

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

DAWN MAJERCZYK, Individually and On Behalf of All Similarly Situated, Plaintiff,)	
)	Case No. :07-cv-1543
)	
v.)	Judge Wayne Anderson
)	
MENU FOODS, INC., et. al.)	June 29, 2007
Defendants,)	

SECOND MOTION FOR REASSIGNMENT OF RELATED CASES

Defendants Menu Foods, Inc., Menu Foods Income Fund, Menu Foods Operating Trust, Menu Foods Limited Partnership, Menu Foods Acquisition Inc., Menu Foods Limited, Menu Foods Holding, Inc., and Menu Foods Midwest Corporation (“Menu Foods, Inc.”) hereby move pursuant to Local Rule 40.4 of the United States District Court for the Northern District of Illinois for the reassignment of the related cases : *Amro v. Menu Food Inc., et. al.* (1:07-cv-2162); *Bruski v. Menu Foods Inc., et. al.* (1:07-cv-2183); *Demith v. Nestle Purina Petcare Co., et. al.* (1:07-cv-2211); and *Foxe v. Menu Foods Inc., et. al.* (1:07-cv-2237) to the Honorable Judge Wayne Anderson before whom the above-captioned, related case is pending. In support of this motion, the defendants state as follows:

1. On April 25, 2007, plaintiffs in a separate case captioned *Demith v. Nestle Purina Petcare Co., et. al.*, 07-cv-2211 presented a motion before this Court asking for relief similar to the relief requested in this current motion – reassignment of related cases to the Honorable Judge Wayne Anderson pursuant to local rule 40.4. (See Docket Entry #29.)
2. On May 3, 2007, previous counsel representing the defendants filed a motion to stay all proceedings in this case. (See Docket Entry #35.)
3. On May 10, 2007, this Court granted plaintiff’s motion for reassignment and defendants’ motion to stay all proceedings in a minute order. (See Docket Entry #39.)

4. On June 8, 2007, this Court signed an order effectuating its grant of both the motion for reassignment and the motion to stay. Specifically, the motion of June 8, 2007 states:

IT IS HEREBY ORDERED THAT Defendants' motion is granted and these proceedings are stayed pending the transfer decision by the Judicial Panel. Additionally, pursuant to Local Rule 40.4, this Court find that the following cases: *Amro v. Menu Food Inc., et. al.* (1:07-cv-2162); *Bruski v. Menu Foods Inc., et. al.* (1:07-cv-2183); *Demith v. Nestle Purina Petcare Co., et. al.* (1:07-cv-2211); and *Foxe v. Menu Foods Inc., et. al.* (1:07-cv-2237) are related and reassigned to Judge Wayne Anderson . . . The next Status Hearing on the above captioned matter is set for June 15, 2007 at 9:30 A.M. (See Docket Entry #45.)

5. Pursuant to this order counsel involved with the above-captioned case as well as counsel for the related cases appeared before this Court on June 15, 2007 for status. In this status conference, this Court accepted the appearance of the undersigned counsel and confirmed that all proceedings in the above-captioned case and the related cases were stayed pending transfer. This Court then set August 1, 2007 as the next status date for all cases. At no time during the conference did the Court notify counsel as to any deficiency in this Court's order of June 8th. (See Docket Entry #46.)

6. Notwithstanding this Court's order of June 8, 2007, the Deputy Clerk for this Court on June 29, 2007, told counsel for the defendants that this Court's order of June 8, 2007 needed a second motion for reassignment so that the cases already deemed related as of June 8, 2007 can be recorded as reassigned per each related case's individual docket.

7. Thus, consistent with the instructions given by the Deputy Clerk for this Court, the defendants' hereby request that this Court pursuant to Local Rule 40.4 find the following cases: *Amro v. Menu Food Inc., et. al.* (1:07-cv-2162); *Bruski v. Menu Foods Inc., et. al.* (1:07-cv-2183); *Demith v. Nestle Purina Petcare Co., et. al.* (1:07-cv-2211); and *Foxe v. Menu Foods Inc., et. al.* (1:07-cv-2237) related and reassign these cases to Judge Wayne Anderson before whom the above-captioned, related case is pending for all the reasons stated in the first motion for reassignment.

Dated: June 29, 2007

Respectfully submitted,

MENU FOODS, INC.,

By: s/ William C. Martin
One of Its Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on the June 29, 2007, a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

s/ William C. Martin
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