MDL 1850

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

In re:

MENU FOODS, INC. PRODUCTS LIABILITY LITIGATION

MDL Docket No. _____

_____/

#2

PLEADING NO. 2

FLORIDA PLAINTIFF CHRISTINA TROIANO'S MOTION TO TRANSFER AND COORDINATE OR CONSOLIDATE ACTIONS UNDER 28 U.S.C. § 1407

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

Counsel for Florida Plaintiff Christina Troiano

Pursuant to 28 U.S.C. § 1407 and the Rules of Procedure on Multidistrict Litigation, plaintiff in the action styled *Christina Troiano, individually and on behalf of all others similarly situated v. Menu Foods, Inc. et. al.*, Case No. 07-60428-CIV-COHN, United States District Court for the Southern District of Florida ("Troiano" or "Movant"), files this Motion and respectfully moves for an Order transferring all related pending actions against Menu Foods, Inc. and its related partners, affiliates and subsidiaries (the "Defendants"), including the actions listed on Schedule of Actions, to the Southern District of Florida.

As set forth below and in the accompanying Memorandum, Troiano believes the actions listed on the accompanying Schedule of Actions, and any future tag-along actions, satisfy the requirements for consolidation and coordination because they concern common questions of fact and law and consolidation or coordination will serve the interests of efficiency and convenience.

In support of this motion, Movants state as follows:

1. Movant is the plaintiff in the following case: *Christina Troiano, individually and on behalf of all others similarly situated v. Menu Foods, Inc. et. al.*, Case No. 07-60428-CIV-COHN which is currently pending in the United States District Court for the Southern District of Florida.

2. Movant is currently aware of six other pending class action cases containing similar factual allegations and seeking similar relief against the Defendants. The cases are listed on the attached Schedule.

3. Accompanying Movant's Motion is a Rule 7.2(a)(ii) Schedule of Actions listing all related actions of which Movant is aware. True and correct copies of the complaints in Movant's action and the complaints in each of the related actions are attached to the accompanying Schedule of Actions, filed herewith

4. As described in greater detail in the accompanying Memorandum, the factual allegations in each of the actions contain similar allegations regarding Defendants and their defective and ultimately deadly pet food. Each action contends that from December 3, 2006 up to and including March 6, 2007, and possibly at other times, Defendants entered into the stream of commerce pet food that was defective and, for thousands of household pets, deadly – Defendants' pet food and pet food products (the "Products") were contaminated with rat poison or a related agent that contributed to the illness and/or death of thousands of dogs and cats. As a result of the defective Products, each action contends that the Plaintiffs and members of the putative Class suffered damages in that they have incurred substantial veterinary bills, death of pets, and purchased and/or own pet food and pet food products that they would not otherwise have bought had they known such products were defective.

5. Each action further contends that Defendants should have known or know and have admitted that certain of the Products produced by the Defendants between December 3, 2006 and March 6, 2007 are defective and causing injury and death to pets, and on March 16, 2007, initiated a recall of some of the Products.

6. A centralization of all actions in the Southern District of Florida will be for the convenience of parties and witnesses under 28 U.S.C. §1407 and will save Defendants the burden of having to defend virtually identical actions in multiple states. Witnesses will also be spared the possibility of being required to testify in several locales.

7. Because each of these related cases arises from a virtually identical set of operative facts relating to Defendants' conduct, discovery conducted in each of the actions proposed for consolidation will be substantially similar, and will involve the same or similar documents and witnesses.

8. Absent transfer of all of these cases to a single forum for coordinated and consolidated proceedings, there is a substantial risk of inconsistent and conflicting pretrial rulings on discovery and other key issues, such as class certification. Coordination and consolidation will promote the just and efficient conduct of the actions, because it will allow one court to address Defendants' ongoing conduct.

9. Centralization in the Southern District of Florida will also promote the just and efficient conduct of this litigation under 28 U.S.C. § 1407 as more fully set forth in the attached Memorandum.

10. These actions have all been filed on or after March 19, 2007, and are still in their nascent stages. Movant is not aware of any discovery conducted to date, and know of no initial disclosures that have been made in any of these cases. A transfer of these related cases will result in only one judge supervising discovery and resolving any subsequent motions, including motions for class certification.

11. Since all actions are in the beginning stage of the litigation, no prejudice or inconvenience would result from transfer, coordination and/or consolidation.

12. A comparison of the relative MDL case loads of potential transferee districts demonstrates that the Southern District of Florida is a suitable forum. According to the Distribution of Pending MDL Dockets as of March 26, 2007, there is only one pending MDL proceeding in the Southern District of Florida, and numerous judges who have the experience to handle MDL's (*See* Distribution of Pending MDL Dockets as of March 26, 2007, Ex. A.).

13. For these reasons, and as set forth more fully in the accompanying memorandum, Movant respectfully requests that the Panel enter an Order consolidating and coordinating the actions

identified on the accompanying Schedule together with any related actions subsequently filed or presently unknown to Movant for proceedings in the Southern District of Florida.

Respectfully submitted,

DATED: March 29, 2007

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
PAUL J. GELLER
Florida Bar No. 984795
pgeller@lerachlaw.com
STUART A. DAVIDSON
Florida Bar No. 84824
sdavidson@lerachlaw.com
JAMES L. DAVIDSON
Florida Bar No. 723371
jdavidson@lerachlaw.com

For
STUART A. DAVIDSON

120 E. Palmetto Park Road, Suite 500
Boca Raton, FL 33432-4809
Telephone: 561/750-3000
561/750-3364 (fax)

KOPELMAN & BLANKMAN
LAWRENCE KOPELMAN
Florida Bar No. 288845
lmk@kopelblank.com
350 E. Las Olas Blvd., Suite 980
Ft. Lauderdale, FL 33301
Telephone: 954/462-6855
954/462-6899 (fax)

Attorneys for Florida Plaintiff Christina Troiano

G:\jdavidson\Menu Foods\Pleadings\Motion for MDL (final).doc

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

In re:

MENU FOODS, INC. PRODUCTS LIABILITY LITIGATION

MDL Docket No. _____

_____/

FLORIDA PLAINTIFF CHRISTINA TROIANO'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO TRANSFER AND COORDINATE OR CONSOLIDATE ACTIONS UNDER 28 U.S.C. § 1407

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
Telephone: 561/750-3000
561/750-3364 (fax)

Counsel for Florida Plaintiff Christina Troiano

Pursuant to 28 U.S.C. § 1407 and the Rules of Procedure on Multidistrict Litigation, Plaintiff in the action styled *Christina Troiano, individually and on behalf of all others similarly situated v. Menu Foods, Inc. et. al.*, CASE NO. 07-60428-CIV-COHN, United States District Court for the Southern District of Florida. Plaintiff Christina Troiano ("Troiano" or "Movant"), respectfully submits this Memorandum in Support of Florida Plaintiff Christina Troiano's Motion for Transfer and Coordination or Consolidation. For the reasons set forth below, Movant's lawsuit and the related lawsuits identified in the accompanying Schedule of Actions should be transferred to and consolidated in the Southern District of Florida.

