court c/o Lynn Kamke, Divisional Manager U.S. District Court, Eastern District of Tennessee 800 Market Street, Suite 130 Knoxville, TN 37902</p>	<p>Clerk of Court U.S. District Court, District of Rhode Island Federal Building and Courthouse One Exchange Terrace Providence, RI 02903</p>

Updated: 3:45:30 PM
4/10/2007

In Re Pet Food Products Liability Litigation
MDL No. 1850

Plaintiff	Date of Filing	Court	Docket Number	Counsel
1. <i>Tom Whaley v. Menu Foods, a foreign corporation, The Iams Company, a foreign corporation, Dog Food Producers Numbers 1 - 50 and Cat Food Producers 1 - 40</i>	3/19/07	W.D. Washington	2:07-CV-00411-CMP	Michael David Myers MYERS & COMPANY PLLC 1809 Seventh Avenue, Suite 700 Seattle, WA 98101 Telephone: (206) 398-1188 Facsimile: (206) 400-1112 mmyers@myers-company.com
2. <i>LizaJean Holt v. Menu Foods, Inc.</i>	3/19/07	E.D. Tennessee	2:07-CV-00411-CMP	A. James Andrews 905 Locust Street Knoxville, TN 37902 Telephone: (865) 660-3993 Facsimile: (865) 523-4623 Perry A. Craft CRAFT & SHEPPARD PLC The Shiloh Building 214 Centerview Drive, Suite 223 Brentwood, TN 37027 Telephone: (615) 309-1707 Facsimile: (615) 309-1717 perrycraft@craftsheppardlaw.com Nicole Bass 905 Locust Street Knoxville, TN 37902 Telephone: (865) 310-6804

Updated: 3:45:30 PM
4/10/2007

3.	<i>Light v. Menu Foods Income Fund</i>	3/19/07	E.D. Tennessee	3:07-CV-00098	Dan C. Stanley Robert R. Kurtz STANLEY & KURTZ, PLLC 422 S. Gay Street, Third Floor Knoxville, TN 37902 Telephone: 865-522-9942 Facsimile: 865-522-9945 dan@danchanningstanley.com rkurtz@lock-net.com
4.	<i>Dawn Majerczyk v. Menu Foods, Inc.</i>	3/20/07	N.D. Illinois	1:07-CV-01543	John Blim Jay Edelson Myles McGuire (Of Counsel) BLIM & EDELSON LLC 53 West Jackson Blvd., Suite 1642 Chicago, IL 60604 Telephone: (312) 913-3400 Facsimile: (312) 913-9401 John@blimlaw.com Jay@blimlaw.com Myles@blimlaw.com
5.	<i>Charles Ray Sims and Pamela Sims v. Menu Foods Income Fund, Menu Foods Midwest Corporation, Menu Foods South Dakota, Inc., Menu Foods, Inc., Menu Foods Holding, Inc.</i>	3/21/07	W.D. Arkansas	5:07-CV-05053-JLH	Jason M. Hatfield LUNDY & DAVIS LLP 300 N. College Avenue, Suite 309 Fayetteville, AR 72701 Telephone: (479) 527-3921 Facsimile: (479) 587-9196 jhatfield@lundydavis.com

Updated: 3:45:30 PM
4/10/2007

<p>6.</p>	<p><i>Jacqueline Johnson v. The Proctor & Gamble Company, Menu Foods, Inc., Menu Foods Income Fund, The Iams Company and John Does 1 through 100</i></p>	<p>3/21/07</p>	<p>W.D Wisconsin</p>	<p>07-C-0159</p>	<p>Frank Jablonski Noah Golden-Kramer PROGRESSIVE LAW GROUP, LLC 354 Main Street Madison, WI 53703 Telephone: (608) 258-8511 Facsimile: (608) 442-9494 Larry D. Drury LARRY D. DRURY LTD. 205 W. Randolph Street, Suite 1430 Chicago, IL 60602 Telephone: (312) 346-7950 Facsimile: (312) 346-5777 ldrurylaw@aol.com</p> <p>Ilan Chorowsky PROGRESSIVE LAW GROUP, LLC 1130 North Dearborn Street, Suite 3110 Chicago, IL 60610 Telephone: (312) 643-5893 Facsimile: (312) 643-5894 classlaw@ren.com</p>
-----------	--------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------	----------------------	------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Updated: 3:45:30 PM
4/10/2007

