

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

DINA KARGER, DENISE VOLLMER,
DOLLY PRUE-CERDA, and MYRNA LAW,
on behalf of Themselves and All Others
Similarly Situated

Plaintiffs,

v.

Case No. 4:07 CV 33 AS

MENU FOODS INCOME FUND, MENU
FOODS INC., MENU FOODS MIDWEST
CORP., MENU FOODS SOUTH DAKOTA,
MENU FOODS HOLDINGS, INC.

Defendants.

STIPULATION BETWEEN PLAINTIFFS AND DEFENDANTS

WHEREAS, Plaintiffs filed a Summons and Complaint on June 18, 2007, naming as Defendants, among others, Menu Foods Income Fund, Menu Foods, Inc., Menu Foods Holdings, Inc., and Menu Foods South Dakota, Inc. (collectively "the Menu Foods Defendants");

WHEREAS, Plaintiffs served the Summons and Complaint on the Menu Foods Defendants on or about July 23, 2007;

WHEREAS, this case is one of over one-hundred actions filed in federal courts throughout the country seeking damages arising from the alleged manufacture, distribution and/or sale of pet food products by and through Defendants Menu Foods;

WHEREAS, on May 31, 2007, the Judicial Panel on Multidistrict Litigation ("JPML") held a hearing to consider whether to coordinate pretrial proceedings in various pet food cases (collectively known as MDL 1850 - *In re Pet Food Products Liability Litigation*);

WHEREAS, on June 19, 2007 the JPML issued a Transfer Order, pursuant to 28 U.S.C. § 1407, transferring certain cases to the District of New Jersey, before the Honorable Noel L. Hillman (the "MDL Court"), for coordinated or consolidated pretrial proceedings (attached hereto as Exhibit A);

WHEREAS, the JPML confirmed that it had been notified of 97 potentially related actions and that those actions would be treated as potential tag-along actions;


WHEREAS, the JPML has been notified that this case is a potential tag-along action (*see* Notice of Potential Tag Along Actions dated August 2, 2007 (attached hereto as Exhibit B));

WHEREAS, the parties expect the this case to be transferred by the JPML to the MDL for coordinated pre-trial proceedings;

IT IS HEREBY AGREED AND STIPULATED, by and between Plaintiffs and the Menu Foods Defendants, that:

1. The parties consent to the transfer of this action by the JPML to the District of New Jersey, pursuant to 28 U.S.C. § 1407, for coordinated or consolidated pretrial proceedings consistent with any orders issued by the JPML in the matter of *In re Pet Food Products Liability Litigation*, MDL 1850;
2. All deadlines in this matter, including the deadlines for the parties to respond to the complaint, participate in class certification and other pretrial proceedings, shall be stayed pending the transfer of this case for coordinated pretrial proceedings to the District of New Jersey; and
3. The Menu Foods Defendants shall respond to Plaintiffs' complaint as directed by the MDL Court.

Dated this 10th day of August, 2007.


~~Michael H. Elam~~ MARK A. BERKOFF
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Attorneys for the Menu Foods Defendants

Dated this 10th day of August, 2007.


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Indianapolis, IN 46204
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, Mark A. Berkoff, an attorney, certify that I caused a copy of the foregoing **Stipulation Between Plaintiffs and Defendants** to be served on the following counsel by U.S. Mail, first-class, postage pre-paid, before the hour of 5:00 p.m. on this 13th day of August, 2007:

Attorney for Plaintiffs
Christopher A. Moeller
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s/Mark A. Berkoff
Mark A. Berkoff

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