I. INTRODUCTION

Troiano brings her class action to remedy the harm caused by the defective and deadly pet food manufactured and placed into the stream of commerce by Menu Foods, Inc. and its affiliates, partners and subsidiaries (collectively, the "Menu Foods Defendants" or "Defendants"). Defendants are the leading North American private label/contract manufacturer of wet pet food products (the "Products") sold by supermarket retailers, mass merchandisers, pet specialty retailers, and other wholesale and retail outlets, including Wal-Mart, Safeway, Kroger, PetSmart, Inc., Giant Food, and other large retail chains, and has provided pet food products to or for Proctor & Gamble, Inc. Defendants produce hundreds of millions of containers of pet food annually.

Defendants design, manufacture, market, advertise and warrant their pet food Products. In conjunction with each sale, Defendants market, advertise and warrant that the Products are fit for the ordinary purpose for which such goods are used – consumption by pets – and are free from defects. Defendants produce the pet food Products intending that consumers will purchase the pet food products, regardless of brand or label name, place of purchase, or the location where pets actually consume them. The pet food Products are placed in the stream of commerce and distributed and

offered for sale and sold to Troiano and purchasers in Florida and the United States and fed to their pets.

From December 3, 2006 up to and including March 6, 2007, and possibly at other times, Defendants entered into the stream of commerce pet food Products that were deadly and defective – Defendants' pet food and pet food Products were potentially contaminated with rat poison or some other agent that contributed to the illness and/or death of thousands of dogs and cats. As a result of the defective Products, Troiano and members of the putative Class have suffered damages in that they have incurred substantial veterinary bills, death of pets, and purchased and/or own pet food and pet food products that they would not otherwise have bought had they known such products were defective.

Defendants know and have admitted that certain of the Products produced by the Defendants between December 3, 2006 and March 6, 2007 are defective and causing injury and death to pets, and on March 16, 2007, initiated a nationwide recall of some of the Products. Further, the Food and Drug Administration has reported that as many as one in six animals died in tests of the Products by Defendants last month after the Defendants received complaints the Products were poisoning pets around the country. A spokeswoman for the New York State Department of Agriculture and Markets has said that rodent poison was determined to have been mixed into the Products.

II. HISTORY OF THE PENDING LAWSUITS

The related actions, identified in the accompanying Schedule of Actions present common questions of law and fact, common defendants, and are brought on behalf of overlapping classes (*i.e.*, all persons and entities who suffered damages due to Defendants' defective pet food and pet food Products). Transfer and consolidation of all existing actions, and all subsequently filed related cases, to the Southern District of Florida will best serve the convenience of the parties and witnesses

and promote the just and efficient conduct of the litigation. Each related action is briefly discussed below.

On or about March 19, 2007, Tom Whaley, individually and on behalf of others similarly situated, filed the class action styled *Whaley v. Menu Foods, Inc., et. al.,* Case No. 2:07-cv-00411, in the United States District Court for the Western District of Washington (the "*Whaley* Action"). This complaint seeks damages and equitable relief for breach of contract, unjust enrichment, deceptive and unfair business practices, breach of warranties and negligent misrepresentation on behalf of a class of all persons who purchased any dog or cat food which was produced by the Defendants and/or has had a dog or cat become ill as a result of eating the food.

Also on March 19, 2007, Lizajean Holt, individually and on behalf of others similarly situated, filed the class action styled *Holt v. Menu Foods, Inc.,* Case No. 3:07-cv-00094, in the United States District Court for the Eastern District of Tennessee (the "*Holt* Action"). This complaint likewise seeks damages and equitable relief for deceptive and unfair business practices, breach of warranties and negligence on behalf of a class of all persons in the United States who purchased or fed his, her, or their cat(s) or dog(s) pet food produced or manufactured by Defendants that was or will be recalled by the Defendants, including that produced fro December 3, 2006 up to and including March 6, 2007.

On or about March 20, 2007, Dawn Majerczyk, individually and on behalf of others similarly situated, filed the class action styled *Majerczyk v. Menu Foods, Inc.,* Case No. 1:07-cv-01543, in the United States District Court for the Northern District of Illinois (the "*Majerczyk* Action"). This complaint seeks damages and injunctive relief for breach of warranties and negligence on behalf of a class of herself and all others who purchased pet food in the United States that was ultimately subject to the March 16, 2007 Menu Foods recall.

On or about March 21, 2007, Charley Ray Sims and Pamela Sims, on behalf of themselves and all others similarly situated, filed the class action styled *Sims, et. al. v. Menu Foods Income Fund, et. al.,* Case No. 5:07-cv-05053, in the District Court for the Western District of Arkansas (the "*Sims* Action"). This complaint seeks damages for strict liability, fraud, breach of express and implied warranties and negligence on behalf of a class of (1) all persons or entities who purchased Menu Food brands at any time and disposed of or will not use the products based on publicity surrounding the safety and recall of the products; (2) all persons or entities who purchased Menu Foods products and fed products to their pets on or since December 6, 2006; and (3) all persons or entities who purchased Menu Food products from wholesale distributors on or since December 6, 2006.

On or about March 23, 2007, Jared Workman, and Mark and Mona Cohen, on behalf of themselves and all others similarly situated, filed the class action styled *Workman, et. al. v. Menu Foods Limited, et. al.,* Case No. 1:07-cv-01338, in the District Court for the District of New Jersey (the "*Workman* Action"). This complaint seeks damages for breach of express and implied warranties and negligence on behalf of a class of all persons in the United States who purchased any of the pet food brands manufactured by Defendants during the period commencing December 3, 2006, and ending March 6, 2007.

Also on March 23, 2007, Richard and Barbara Widen, and Mark and Mona Cohen, on behalf of themselves and all others similarly situated, filed the class action styled *Widen, et. al. v. Menu Foods, et. al.,* Case No. 5:07-cv-05055, in the District Court for the Western District of Arkansas (the "*Widen* Action"). This complaint seeks damages for strict liability and negligence on behalf of a class of all persons in the United States who purchased contaminated pet food from Wal-Mart that was produced by Menu Foods.

On March 26, 2007, Troiano, individually, and on behalf of all others similarly situated, filed her Complaint against Defendants alleging claims for negligence, breach of warranties, strict liability, and unjust enrichment.

III. ARGUMENT

In view of the facts outlined above, and the jurisprudence regarding multidistrict litigation set forth below, these cases should be centralized in the United States District Court for the Southern District of Florida. Transfer and consolidation is essential to permit the efficient and non-duplicative handling of these cases and the Southern District of Florida is the most appropriate venue for this multidistrict litigation.

A. The Similarity of These Class Actions Warrants Coordination and Consolidation

28 U.S.C. § 1407(a) authorizes the transfer of multiple civil actions pending in various federal districts to a single federal district court when the actions involve "one or more common questions of fact . . . ." Moreover, transfer is necessary "in order to eliminate duplicative discovery; prevent inconsistent rulings on pretrial motions, including those with respect to whether the actions should proceed as [class actions] . . . ." *In re Starmed Health Personnel, Inc. Fair Labor Standards Act Litig.*, 317 F. Supp. 2d 1380, 1381 (J.P.M.L. 2004); *see also In re Comp. of Managerial Prof'l and Tech. Employees Antitrust Litig.*, 206 F. Supp. 2d 1374, 1375 (J.P.M.L. 2002) (noting that centralization is "necessary in order to... prevent inconsistent pretrial rulings (especially with regard to class certification issues")).