<p>7.</p>	<p><i>Jared Workman, and Mark and Mona Cohen v. Menu Foods Limited, Menu Foods, Inc. and Menu Foods Midwest Corporation</i></p>	<p>3/23/07</p>	<p>D. N.J</p>	<p>1:07-CV-01338-NLH-AMD</p>	<p>Sherrie R. Savett Michael T. Fantini Russell D. Paul BERGER & MONTAGUE PC 1622 Locust Street Philadelphia, PA 19103 Telephone: (215) 875-3000 Facsimile: (215) 875-4604 ssavett@bm.net mfantini@bm.net rpaul@bm.net</p> <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 donna@trrlaw.com lisa@trrlaw.com</p> <p>Robert A. Rovner Jeffrey I. Zimmerman ROVNER ALLEN ROVNER ZIMMERMAN & NASH 175 Bustleton Pike Feasterville, PA 19053-6456 Telephone: (215) 698-1800 Facsimile: (215) 355-0940 rovners@dial-law.com</p>
-----------	---------------------------------------------------------------------------------------------------------------------------------	----------------	---------------	------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Updated: 3:45:30 PM
4/10/2007

<p>8.</p>	<p><i>Richard Scott and Barbara Widen v. Menu Foods, Menu Foods Income Fund, Menu Foods Gen Par Limited, Menu Foods Limited Partnership, Menu Foods Operating Partnership, Menu Foods Midwest Corp, Menu Foods South Dakota, Menu Foods, Inc., Menu Foods Holdings, Inc., Wal-Mart Stores, Inc.</i></p>	<p>3/23/07</p>	<p>W.D. Arkansas</p>	<p>5:07-CV-05055-RTD</p>	<p>Jeremy Y. Hutchinson Jack Thomas Patterson III PATTON ROBERTS MCWILLIAMS & CAPSHAW LLP Stephens Building 111 Center Street, Suite 1315 Little Rock, AR 72201 Telephone: (501) 372-3480 Facsimile: (501) 372-3488 jhutchinson@pattonroberts.com jpatterson@pattonroberts.com</p> <p>Richard Adams James C. Wylie Sean F. Rommel PATTON ROBERTS MCWILLIAMS & CAPSHAW LLP Century Bank Plaza, Suite 400 P. O. Box 6128 Texarkana, TX 75505-6128 Telephone: (903) 334-7000 Facsimile: (903) 334-7007 radams@pattonroberts.com jwylie@pattonroberts.com srommel@pattonroberts.com</p>
<p>9.</p>	<p><i>Suzanne Thomson and Robert Trautmann v. Menu Foods Income Fund (A corporation organized under the laws of Canada); John Does 1 – 100</i></p>	<p>3/23/07</p>	<p>D. N.J.</p>	<p>2:07-CV-01360-PGS-RJH</p>	<p>Gregg D. Trautmann TRAUTMANN & ASSOCIATES 262 East Main Street Rockaway, NJ 07866 Telephone: (973) 316-8100 Facsimile: (973) 983-1119 GDT@trautmann.com</p>

Updated: 3:45:30 PM
4/10/2007

<p>10.</p>	<p><i>Shirley Sexton v. Menu Foods Income Fund, Menu Foods, Inc., a New Jersey Corporation, and Menu Foods Midwest Corporation, a Delaware Corporation</i></p>	<p>3/26/07</p>	<p>C.D. California</p>	<p>07-CV-01957 GHK (AJWx)</p>	<p>Mark J. Tamblyn WEXLER TORISEVA WALLACE LLP 1610 Arden Way, Suite 290 Sacramento, CA 95815 Telephone: (916) 568-1100 Facsimile: (916) 568-7890 mjt@wtwlaw.us</p> <p>Kenneth A. Wexler WEXLER TORISEVA WALLACE LLP One North LaSalle Street, Suite 200 Chicago, IL 60602 Telephone: (312) 346-2222 Facsimile: (312) 346-0022 kaw@wtwlaw.us</p> <p>Stuart C. Talley KERSHAW, CUTTER & RATINOFF LLP 980 9th Street, 19th Floor Sacramento, CA 95814 Telephone: (916) 448-9800 Facsimile: (916) 669-4499 stalley@kcrlegal.com</p> <p>Joseph J. DePalma LITE DEPALMA GREENBERG & RIVAS LLC Two Gateway Center, 12th Floor Newark, NJ 07102 Telephone: (973) 623-3000 Facsimile: (973) 623-0858 or 623- 5469 idepalma@dgrlaw.com</p>
------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------	------------------------	-----------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Updated: 3:45:30 PM
4/10/2007

