Page 1 of 3

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

GARY BRUSKI, Individually and on Behalf of all Others Similarly Situated,)	
Plaintiffs,)	
v.)	Case No.: 07 C 2183
MENU FOODS, INC., a Canadian Corporation, NUTRO PRODUCTS, INC., a)	Judge John W. Darrah
California Corporation, and PETSMART, INC., an Arizona Corporation,)	Magistrate Judge Valdez
Defendants.)	
)	

AGREED MOTION FOR EXTENSIION OF TIME TO ANSWER OR OTHERWISE PLEAD

Defendants, Nutro Products, Inc. ("Nutro") and PetSmart, Inc. ("PetSmart"), by their attorneys, Scandaglia & Ryan, respectfully move this Court for an Order granting an extension of time to answer or otherwise plead, up to and including June 8, 2007. In support of this motion, Nutro and PetSmart state as follows:

- On or about March 23, 2007 Plaintiff Gary Bruski ("Bruski"), individually and on behalf of all others similarly situated, filed a multi-count Class Action Complaint in the Circuit Court of Cook County, Illinois against Defendants Nutro, PetSmart and Menu Foods, Inc. ("Menu Foods"). See Class Action Complaint, attached hereto as Ex. 1.
- On or about April 19, 2007 Defendant Menu Foods filed a Notice of Removal, 2. removing the case from the Circuit Court of Cook County to the United States District Court for

the Northern District of Illinois, Eastern Division. See Notice of Removal of Civil Action,

attached hereto as Ex. 2.

3. On or about April 26, 2007 Defendants Nutro and PetSmart joined Menu Foods'

Notice of Removal. See Joinder of Notice of Removal, attached hereto as Ex. 3.

4. On or about May 3, 2007 Defendant Menu Foods filed Defendant's Motion to

Stay All Proceedings. See Defendant's Motion to Stay All Proceedings, attached hereto as Ex. 4.

5. Nutro and PetSmart now seek a thirty-day (30) extension of time in which to

answer or otherwise plead, up to and including June 8, 2007.

6. Counsel for Nutro and PetSmart and counsel for Bruski have discussed the

contents of this Motion and have agreed to its contents.

7. This Agreed Motion is not intended to prejudice Bruski's rights in any way with

respect to the removal of this litigation from state to federal court.

WHEREFORE, for all the reasons set forth above, this Court should enter an Order

granting Nutro and PetSmart an extension of time to answer or otherwise plead, up to and

including June 8, 2007.

Respectfully submitted,

NUTRO PRODUCTS, INC. and

PETSMART, INC.

Date: May 8, 2007

By: <u>/s/ William J. Ryan</u>

One of Its Attorneys

William J. Ryan (IL No. 6208379)

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2

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