The requirements for transfer under section 1407 are easily satisfied here. As discussed above, each of these pending cases (i) purport to represent a large class of individuals and/or entities who were damaged by defective and deadly pet food marketed, manufactured and/or distributed by the Defendants, (ii) assert the same or similar claims against the Defendants, and (iii) seek to recover

losses based upon those damages caused by the Defendants. To separately litigate each pending case (and subsequently filed related cases) would waste resources and present the danger of inconsistent pretrial rulings. Consolidation of these cases is particularly critical because these related actions seek class action status on behalf of the same class or overlapping classes and, as a result, there is a significant potential for conflicting or inconsistent rulings on class certification issues. Accordingly, centralization and consolidation pursuant to 28 U.S.C. § 1407 is warranted.

The consolidation and transfer of these cases would further promote the efficient adjudication of these actions. As the class actions alleged in these related cases are similar if not identical, the discovery needed in each of these pending cases will unquestionably be duplicative. To have the parties engaged in duplicative discovery in multiple complex class actions would be singularly inefficient and an unnecessary burden on the judicial system and the parties. These factors again all weigh heavily in favor of consolidating and coordinating these cases.

B. The Southern District of Florida Is the Proper Forum for These Coordinated Proceedings

Numerous factors may be considered by the Panel in determining the most appropriate transferee forum, including "convenience of the parties and witnesses." *See In re Computervision Corp. Sec. Litig.*, 814 F. Supp. 85, 86 (J.P.M.L. 1993). Here, the balance of relevant factors weighs strongly in favor of transferring these actions to the Southern District of Florida due to its convenient location, large concentration of putative class members, experience in handling MDL proceedings, and lack of pending MDL cases.

1. The Southern District of Florida Is as Appropriate as Any Other Forum for the Parties and Witnesses

The convenience of the parties and witnesses is a critical factor in determining to which district related actions should be transferred. *See* 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 examines factors such as: where the first filed and most advanced cases are pending; the location of the parties, documents and potential witnesses relative to that district; and the location where the majority of actions have been brought. *See In re Baldwin-United Corp. Litig.*, 581 F. Supp. 739, 740 (J.P.M.L. 1984).

The Defendants in the multiple class actions are a Canadian business entity and its United States subsidiaries and/or affiliates, as well as certain other Defendant-distributors of the defective products. Each of these entities is headquartered and/or incorporated in different jurisdictions, including Canada, New Jersey, and Delaware. Of the seven lawsuits currently pending, one is pending in the Western District of Washington, one is pending in the Eastern District of Tennessee, one is pending in the Northern District of Illinois, two are pending in the Western District of Arkansas, on is pending in the District Court for the District of New Jersey, and one is pending in the Southern District of Florida. Further, upon information and belief, Defendants conduct business, and potentially have caused damages to purported class members, in all fifty states. Thus, there is no central forum that would be more convenient over any others in terms of the locations of parties, documents, and potential witnesses.

2. The Accessibility of the Southern District of Florida Warrants Transfer

While there will be a large number of class members residing in Florida, Troiano anticipates that parties to this litigation will come from all across the country and not one centralized region. Those parties residing outside of Florida will find the courthouses in the Southern District of Florida convenient and accessible by all forms of transportation. The multiple federal courthouses in the Southern District of Florida – in, among other place, Miami, Fort Lauderdale and West Palm Beach – are all in very close proximity to airports that have direct flights on many airlines to

numerous cities across the United States. Traveling from the airport to the courthouse is also simple due to the varieties of ground transportation available. *See In re Comp. of Managerial, Prof'l and Tech. Employees Antitrust Litig.*, 206 F. Supp. 2d at 1375 (transferring cases to the District of New Jersey and noting that the District of New Jersey is an "accessible" metropolitan location that is geographically convenient for litigants and counsel). On balance, the accessibility factor favors transfer of the related actions in the Southern District of Florida.

3. The Southern District of Florida Has the Capacity and Expertise to Handle these Related Cases

A comparison of the relative MDL case loads of potential transferee districts demonstrates that the Southern District of Florida is a highly suitable forum. The judges of the Southern District of Florida have vast experience in Multidistrict litigation, having brought to termination a total of 24 cases through September 30, 2006.[1] Yet, as of March 26, 2007, the Southern District of Florida only had only one pending MDL proceeding, which is nearly in an inactive stage. Thus, while the Southern District of Florida is well versed in the nuances of Multidistrict litigation, the Southern District would not be overburdened with similar cases if these actions were transferred there.

C. No Party Is Prejudiced by the Transfer and Consolidation of These Lawsuits

Each of the related lawsuits is in its infancy. To Movant's knowledge, no party has served discovery, filed disclosures or engaged in substantive motion practice regarding these lawsuits. Because these related cases are all in their early stages, no party will be prejudiced by the transfer to the Southern District of Florida. Furthermore, since no discovery has occurred, an Order transferring

---

[1] Multidistrict Litigation Terminated Through September 30, 2006, available at *http://www.jpml.uscourts.gov/Statistics/TerminatedDocketsThroughSeptember2006.pdf*, viewed on March 26, 2007.

these cases to the Southern District of Florida can truly eliminate the expenses associated with the duplicative discovery that would otherwise occur in District Courts across the country.

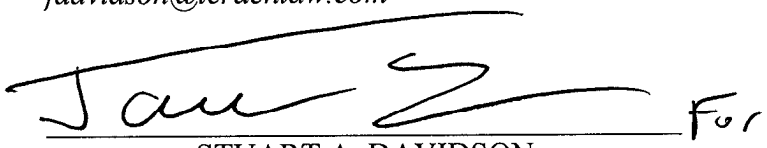
IV. CONCLUSION

For the reasons discussed above, the Plaintiff respectfully request that the related actions identified on the accompanying Schedule of Actions, and any tag-along actions, be transferred to and consolidated in the Southern District of Florida. Accordingly, the Plaintiff respectfully request that this Panel enter an Order transferring the related actions, and any future related actions, to the Southern District of Florida.

Respectfully submitted,

DATED: March 28, 2007

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
PAUL J. GELLER
Florida Bar No. 984795
pgeller@lerachlaw.com
STUART A. DAVIDSON
Florida Bar No. 84824
sdavidson@lerachlaw.com
JAMES L. DAVIDSON
Florida Bar No. 723371
jdavidson@lerachlaw.com



STUART A. DAVIDSON

120 E. Palmetto Park Road, Suite 500
Boca Raton, FL 33432-4809
Telephone: 561/750-3000
561/750-3364 (fax)

KOPELMAN & BLANKMAN
LAWRENCE KOPELMAN
Florida Bar No. 288845
lmk@kopelblank.com
350 E. Las Olas Blvd., Suite 980
Ft. Lauderdale, FL 33301
Telephone: 954/462-6855
954/462-6899 (fax)

Attorneys for Florida Plaintiff Christina Troiano

G:\jdavidson\Menu Foods\Pleadings\MEM Support MDL Motion (final).doc

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

In re:

MENU FOODS, INC. PRODUCTS LIABILITY LITIGATION

MDL Docket No. _____

_____/

SCHEDULE OF ACTIONS IN SUPPORT OF FLORIDA PLAINTIFF CHRISTINA TROIANO'S MOTION TO TRANSFER AND COORDINATE OR CONSOLIDATE ACTIONS UNDER 28 U.S.C. § 1407