<p>11.</p>	<p><i>Christina Troiano v. Menu Foods, Inc. and Menu Foods Income Fund</i></p>	<p>3/26/07</p>	<p>S.D. Florida</p>	<p>0:07-CV-60428-JIC</p>	<p>Stuart A. 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 sdavidson@lerachlaw.com Lawrence Kopelman KOPELMAN & BLANKMAN 350 E. Las Olas Blvd., Suite 980 Ft. Lauderdale, FL 33301 Telephone: (954) 462-6855 Facsimile: (954) 462-6899 info@Kopelblank.com</p>
------------	--------------------------------------------------------------------------------	----------------	---------------------	--------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Updated: 3:45:30 PM
4/10/2007

12.	<i>Linda Tinker v. Menu Foods, Inc.</i>	3/26/07	D. New Jersey	1:07-CV-01468-NLH-AMD	<p>Arthur N. Abbey Stephen T. Rodd Orin Kurtz ABBEY SPANIER RODD ABRAMS & PARADIS LLP 212 East 39th Street New York, NY 10016 Telephone: (212) 889-0066 Facsimile: (212) 684-5191 aabbey@abbeyspanier.com srodd@abbeyspanier.com okurtz@abbeyspanier.com</p>
13.	<i>Lauri A. Osborne v. Menu Foods, Inc.</i>	3/26/07	D. Connecticut	3:07-CV-00469-RNC	<p>Alan E. Sash MCLAUGHLIN & STERN LLP 260 Madison Avenue New York, NY 10016 Telephone: (212) 448-1100 Facsimile: (212) 448-0066 asash@mclaughlinstern.com</p> <p>Bruce E. Newman NEWMAN CREED & ASSOCIATES 99 North Street, Route 6 P. O. Box 575 Bristol, CT 06011-0575 Telephone: (860) 583-5200 Facsimile: (860) 582-0012 bnewman@newmancreedlaw.com</p>
14.	<i>Debra Lynn and Satoru Waldhauer v. Menu Foods, Inc., Menu Foods Income Fund, and Wal-Mart Corporation.</i>	3/26/07	N.D. Florida	3:07-CV-00131-MCR-EMT	<p>Debra Lynn Waldhauer, Pro Se 159 N. Audrey Circle, NW Fort Walton Beach, FL 32548 Telephone: (850) 243-8974</p>

Updated: 3:45:30 PM
4/10/2007

15.	<i>Paul Randolph Johnson v. Menu Foods, Inc. and menu Foods Income Fund</i>	3/26/07	C.D. California	2:07-CV-01987-PA-CT	<p>Michael L. Kelly KIRTLAND & PACKARD LLP 2361 Rosecrans Avenue, Fourth Floor El Segundo, CA 90245 Telephone: (310) 536-1000 Facsimile: (310) 536-1001 mlk@kirtlandpackard.com</p> <p>Robert M. Churella KIRTLAND & PACKARD LLP 2361 Rosecrans Avenue, Fourth Floor El Segundo, CA 90245 Telephone: (310) 536-1000 Facsimile: (310) 536-1001 rmc@kirtlandpackard.com</p>
-----	-----------------------------------------------------------------------------	---------	-----------------	---------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Updated: 3:45:30 PM
4/10/2007