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

Counsel for Florida Plaintiff Christina Troiano

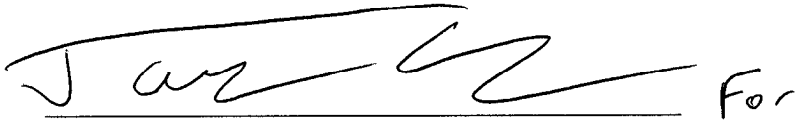
SCHEDULE OF ACTIONS

Case Caption	Date Filed	Court	Civil Action No.	Judge
Plaintiffs: Tom Whaley **Defendants:** Menu Foods, The Iams Company, Dog Food Producers Number 1-50, Cat Food Producers 1-40	March 19, 2007	W.D. Washington	2:07-cv-00411	Ricardo S. Martinez
Plaintiffs: Lizajean Holt **Defendants:** Menu Foods, Inc.	March 19, 2007	E.D. Tennessee	3:07-cv-00094	Thomas W. Phillips
Plaintiffs: Dawn Majerczyk **Defendants:** Menu Foods, Inc.	March 20, 2007	N.D. Illinois	1:07-cv-01543	Wayne R. Anderson
Plaintiffs: Charles Ray Sims, Pamela Sims **Defendants:** Menu Foods Income Fund, Menu Foods Midwest Corporation, Menu Foods South Dakota Inc., Menu Foods, Inc., Menu Foods Holdings, Inc.	March 21, 2007	W.D. Arkansas	5:07-cv-05053	Jimm Larry Hendren
Plaintiffs: Richard Scott Widen, Barbara Widen **Defendants:** Menu Foods, Menu Foods Income Fund, Menu Foods General Partnership Limited, Menu Foods Limited	March 23, 2007	W.D. Arkansas	5:07-cv-05055	Robert T. Dawson

Partnership, Menu Foods Operating Partnership, Menu Foods Midwest				
Plaintiffs: Jared Workman, Mark Cohen, Mona Cohen **Defendants:** Menu Foods Limited, Menu Foods Inc., Menu Foods Midwest Corporation	March 23, 2007	D. New Jersey	2:07-cv-00411 1332	Noel L. Hillman
Plaintiffs: Christina Troiano **Defendants:** Menu Foods Limited, Menu Foods Inc., Menu Foods Midwest Corporation	March 26, 2007	S.D. Florida	0:07-cv-60428	James I. Cohn

DATED: March 28, 2007

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
PAUL J. GELLER
Florida Bar No. 984795
pgeller@lerachlaw.com
STUART A. DAVIDSON
Florida Bar No. 84824
sdavidson@lerachlaw.com
JAMES L. DAVIDSON
Florida Bar No. 723371
jdavidson@lerachlaw.com



STUART A. DAVIDSON

120 E. Palmetto Park Road, Suite 500
Boca Raton, FL 33432-4809
Telephone: 561/750-3000
561/750-3364 (fax)

KOPELMAN & BLANKMAN
LAWRENCE KOPELMAN
Florida Bar No. 288845
lmk@kopelblank.com
350 E. Las Olas Blvd., Suite 980
Ft. Lauderdale, FL 33301
Telephone: 954/462-6855
954/462-6899 (fax)

Attorneys for Florida Plaintiff Christina Troiano

G:\jdavidson\Menu Foods\Pleadings\MDL Motion for Transfer Schedule.doc

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

In re:

MENU FOODS PET FOOD LITIGATION MDL Docket No. _____

_____/

CERTIFICATE OF SERVICE

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

Counsel for Florida Plaintiff Christina Troiano

I, James L. Davidson, hereby declare as follows:

I am employed by Lerach Coughlin Stoia Geller Rudman & Robbins LLP, 120 E. Palmetto Park Road, Suite 500, Boca Raton, Florida 33432. I am over the age of eighteen years and not a party to this action. On March 28, 2007, I served the following documents:

1. **FLORIDA PLAINTIFF CHRISTINA TROIANO'S MOTION TO TRANSFER AND COORDINATE OR CONSOLIDATE ACTIONS UNDER 28 U.S.C. § 1407;**

2. **FLORIDA PLAINTIFF CHRISTINA TROIANO'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO TRANSFER AND COORDINATE OR CONSOLIDATE ACTIONS UNDER 28 U.S.C. § 1407;**

3. **SCHEDULE OF ACTIONS IN SUPPORT OF FLORIDA PLAINTIFF CHRISTINA TROIANO'S MOTION TO TRANSFER AND COORDINATE OR CONSOLIDATE ACTIONS UNDER 28 U.S.C. § 1407; and**

4. **CERTIFICATE OF SERVICE.**

on:

SEE ATTACHED SERVICE LIST "A"

X by placing the document(s) listed above for collection and mailing following the firm's ordinary business practices in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at Boca Raton, Florida addressed as set forth on the attached service list.

I further certify and declare that I caused the above documents to be delivered by the same means to the clerks of the following courts affected by the Motion for Transfer and Consolidation:

SEE ATTACHED SERVICE LIST "B"

I declare under penalty of perjury under the laws of the United States of America that the following is true and correct, executed this 29 day of March, 2007, at Boca Raton, Florida.

James L. Davidson

IN RE MENU FOODS PET FOOD LITIGATION

SERVICE LIST "A"

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 ***Attorneys for Florida Plaintiff Christina Troiano*** Lawrence Kopelman **KOPELMAN & BLANKMAN** 350 E. Las Olas Blvd., Suite 980 Ft. Lauderdale, FL 33301 Telephone: (954) 462-6855 Facsimile: (954) 462-6899 ***Attorneys for Florida Plaintiff Christina Troiano***	Menu Foods, Inc. 9130 Griffith Morgan Lane Pennsauken, NJ 08110 ***Defendant*** Menu Foods Income Fund 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 ***Defendant***

WHALEY v. MENU FOODS, ET AL.
Case No.: 2:07-cv-00411-RSM
USDC, Western District of Washington

Michael David Myers **MYERS & COMPANY, P.L.L.C.** 1809 Seventh Avenue, Suite 700 Seattle, WA 98101 Telephone: (206) 398-1188 Facsimile: (206) 400-1112 ***Attorneys for Plaintiff Tom Whaley***	Menu Foods 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 ***Defendant*** The Iams Company c/o Registered Agent - Joseph A. Stegbauer Attn: Corporate Secretary One Procter & Gamble Plaza C-2 Cincinnati, OH 45202 ***Defendant***

HOLT v. MENU FOODS, INC.
Case No.: 3:07-cv-00094
USDC, Eastern District of Tennessee

A. James Andrews 905 Locust Street Knoxville, TN 37902 Telephone: (865) 660-3993 Facsimile: (865) 523-4623 ***Attorneys for Plaintiff Lizajean Holt***	Menu Foods, Inc. 9130 Griffith Morgan Lane Pennsauken, NJ 08110 ***Defendant***

Nicole Bass 905 Locust Street Knoxville, TN 37902 Telephone: (865) 310-6804 ***Attorneys for Plaintiff Lizajean Holt*** Perry A. Craft **CRAFT & SHEPPARD, PLC** 214 Centerview Drive, Suite 233 Brentwood, TN 37027 Telephone: (615) 309-1707 Facsimile: (615) 309-1717 ***Attorneys for Plaintiff Lizajean Holt***	

MAJERCZYK v. MENU FOODS, INC.
Case No.: 1:07-cv-01543
USDC, Northern District of Illinois

John Blim Jay Edelson Myles McGuire (Of Counsel) **BLIM & EDELSON, LLC** 53 West Jackson Blvd., Suite 1642 Chicago, IL 60604 Telephone: (312) 913-9400 Facsimile: (312) 913-9401 ***Attorneys for Plaintiff Dawn Majerczyk***	Menu Foods, Inc. 9130 Griffith Morgan Lane Pennsauken, NJ 08110 ***Defendant***

SIMS v. MENU FOODS INCOME FUND, ET AL.
Case No.: 5:07-cv-05053-JLH
USDC, Western District of Arkansas

Jason M. Hatfield **LUNDY & DAVIS, L.L.P.** 300 N. College Avenue, Suite 309 Fayetteville, AR 72701 Telephone: (479) 527-3921 Facsimile: (479) 587-9196 ***Attorneys for Plaintiffs Charles Ray Sims and Pamela Sims***	Menu Foods Income Fund 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 ***Defendant*** Menu Foods Midwest Corporation c/o Registered Agent - The Corporation Trust Co. 1209 Orange Street Wilmington, DE 19801-1120 ***Defendant*** Menu Foods South Dakota, Inc. c/o Registered Agent The Corporation Trust Company 1209 Orange Street Wilmington, DE 19801-1120 ***Defendant***

	Menu Foods Holdings, Inc. c/o Registered Agent The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801-1120 ***Defendant*** Menu Foods, Inc. c/o Registered Agent Corporation Trust Company 820 Bear Tavern Road West Trenton, NJ 08628 ***Defendant***

WIDEN v. MENU FOODS, ET AL.
Case No.: 5:07-cv-05055-RTD
USDC, Western District of Arkansas

Jeremy Y. Hutchinson Jack Thomas Patterson II **PATTON, ROBERTS, MCWILLIAMS & CAPSHAW, L.L.P.** Stephens Building 111 Center Street, Suite 1315 Little Rock, AR 72201 Telephone: (501) 372-3480 Facsimile: (501) 372-3488 ***Attorneys for Plaintiffs Richard Scott Widen and Barbara Widen*** Richard Adams James C. Wyly Sean F. Rommel **PATTON, ROBERTS, MCWILLIAMS & CAPSHAW, L.L.P.** Century Bank Plaza, Suite 400 P.O. Box 6128 Texarkana, TX 75505-6128 Telephone: (903) 334-7000 Facsimile: (903) 334-7007 ***Attorneys for Plaintiffs Richard Scott Widen and Barbara Widen***	Menu Foods 9130 Griffith Morgan Lane Pennsauken, NJ 08110 ***Defendant*** Menu Foods Income Fund 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 ***Defendant*** Menu Foods Gen Par Limited c/o Menu Foods Income Fund 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 ***Defendant*** Menu Foods Limited Partnership c/o Menu Foods Income Fund 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 ***Defendant*** Menu Foods Operating Partnership c/o Menu Foods Income Fund 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 ***Defendant***

	Menu Foods Midwest Corporation c/o Registered Agent The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801-1120 ***Defendant*** Menu Foods South Dakota c/o Registered Agent The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801-1120 ***Defendant*** Menu Foods, Inc. c/o Registered Agent Corporation Trust Company 820 Bear Tavern Road West Trenton, NJ 08628 ***Defendant*** Menu Foods Holdings, Inc. c/o Registered Agent The Corporation Trust Company 1209 Orange Street Wilmington, DE 19801-1120 ***Defendant*** Wal-Mart Stores, Inc. c/o Registered Agent The Corporation Trust Company 1209 Orange Street Wilmington, DE 19801-1120 ***Defendant***

WORKMAN, ET AL. v. MENU FOODS LIMITED, ET AL.
Case No.: 1:07-cv-01338-NLH-AMD
USDC, District of New Jersey

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 ***Attorneys for Plaintiffs Jared Workman, and Mark and Mona Cohen***	Menu Foods Limited 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 ***Defendant*** Menu Foods, Inc. 9310 Griffith Morgan Lane Pennsauken, NJ 08110 ***Defendant***

Robert A. Rovner Jeffrey I. Zimmerman **ROVNER, ALLEN, ROVNER, ZIMMERMAN & NASH** 175 Bustleton Pike Feasterville, PA 19053-6456 Telephone: (215) 698-1800 ***Attorneys for Plaintiffs Jared Workman, and Mark and Mona Cohen*** Sherrie R. Savett Michael T. Fantini Russell D. Paul **BERGER & MONTAGUE, P.C.** 1622 Locust Street Philadelphia, PA 19103 Telephone: (215) 875-3000 ***Attorneys for Plaintiffs Jared Workman, and Mark and Mona Cohen***	Menu Foods Midwest Corporation P.O. Box 1046 1400 East Logan Avenue Emporia, KS 66801 ***Defendant***

IN RE MENU FOODS PET FOOD LITIGATION

SERVICE LIST "B"

CASE	CLERK
Whaley v. Menu Foods, et al. Case No.: 2:07-cv-00411-RSM USDC, Western District of Washington	USDC, Western District of Washington U.S. Courthouse 700 Stewart Street Seattle, WA 98101
Holt v. Menu Foods, Inc. Case No.: 3:07-cv-00094 USDC, Eastern District of Tennessee	USDC, Eastern District of Tennessee Howard H. Baker Jr. U.S. Courthouse 800 Market Street, Suite 130 Knoxville, TN 37902
Majerczyk v. Menu Foods, Inc.. Case No.: 1:07-cv-01543 USDC, Northern District of Illinois	USDC, Northern District of Illinois Everett McKinley Dirksen Building 219 South Dearborn Street Chicago, IL 60604
Sims v. Menu Foods Income Fund, et al. Case No.: 5:07-cv-05053-JLH USDC, Western District of Arkansas	USDC, Western District of Arkansas John Paul Hammerschmidt Federal Building 35 East Mountain Street, Suite 510 Fayetteville, AR 72701-5354
Widen v. Menu Foods, et al. Case No.: 5:07-cv-05055-RTD USDC, Western District of Arkansas	USDC, Western District of Arkansas John Paul Hammerschmidt Federal Building 35 East Mountain Street, Suite 510 Fayetteville, AR 72701-5354
Workman, et al. v. Menu Foods Limited, et al. Case No.: 1:07-cv-01338-NLH-AMD USDC, District of New Jersey	USDC, District of New Jersey Mitchell H. Cohen Building & U.S. Courthouse 4th & Cooper Streets, Room 1050 Camden, NJ 08101

G:\jdavidson\Menu Foods\Pleadings\CERT Service MDL Motion for Transfer.doc

EXHIBIT A

DISTRIBUTION OF PENDING MDL DOCKETS

(AS OF MARCH 12, 2007)