<p>16.</p>	<p><i>Paul Richard and Jennifer Richard husband and wife, Charles Kohler and Alicia Kohler husband and wife v. Menu Foods Income Fund, a Canadian open-ended trust, Menu Foods Limited, a Canadian corporation, Menu Foods Holdings, Inc., a Delaware corporation, Menu Foods, Inc., a New Jersey corporation, Menu Foods Midwest corporation, a Delaware corporation, Menu Foods South Dakota, Inc., a Delaware corporation, XYZ corporation</i></p>	<p>3/27/07</p>	<p>D. New Jersey</p>	<p>Wendy J. Harrison Guy A. Hanson Dana L. Hooper BONNETT FAIRBOURN FRIEDMAN & BALINT PC 2901 North Central Avenue, Suite 1000 Phoenix, AZ 85012-3311 Telephone: (602) 274-1100 Facsimile: (602) 274-1199 wharrison@BFFB.com ghanson@BFFB.com dhooper@BFFB.com</p> <p>Bruce D. Greenberg Allyn Zissel Lite LITE DEPALMA GREENBERG & RIVAS LLC Two Gateway Center, 12th Floor Newark, NJ 07102-5003 Telephone: (973) 623-3000 Facsimile: (973)623-0858 bgreenberg@ldgrlaw.com alite@ldgrlaw.com</p>
------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------	----------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Updated: 3:45:30 PM
4/10/2007

17.	<p><i>Carol Brown v. Menu Foods, Inc., Menu Foods Income Fund, Menu Foods Midwest Corporation, and Menu Foods South Dakota, Inc.</i></p>	3/27/07	D. Rhode Island	1:07-CV-00115-ML-LDA	<p>Peter N. Wasyluk LAW OFFICES OF PETER N. WASYLYK 1307 Chalkstone Avenue Providence, RI 02908 Telephone: (401) 831-7730 Facsimile: (401) 861-6064</p> <p>Andrew S. Kierstead LAW OFFICES OF ANDREW S. KIERSTEAD 1001 SW Fifth Avenue, Suite 1100 Portland, OR 97204 Telephone: (508) 224-6246 Facsimile: (508) 224-4356</p> <p>Marc Stanley STANLEY MANDEL & IOLA LLP 3100 Monticello Avenue, Suite 750 Dallas, TX 75205 Telephone: (214) 443-4300 Facsimile: (214) 443-0358</p>
-----	------------------------------------------------------------------------------------------------------------------------------------------	---------	-----------------	----------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Updated: 3:45:30 PM
4/10/2007

<p>18.</p>	<p><i>Suzanne E. Johnson and Craig R. Klemann v. Menu Foods, a foreign Corporation</i></p>	<p>3/27/07</p>	<p>W.D. Washington</p>	<p>07-CV-00455-CMP</p>	<p>Steve W. Berman HAGENS BERMAN SOBOL SHAPIRO LLP 1301 Fifth Avenue, Suite 2900 Seattle, WA 98101 Telephone: (206) 623-7292 Facsimile: (206) 623-0594 steve@hbsslaw.com</p> <p>Phillip H. Gordon Bruce S. Bistline GORDON LAW OFFICES 623 West Hays Street Boise, ID 83702 Telephone: (208) 345-7100 Facsimile: (208) 345-0050 pgordon@gordonlawoffices.com bbistline@gordonlawoffices.com</p>
------------	--------------------------------------------------------------------------------------------	----------------	------------------------	------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Updated: 3:45:30 PM
4/10/2007

19.	<i>Stacey Heller, Toinette Robinson, David Rapp, and Cecily and Terrence Mitchell v. Menu Foods, a foreign Corporation</i>	3/27/07	W.D. Washington	07-CV-00453-CMP	<p>Steve W. Berman HAGENS BERMAN SOBOL SHAPIRO LLP 1301 Fifth Avenue, Suite 2900 Seattle, WA 98101 Telephone: (206) 623-7292 Facsimile: (206) 623-0594 steve@hbsslaw.com</p> <p>Michael David Myers MYERS & COMPANY PLLC 1809 Seventh Avenue, Suite 700 Seattle, WA 98101 Telephone: (206) 398-1188 Facsimile: (206) 400-1112 mmyers@myers-company.com</p>
20.	<i>Audrey Kornelius and Barbara Smith v. Menu Foods, a foreign corporation</i>	3/27/07	W.D. Washington	07-CV-00454-MJP	<p>Steve W. Berman HAGENS BERMAN SOBOL SHAPIRO LLP 1301 Fifth Avenue, Suite 2900 Seattle, WA 98101 Telephone: (206) 623-7292 Facsimile: (206) 623-0594 steve@hbsslaw.com</p> <p>Michael David Myers MYERS & COMPANY PLLC 1809 Seventh Avenue, Suite 700 Seattle, WA 98101 Telephone: (206) 398-1188 Facsimile: (206) 400-1112 mmyers@myers-company.com</p>