District	JUDGE	LITIGATION		Actions Pending	Total Number of Actions
ARE	D.J. William R. Wilson, Jr.	MDL-1507	In re Prempro Products Liability Litigation	3,377	4,027
AZ	Sr.J. Paul G. Rosenblatt	MDL-1541	In re Allstate Insurance Co. Fair Labor Standards Act Litigation	4	5
	Sr.J. Roger G. Strand	MDL-972	In re Diamond Benefits Life Insurance Company & American Universal Insurance Company Contracts Litigation	1	10
CAC	D.J. David O. Carter	MDL-1807	In re Wachovia Securities, LLC, Wage and Hour Litigation	19	19
	D.J. Dale S. Fischer	MDL-1822	In re Bluetooth Headset Products Liability Litigation	14	14
	D.J. A. Howard Matz	MDL-1610	In re Conseco Life Insurance Co. Cost of Insurance Litigation	19	21
	Sr.J. Mariana R. Pfaelzer	MDL-1574	In re Paxil Products Liability Litigation	39	148
	D.J. Manuel L. Real	MDL-1601	In re StarMed Health Personnel, Inc., Fair Labor Standards Act Litigation	3	6
	D.J. Manuel L. Real	MDL-1737	In re American Honda Motor Co., Inc., Oil Filter Products Liability Litigation	5	5
	D.J. Christina A. Snyder	MDL-1671	In re Reformulated Gasoline (RFG) Antitrust & Patent Litigation	11	12
	C.J. Alicemarie H. Stotler	MDL-1803	In re Banc of America Investment Services, Inc., Overtime Pay Litigation	5	5
	Sr.J. Dickran M. Tevrizian, Jr.	MDL-1475	In re Heritage Bonds Litigation	2	9
	D.J. Stephen V. Wilson	MDL-1745	In re Live Concert Antitrust Litigation	22	22
CAN	D.J. Saundra Brown Armstrong	MDL-1781	In re Cintas Corp. Overtime Pay Arbitration Litigation	71	71
	D.J. Saundra Brown Armstrong	MDL-1809	In re Terminix Employment Practices Litigation	2	2
	D.J. Charles R. Breyer	MDL-1699	In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation	1,520	1,704
	D.J. Charles R. Breyer	MDL-1793	In re International Air Transportation Surcharge Antitrust Litigation	100	101
	D.J. Jeremy D. Fogel	MDL-1257	In re Cable News Network and Time Magazine "Operation Tailwind" Litigation	1	8
	D.J. Jeremy D. Fogel	MDL-1654	In re Compression Labs, Inc., Patent Litigation	10	10
	D.J. Phyllis J. Hamilton	MDL-1486	In re Dynamic Random Access Memory (DRAM) Antitrust Litigation	42	44
	D.J. Martin J. Jenkins	MDL-1648	In re Rubber Chemicals Antitrust Litigation	10	13
	D.J. Marilyn Hall Patel	MDL-1369	In re Napster, Inc., Copyright Litigation	1	19
	D.J. Marilyn Hall Patel	MDL-1770	In re Wells Fargo Home Mortgage Overtime Pay Litigation	4	4
	C.J. Vaughn R. Walker	MDL-1606	In re Deep Vein Thrombosis Litigation	53	78
	C.J. Vaughn R. Walker	MDL-1791	In re National Security Agency Telecommunications Records Litigation	48	48
	D.J. James Ware	MDL-1527	In re Cisco Systems, Inc., Securities & Derivative Litigation	1	2
	D.J. James Ware	MDL-1665	In re Acacia Media Technologies Corp. Patent Litigation	22	22
	D.J. Claudia Wilken	MDL-1819	In re Static Random Access Memory (SRAM) Antitrust Litigation	25	25
	D.J. Jeffrey S. White	MDL-1761	In re Ditropan XL Antitrust Litigation	6	6
	D.J. Ronald M. Whyte	MDL-1423	In re Cygnus Telecommunications Technology, LLC, Patent Litigation	15	30
	D.J. Ronald M. Whyte	MDL-1754	In re Apple iPod nano Products Liability Litigation	8	8

District	Judge	Litigation	Actions Pending	Total Number of Actions
CAS	D.J. Roger T. Benitez	MDL-1806 In re Morgan Stanley & Co., Inc., Overtime Pay Litigation (No. II)	10	10
	D.J. Napoleon A. Jones, Jr.	MDL-1296 In re Alliance Equipment Lease Program Securities Litigation	1	27
	D.J. Jeffrey T. Miller	MDL-1751 In re Jamster Marketing Litigation	5	5
	C.J. Robert H. Whaley (WAE)	MDL-1405 In re California Wholesale Electricity Antitrust Litigation	5	30
CO	D.J. Robert E. Blackburn D.J. Wiley Y. Daniel	MDL-1788 In re Qwest Communications International, Inc., Securities & "ERISA" Litigation (No. II)	30	30
		MDL-1743 In re American Family Mutual Insurance Co. Overtime Pay Litigation	2	2
CT	Sr.J. Alfred V. Covello	MDL-1568 In re Parcel Tanker Shipping Services Antitrust Litigation	7	18
	D.J. Alvin W. Thompson	MDL-1463 In re Xerox Corp. Securities Litigation	22	22
	D.J. Stefan R. Underhill	MDL-1542 In re Ethylene Propylene Diene Monomer (EPDM) Antitrust Litigation	15	15
	D.J. Stefan R. Underhill	MDL-1631 In re Publication Paper Antitrust Litigation	28	31
	D.J. Stefan R. Underhill	MDL-1642 In re Polychloroprene Rubber (CR) Antitrust Litigation	9	9
	D.J. Stefan R. Underhill	MDL-1649 In re Helicopter Crash Near Wendle Creek, British Columbia, on August 8, 2002	4	4
DC	D.J. John D. Bates	MDL-1772 In re Series 7 Broker Qualification Exam Scoring Litigation	20	20
	C.J. Thomas F. Hogan	MDL-1285 In re Vitamin Antitrust Litigation	4	84
	C.J. Thomas F. Hogan	MDL-1290 In re Lorazepam & Clorazepate Antitrust Litigation	2	14
	C.J. Thomas F. Hogan	MDL-1686 In re Iraq and Afghanistan Detainees Litigation	4	4
	D.J. Ellen Segal Huvelle	MDL-1792 In re InPhonic, Inc., Wireless Phone Rebate Litigation	15	15
	D.J. Name Withheld	UNDER SEAL	2	30
		MDL-1515 In re Nifedipine Antitrust Litigation		
	D.J. Richard J. Leon	MDL-1668 In re Federal National Mortgage Association Securities, Derivative & "ERISA" Litigation	6	10
	D.J. Richard J. Leon		7	18
		MDL-1796 In re Department of Veterans Affairs (VA) Data Theft Litigation		
	D.J. James Robertson	MDL-1798 In re Long-Distance Telephone Service Federal Excise Tax Refund Litigation	3	3
	D.J. Ricardo M. Urbina		3	3
DE	D.J. Joseph J. Farnan, Jr.	MDL-1717 In re Intel Corp. Microprocessor Antitrust Litigation	74	74
	D.J. Gregory M. Sleet	MDL-1660 In re PharmaStem Therapeutics, Inc., Patent Litigation	6	6
FLM	D.J. Henry Lee Adams, Jr.	MDL-1698 In re American General Life & Accident Insurance Co. Retiree Benefits "ERISA" Litigation	80	80
	D.J. Anne C. Conway	MDL-1769 In re Seroquel Products Liability Litigation	342	342
	D.J. James S. Moody, Jr.	MDL-1626 In re Accutane Products Liability Litigation	24	29
	Sr.J. Harvey E. Schlesinger	MDL-1624 In re GMAC Insurance Management Corp. Overtime Pay Litigation	2	2
	D.J. James D. Whittemore	MDL-1656 In re CP Ships Ltd. Securities Litigation	7	7

District	Judge	Litigation	Actions Pending	Total Number of Actions
FLS	D.J. Federico A. Moreno	MDL-1334 In re Managed Care Litigation	6	123
GAN	D.J. Thomas W. Thrash, Jr.	MDL-1804 In re Stand 'n Seal Products Liability Litigation	13	13
GAS	C.J. William T. Moore, Jr.	MDL-1677 In re NovaStar Home Mortgage Inc. Mortgage Lending Practices Litigation	3	3
IAS	Sr.J. Ronald E. Longstaff	MDL-1733 In re Teflon Products Liability Litigation	22	22
ILN	Sr.J. Marvin E. Aspen	MDL-1425 In re Aimster Copyright Litigation	11	11
	Sr.J. Marvin E. Aspen	MDL-1715 In re Ameriquest Mortgage Co. Mortgage Lending Practices Litigation	318	322
	D.J. Elaine E. Bucklo	MDL-1784 In re McDonald's French Fries Litigation	10	10
	D.J. David H. Coar	MDL-1536 In re Sulfuric Acid Antitrust Litigation	7	7
	D.J. David H. Coar	MDL-1783 In re JP Morgan Chase & Co. Securities Litigation	3	3
	D.J. Mark R. Filip	MDL-1818 In re Citifinancial Services Incorporated Prescreened Offer Litigation	5	5
	D.J. Robert W. Gettleman	MDL-1350 In re Trans Union Corp. Privacy Litigation	14	15
	Sr.J. John F. Grady	MDL-986 In re "Factor VIII or IX Concentrate Blood Products" Products Liability Litigation	103	356
	Sr.J. John F. Grady	MDL-1521 In re Wireless Telephone 911 Calls Litigation	10	10
	Sr.J. John F. Grady	MDL-1703 In re Sears, Roebuck & Co. Tools Marketing and Sales Practices Litigation	6	7
	Sr.J. George W. Lindberg	MDL-1773 In re Air Crash Near Athens, Greece, on August 14, 2005	7	7
	D.J. Charles R. Norgle, Sr.	MDL-1604 In re Ocwen Federal Bank FSB Mortgage Servicing Litigation	64	65
	D.J. Amy J. St. Eve	MDL-1778 In re Ocean Financial Corp. Prescreening Litigation	5	5
	D.J. James B. Zagel	MDL-899 In re Mortgage Escrow Deposit Litigation	1	75
	D.J. James B. Zagel	MDL-1392 In re General Motors Corporation Vehicle Paint Litigation (No. III)	2	3
ILS	C.J. G. Patrick Murphy	MDL-1562 In re General Motors Corp. Dex-Cool Products Liability Litigation	6	11
	C.J. G. Patrick Murphy	MDL-1748 In re Profiler Products Liability Litigation	4	4
INN	D.J. Rudy J. Lozano	MDL-1767 In re H&R Block Mortgage Corp. Prescreening Litigation	3	3
	C.J. Robert L. Miller, Jr.	MDL-1700 In re FedEx Ground Package System, Inc., Employment Practices Litigation (No. II)	36	42
INS	D.J. Sarah E. Barker	MDL-1373 In re Bridgestone/Firestone, Inc., Tires Products Liability Litigation	23	819
	D.J. David F. Hamilton	MDL-1313 In re AT&T Corp. Fiber Optic Cable Installation Litigation	35	35
	D.J. John D. Tinder	MDL-1727 In re COBRA Tax Shelters Litigation	3	3
KS	C.J. John W. Lungstrum	MDL-1468 In re Universal Service Fund Telephone Billing Practices Litigation	63	68
	C.J. John W. Lungstrum	MDL-1616 In re Urethane Antitrust Litigation	30	30
	D.J. Kathryn H. Vratil	MDL-1721 In re Cessna 208 Series Aircraft Products Liability Litigation	7	7

District	Judge	Litigation	Actions Pending	Total Number of Actions
LAE	D.J. Eldon E. Fallon	MDL-1355 In re Propulsid Products Liability Litigation	362	474
	D.J. Eldon E. Fallon	MDL-1657 In re Vioxx Marketing, Sales Practices and Products Liability Litigation	8,538	8,530
	D.J. Martin L.C. Feldman	MDL-1371 In re Monumental Life Insurance Company Industrial Life Insurance Litigation	11	14
	D.J. Martin L.C. Feldman	MDL-1390 In re Life Insurance Co. of Georgia Industrial Life Insurance Litigation	112	133
	D.J. Martin L.C. Feldman	MDL-1395 In re Western & Southern Life Insurance Co. Industrial Life Insurance Litigation	7	8
	D.J. Sarah S. Vance	MDL-1643 In re Educational Testing Service PLT 7-12 Test Scoring Litigation	31	31
MA	D.J. Nancy Gertner	MDL-1354 In re Citigroup, Inc., Capital Accumulation Plan Litigation	6	16
	D.J. Nancy Gertner	MDL-1753 In re Standard Automotive Corp. Retiree Benefits "ERISA" Litigation	2	2
	Sr.J. Edward F. Harrington	MDL-1143 In re Mutual Life Insurance Company of New York Premium Litigation	3	23
	D.J. Patti B. Saris	MDL-1456 In re Pharmaceutical Industry Average Wholesale Price Litigation	18	116
	D.J. Patti B. Saris	MDL-1629 In re Neurontin Marketing, Sales Practices and Products Liability Litigation	50	209
	D.J. Patti B. Saris	MDL-1713 In re Bank of America ATM Fee Litigation	3	3
	D.J. Richard G. Stearns	MDL-1430 In re Lupron Marketing and Sales Practices Litigation	2	17
	D.J. Joseph L. Tauro	MDL-1790 In re Volkswagen and Audi Warranty Extension Litigation	6	6
	D.J. Joseph L. Tauro	MDL-1820 In re Webloyalty.com, Inc., Marketing and Sales Practices Litigation	4	4
	D.J. Douglas P. Woodlock	MDL-1543 In re Carbon Black Antitrust Litigation	1	16
	D.J. Douglas P. Woodlock	MDL-1704 In re M3Power Razor System Marketing & Sales Practices Litigation	1	26
	D.J. Rya W. Zobel	MDL-1380 In re Xcelera.com Inc. Securities Litigation	2	20
	D.J. Rya W. Zobel	MDL-1461 In re Shell Oil Products Co. Dealer Franchise Litigation	1	3
MD	D.J. Catherine C. Blake	MDL-1421 In re Wireless Telephone Radio Frequency Emissions Products Liability Litigation	2	19
	D.J. Catherine C. Blake	MDL-1539 In re Royal Ahold N.V. Securities & "ERISA" Litigation	37	37
	D.J. Andre M. Davis	MDL-1110 In re Second Chance Body Armor, Inc., Advertising Litigation	2	9
	D.J. Andre M. Davis	MDL-1518 In re Allegheny Energy, Inc., Securities Litigation	2	17
	C.J. Benson Everett Legg	MDL-1387 In re ProteGen Sling and Vesica System Products Liability Litigation	8	584
	D.J. J. Frederick Motz	MDL-1332 In re Microsoft Corp. Windows Operating Systems Antitrust Litigation	2	116
	D.J. J. Frederick Motz, D.J. Andre M. Davis and D.J. Catherine C. Blake	MDL-1586 In re Mutual Funds Investment Litigation	423	437
ME	D.J. D. Brock Hornby	MDL-1532 In re New Motor Vehicles Canadian Export Antitrust Litigation	30	31
MIE	C.J. Bernard A. Friedman	MDL-1718 In re Ford Motor Co. Speed Control Deactivation Switch Products Liability Litigation	39	40
	D.J. Gerald E. Rosen	MDL-1725 In re Delphi Corp. Securities, Derivative & "ERISA" Litigation	24	25
	D.J. Gerald E. Rosen	MDL-1749 In re General Motors Corp. Securities & Derivative Litigation	5	5