Updated: 3:45:30 PM
4/10/2007

21.	<p><i>Michele Suggett and Don James v. Menu Foods, a foreign corporation, The Iams Company, a foreign corporation, Eukanuba, a foreign corporation, Dog Food Producers Numbers 1 - 100 and Cat Food Producers 1 - 100m and Does 1 - 100</i></p>	3/27/07	W.D. Washington	07-CV-457 RSM	<p>Adam P. Karp ANIMAL LAW OFFICES 114 W. Magnolia Street, Suite 425 Bellingham, WA 98225 Telephone: (888) 430-0001 Facsimile: (866) 652-3832 adam@animal-lawyer.com</p>
-----	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------	-----------------	---------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Updated: 3:45:30 PM
4/10/2007

<p>22. <i>Larry Wilson v. Menu Foods Inc., a New Jersey corporation, Menu Foods Holdings, Inc., and Menu Foods Midwest Corporation, a Delaware corporation</i></p>	<p>3/27/07</p>	<p>D. New Jersey</p>	<p>07-CV-1456 NLH</p>	<p>Mark J. Tamblyn WEXLER TORISEVA WALLACE LLP 1610 Arden Way, Suite 290 Sacramento, CA 95815 Telephone: (916) 568-1100 Facsimile: (916) 568-7890 mjt@wtwlaw.us Kenneth A. Wexler WEXLER TORISEVA WALLACE LLP One North LaSalle Street, Suite 200 Chicago, IL 60602 Telephone: (312) 346-2222 Facsimile: (312) 346-0022 kaw@wtwlaw.us Stuart C. Talley KERSHAW, CUTTER & RATINOFF LLP 980 9th Street, 19th Floor Sacramento, CA 95814 Telephone: (916) 448-9800 Facsimile: (916) 669-4499 stalley@kerlegal.com Joseph J. DePalma LITE DEPALMA GREENBERG & RIVAS LLC Two Gateway Center, 12th Floor Newark, NJ 07102 Telephone: (973) 623-3000 Facsimile: (973) 623-0858 or 623-5469 jdepalma@ldgrlaw.com</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------	----------------------	-----------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Updated: 3:45:30 PM
4/10/2007

<p>23.</p>	<p><i>Dawn Howe v. Menu Foods Limited, Menu Foods, Inc., Menu Foods Income Fund, Menu Foods Midwest Corporation, Menu Foods South Dakota, Inc., and Menu Foods Holdings, Inc.</i></p>	<p>3/28/07</p>	<p>C.D. California</p>	<p>07-CV-0260 SJO (PLAX)</p>	<p>Jeff S. Westerman Sabrina S. Kim MILBERG WEISS & BERSHAD LLP One California Plaza 300 South Grand Avenue, Suite 3900 Telephone: (213) 617-1200 Facsimile: (213) 617-1975 jwesterman@milbergweiss.com skim@milbergweiss.com</p>
<p>24.</p>	<p><i>Julie Hidalgo v. Menu Foods, Inc., Menu Foods Income Fund, Menu Foods Midwest Corporation, and Menu Foods South Dakota, Inc.</i></p>	<p>3/29/07</p>	<p>D. New Jersey</p>	<p>07-CV-1488 NLH</p>	<p>Joseph J. DePalma Susan D. Pontonriero LITE DEPALMA GREENBERG & RIVAS LLP Two Gateway Center, 12th Floor Newark, NJ 07102 Telephone: (973) 623-3000 Facsimile: (973) 623-0858 jdepalma@ldgrlaw.com spontoriero@ldgrlaw.com</p> <p>Paul J. Geller Stuart A. Davidson James L. Davidson LERACH COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP 120 E. Palmetto Road, Suite 500 Boca Raton, FL 33432-4809 Telephone: (561) 750-3000 Facsimile: (561) 750-3364 pgeller@lerachlaw.com sdavidson@lerachlaw.com jldavidson@lerachlaw.com</p>

Updated: 3:45:30 PM
4/10/2007

<p>25. <i>Alexander Nunez v. Menu Food Limited, Menu Foods Inc., Menu Foods Corporation, Midwest Income Fund, Menu Foods South Dakota, Inc. and Menu Foods Holdings, Inc.</i></p>	<p>3/29/07</p>	<p>D. New Jersey</p>	<p>07-CV-1490 NLH</p>	<p>Joseph J. DePalma Susan Pontoriero LITE DEPALMA GREENBERG & RIVAS LLC Two Gateway Center, 12th Floor Newark, NJ 07102 Telephone: (973) 623-3000 Facsimile: (973) 623-0858 or 623-5469 jdepalma@ldgrlaw.com spontoriero@ldgrlaw.com</p> <p>Jeff S. Westerman Sabrina S. Kim MILBERG WEISS & BERSHAD LLP One California Plaza 300 South Grand Avenue, Suite 3900 Telephone: (213) 617-1200 Facsimile: (213) 617-1975 jwesterman@milbergweiss.com skim@milbergweiss.com</p>
<p>26. <i>Sherry Ingles v. Menu Foods, Inc., Menu Foods Midwest Corporation, and Menu Foods South Dakota, Inc.</i></p>	<p>3/30/07</p>	<p>N.D. California</p>	<p>07-CV-1809-MMC</p>	<p>Stuart A. 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 sdavidson@lerachlaw.com</p>

Updated: 3:45:30 PM
4/10/2007

<p>27.</p>	<p><i>Janice Bonier, Guy Britton, and Tammy Matthews v. Menu Foods, Inc., Menu Foods Income Fund, and Menu Foods Midwest Corporation</i></p>	<p>D. New Jersey</p>		<p>William M. Audet Michael McShane Kevin L. Thomason AUDET & PARTNERS LLP 221 Main Street, Suite 1460 San Francisco, CA 34105 Telephone: (415) 568-2555 Facsimile: (415) 568-2556</p> <p>Michael A. Ferrara, Jr. THE FERRARA LAW FIRM LLC 601 Longwood Avenue Cherry Hill, NJ 08002 Telephone: (856) 779-9500 Facsimile: (856) 661-0369</p>
<p>28.</p>	<p><i>Mara Brazilian v. Menu Foods Income Fund, Menu Foods Limited, Menu Foods, Inc., Menu Foods Midwest Corporation, and The Iams Company</i></p>	<p>D. Maine</p>	<p>2:07-CV-00054-GZS</p>	<p>Daniel J. Mitchell Leonard M. Gulino Theodore A. Small Michael R. Bosse BERSTEIN SHUR 100 Middle Street P. O. Box 9729 Portland, ME 04104-5029 Telephone: (207) 774-1200 Facsimile: (207) 774-1127 dmitchell@bersteinshur.com lgulino@bersteinshur.com tsmall@bersteinshur.com mbosse@bersteinshur.com</p>

Updated: 3:45:30 PM
4/10/2007

<p>29.</p>	<p><i>Troy Gagliardi v. Menu Foods, Inc., Menu Foods Income Fund, Menu Foods Midwest Corporation, and Menu Foods South Dakota, Inc.</i></p>	<p>3/30/07</p>	<p>D. New Jersey</p>	<p>Joseph J. DePalma LITE DEPALMA GREENBERG & RIVAS LLC Two Gateway Center, 12th Floor Newark, NJ 07102 Telephone: (973) 623-3000 Facsimile: (973) 623-0858 or 623-5469 jdepalma@ldgrlaw.com</p> <p>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 pgeller@Lerachlaw.com sdavidson@Lerachlaw.com jdavidson@Lerachlaw.com</p>
------------	---------------------------------------------------------------------------------------------------------------------------------------------	----------------	----------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Updated: 3:45:30 PM
4/10/2007

<p>30.</p>	<p><i>Mark Golding v. Menu Foods Limited, Menu Foods, Inc., Menu Foods Midwest Corporation, Menu Foods Income Fund, Menu Foods South Dakota, Inc., and Menu Foods Holdings, Inc. and Does 1 through 100, inclusive</i></p>	<p>3/30/07</p>	<p>D. New Jersey (Camden)</p>	<p>1:07-CV-01521-NLH-AMD</p>	<p>Joseph J. DePalma Susan D. Pontoriero LITE DEPALMA GREENBERG & RIVAS LLC Two Gateway Center, 12th Floor Newark, NJ 07102 Telephone: (973) 623-3000 Facsimile: (973) 623-0858 jdepalma@ldgrlaw.com spontoriero@ldgrlaw.com</p> <p>Jeff S. Westerman Sabrina S. Kim MILBERG WEISS & BERSHAD LLP One California Plaza 300 South Grand Avenue, Suite 3900 Telephone: (213) 617-1200 Facsimile: (213) 617-1975 jwesterman@milbergweiss.com skim@milbergweiss.com</p>
<p>31.</p>	<p><i>Kami Turturro v. Menu Foods, Inc., Menu Foods Income Fund, Menu Foods Midwest Corporation, and Menu Foods South Dakota, Inc.</i></p>	<p>3/30/07</p>	<p>D. New Jersey (Camden)</p>	<p>1:07-CV-01523-NLH-AMD</p>	<p>Joseph J. DePalma LITE DEPALMA GREENBERG & RIVAS LLC Two Gateway Center, 12th Floor Newark, NJ 07102 Telephone: (973) 623-3000 Facsimile: (973) 623-0858 or 623-5469 jdepalma@ldgrlaw.com</p>

Updated: 3:45:30 PM
4/10/2007

<p>32.</p>	<p><i>Marion Streczyn v. Menu Foods Inc., a New Jersey corporation, and Does I – X, inclusive</i></p>	<p>4/2/07</p>	<p>D. Nevada</p>		<p>William M. O'Mara DAVID C. O'MARA THE O'MARA LAW FIRM P.C. 311 East Liberty Street Reno, NV 89501 Telephone: (775) 323-1321 Facsimile: (775) 323-4058</p>
<p>33.</p>	<p><i>Peggy Schneider v. Menu Foods Limited, Menu Foods Inc., and Menu Foods Midwest Corporation</i></p>	<p>4/2/07</p>	<p>D. New Jersey</p>		<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 donna@trrlaw.com lisa@trrlaw.com</p> <p>Sherrie R. Savett Michael T. Fantini Russell D. Paul BERGER & MONTAGUE PC 1622 Locust Street Philadelphia, PA 19103 Telephone: (215) 875-3000 Facsimile: (215) 875-4604 ssavett@bm.net mfantini@bm.net rpaul@bm.net</p>

Updated: 3:45:30 PM
4/10/2007

34.	<i>Kelly Finestone v. Menu Foods, Inc., The IAMS Company, and Petco Animal Supply Stores, Inc.</i>	4/2/07	Los Angeles Superior Court, Central District	BC368756	William King KING & FERLAUTO 1880 Century Park E, #820 Los Angeles, CA 90067 Telephone: (310) 552-3366 Facsimile: (310) 552-3289 wiking@pacbell.net
35.	<i>Jayne Pittsonberger v., Menu Foods Midwest, Menu Foods Inc., Menu Foods Income Fund and Menu Foods Limited</i>	4/3/07	D. New Jersey (Camden)	1:07-CV-01561-NLH-AMD	Gary S. Graifman KANTROWITZ GOLDHAMER & GRAIFMAN 210 Summit Avenue Montvale, NJ 07645 Telephone: (201) 391-7000 Facsimile: (201) 307-1086 ggraifman@kgglaw.com
36.	<i>David Carter v. Menu Foods, Inc., et al.</i>	4/3/07	D. New Jersey (Camden)	1:07-CV-01562-NLH-AMD	William J. Pinielis Larry D. King KAPLAN FOX & KILSHEIMER LLP 237 South Street Morristown, NJ 07962 Telephone: (973) 401-1111 Facsimile: (973) 401-1114 wpinielis@kaplanfox.com lking@kaplanfox.com
37.	<i>Leslie Berndt and Jim and Terri Moses v. Menu Foods, Inc., Menu Foods Income Funds, and Menu Foods Midwest Corporation</i>	4/3/07	D. New Jersey (Camden)	1:07-CV-01553-NLH-AMD	Michael A. Ferrara, Jr. THE FERRARA LAW FIRM 601 Longwood Avenue Cherry Hill, NJ 08002 Telephone: (856) 779-9500 mferrara@ferreralawfirm.com

Updated: 3:45:30 PM
4/10/2007

38.	<i>Jim Bullock v. Menu Foods, Inc., Menu Foods Midwest Corporation, Menu Foods Income Fund, and Menu Foods Limited</i>	4/4/07	D. New Jersey (Camden)	1:07- D. New Jersey (Camden)-01579- NLH-AMD	William J. Pinillis Larry D. King KAPLAN FOX & KILSHEIMER LLP 237 South Street Morristown, NJ 07962 Telephone: (973) 401-1111 wpinillis@kaplanfox.com lking@kaplanfox.com
39.	<i>Larry Klims, Paul Lavoie, and Richard Mueller v. Menu Foods, a foreign corporation</i>	4/5/07	D. Idaho	1:07-CV-160	Philip Gordon Bruce S. Bistline GORDON LAW OFFICES 623 West Hays Street Boise, ID 83702 Telephone: (208) 345-7100 Facsimile: (208) 345-0050 pgordon@gordonlawoffices.com bbistline@gordonlawoffices.com Mick Hodges HODGES LAW OFFICE 163 2 nd Avenue, West Twin Falls, IDD 83303 Telephone: (208) 734-2011 Facsimile: (208) 734-2511 Mick76hodges@aol.com
40.	<i>Jayne and Mitch Englander v. Menu Foods, Inc., et al.</i>	4/6/07	Los Angeles Superior Court Central District	BC369097	David Parisi PARISI & HAVENS 15233 Valleyheart Drive Sherman Oaks, CA 91403 Telephone: (818) 990-1299 Facsimile: (818) 501-7852 dparisi@parisihavens.com

Updated: 3:45:30 PM
4/10/2007

<p>41.</p>	<p><i>Gregory Boehm v. Menu Foods, Inc., Menu Foods Genpar Limited, and Menu Foods Income Fund</i></p>	<p>4/6/07</p>	<p>N. D. Ohio</p>	<p>1:07-CV-01018-PCE</p>	<p>Dennis E. Murray, Sr. John T. Murray Leslie O. Murray MURRAY & MURRAY 111 East Shoreline Drive P.O. Box 19 Sandusky, OH 44871-0019 Telephone: (419) 624-3000 Facsimile: (419) 624-0707 dms@murrayandmurray.com jtm@murrayandmurray.com</p> <p>Jeremy Gilman Nicole Dorsky BENESCH FRIEDLANDER COPLAN & ARONOFF 2300 BP Tower 200 Public Square Cleveland, OH 44114 Telephone: (216) 363-4565 Facsimile: (216) 363-4588 jgilman@bfca.com ndorsky@bfca.com</p>
------------	--------------------------------------------------------------------------------------------------------	---------------	-------------------	--------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Updated: 3:45:30 PM
4/10/2007

<p>42. <i>Stephanie Rozman v. Menu Foods Midwest Corporation, Menu Foods Income Fund, Menu Foods Limited, Menu Foods, Inc., Menu Foods Holdings, Inc., Nutro Products, Petco Animal Supplies, Petco Animal Supplies Stores, Inc., ChemNutra, Inc. and Does 1 through 100</i></p>	<p>4/9/07</p>	<p>D. Minnesota</p>	<p>0:07-CV-01808-ADM-AJB</p>	<p>Frank Jablonski Noah Golden-Kramer PROGRESSIVE LAW GROUP 354 Main Street Madison, WI 53703 Telephone: (608) 258-8511 Facsimile: (608) 442-9494 frankj@progressivelaw.com noah@mainstreetjustice.com</p> <p>Mark Reinhardt Garrett D. Blanchfield, Jr. REINHARDT WENDORF & BLANCHFIELD 332 Minnesota Street, Suite E-1250 St. Paul, MN 55101 Telephone: (651) 287-2100 Facsimile: (651) 287-2103 mreinhardt@comcast.net g.blanchfield@rwblawfirm.com</p> <p>Ilan Chorowsky PROGRESSIVE LAW GROUP 1130 North Dearborn Street, Suite 3110 Chicago, IL 60610 Telephone: (312) 643-5893 Facsimile: (312) 643-5894 ilan@progressivelaw.com</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------	---------------------	------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------