District	Judge	Litigation	Actions Pending	Total Number of Actions
MN	D.J. Michael J. Davis	MDL-1431 In re Baycol Products Liability Litigation	1,392	9,044
	D.J. Donovan W. Frank	MDL-1708 In re Guidant Corp. Implantable Defibrillators Products Liability Litigation	1,200	1,212
	Sr.J. Paul A. Magnuson	MDL-1328 In re Monosodium Glutamate Antitrust Litigation	1	14
	Sr.J. Paul A. Magnuson	MDL-1724 In re Viagra Products Liability Litigation	65	70
	C.J. James M. Rosenbaum	MDL-1726 In re Medtronic, Inc., Implantable Defibrillators Products Liability Litigation	966	966
	D.J. John R. Tunheim	MDL-1396 In re St. Jude Medical, Inc., Silzone Heart Valves Products Liability Litigation	30	57
MOE	D.J. Jean C. Hamilton	MDL-1702 In re Air Crash Near Kirksville, Missouri, on October 19, 2004	6	11
	Sr.J. Stephen N. Limbaugh	MDL-1672 In re Express Scripts, Inc., Pharmacy Benefits Management Litigation	9	12
	D.J. Catherine D. Perry	MDL-1811 In re LLRice 601 Contamination Litigation	59	59
	D.J. Rodney W. Sippel	MDL-1736 In re Celexa and Lexapro Products Liability Litigation	32	32
MOW	D.J. Richard E. Dorr	MDL-1786 In re H&R Block, Inc., Express IRA Marketing Litigation	21	21
NCE	Sr.J. W. Earl Britt	MDL-1132 In re Exterior Insulation Finish System (EIFS) Products Liability Litigation	1	109
NCM	C.J. James A. Beaty, Jr.	MDL-1622 In re Cotton Yarn Antitrust Litigation	9	9
NCW	C.J. Richard L. Voorhees	MDL-1516 In re Polyester Staple Antitrust Litigation	17	36
NH	D.J. Paul J. Barbadoro	MDL-1335 In re Tyco International, Ltd., Securities, Derivative and "ERISA" Litigation	13	101
NJ	Sr.J. Harold A. Ackerman	MDL-1687 In re Ford Motor Co. E-350 Van Products Liability Litigation (No. II)	5	5
	C.J. Garrett E. Brown, Jr.	MDL-1471 In re Compensation of Managerial, Professional and Technical Employees Antitrust Litigation	4	4
	C.J. Garrett E. Brown, Jr.	MDL-1663 In re Insurance Brokerage Antitrust Litigation	41	42
	D.J. Stanley R. Chesler	MDL-1658 In re Merck & Co., Inc., Securities, Derivative & "ERISA" Litigation	2	35
	D.J. Stanley R. Chesler	MDL-1777 In re SFBC International, Inc., Securities & Derivative Litigation	1	14
	Sr.J. Dickinson R. Debevoise	MDL-1337 In re Holocaust Era German Industry, Bank & Insurance Litigation	2	59
	D.J. Joseph A. Greenaway, Jr.	MDL-1419 In re K-Dur Antitrust Litigation	1	44
	Sr.J. John C. Lifland	MDL-1384 In re Gapabentin Patent Litigation	15	17
	Sr.J. John C. Lifland	MDL-1479 In re Neurontin Antitrust Litigation	22	22
	D.J. Jose L. Linares	MDL-1730 In re Hypodermic Products Antitrust Litigation	7	8
	D.J. William J. Martini	MDL-1763 In re Human Tissue Products Liability Litigation	136	136
	D.J. Jerome B. Simandle	MDL-1514 In re Electrical Carbon Products Antitrust Litigation	1	25
	Sr.J. William H. Walls	MDL-1292 In re Cendant Corporation Securities Litigation	3	18
	D.J. Susan D. Wigenton	MDL-1550 In re IDT Corp. Calling Card Terms Litigation	4	5
	D.J. Freda L. Wolfson	MDL-1799 In re Vonage Initial Public Offering (IPO) Securities Litigation	15	15

District	Judge	Litigation	Actions Pending	Total Number of Actions
NV	D.J. Kent J. Dawson	MDL-1619 In re Musha Cay Litigation	3	3
	Sr.J. Lloyd D. George	MDL-1357 In re NOS Communications, Inc., Billing Practices Litigation	7	8
	C.J. Philip M. Pro	MDL-1566 In re Western States Wholesale Natural Gas Antitrust Litigation	3	30
	C.J. Philip M. Pro	MDL-1735 In re Wal-Mart Wage and Hour Employment Practices Litigation	23	25
NYE	D.J. Carol Bagley Amon	MDL-1775 In re Air Cargo Shipping Services Antitrust Litigation	82	82
	D.J. Raymond J. Dearie	MDL-1613 In re Nigeria Charter Flights Contract Litigation	13	14
	D.J. John Gleeson	MDL-1575 In re Visa/MasterCard Antitrust Litigation	6	8
	D.J. John Gleeson	MDL-1720 In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation	51	51
	Sr.J. Thomas C. Platt, Jr.	MDL-799 In re Air Disaster at Lockerbie, Scotland, on December 21, 1988	37	297
	Sr.J. Charles P. Sifton	MDL-1689 In re Air Crash Near Woodbury, Connecticut, on December 20, 2002	8	8
	Sr.J. David G. Trager	MDL-1738 In re Vitamin C Antitrust Litigation	10	10
	Sr.J. Jack B. Weinstein	MDL-381 In re "Agent Orange" Products Liability Litigation	4	627
	Sr.J. Jack B. Weinstein	MDL-1596 In re Zyprexa Products Liability Litigation	1,720	1,722

District	Judge	Litigation	Actions Pending	Total Number of Actions
NYS	Sr.J. Harold Baer, Jr.	MDL-1661 In re Rivastigmine Patent Litigation	4	5
	D.J. Deborah A. Batts	MDL-1714 In re Rhodia S.A. Securities Litigation	4	4
	D.J. Richard A. Berman	MDL-1628 In re Pineapple Antitrust Litigation	6	10
	D.J. Charles L. Brieant	MDL-1368 In re High Pressure Laminate Antitrust Litigation	12	37
	D.J. Charles L. Brieant	MDL-1508 In re Medco Health Solutions, Inc., Pharmacy Benefits Management Litigation	6	18
	D.J. Richard C. Casey	MDL-1570 In re Terrorist Attacks on September 11, 2001	22	23
	D.J. Denise Cote	MDL-1487 In re WorldCom, Inc., Securities & "ERISA" Litigation	28	177
	D.J. Paul A. Crotty	MDL-1794 In re Novartis Wage and Hour Litigation	2	2
	D.J. George B. Daniels	MDL-1379 In re Literary Works in Electronic Databases Copyright Litigation	3	5
	Sr.J. Kevin Thomas Duffy	MDL-1443 In re America Online, Inc., Community Leaders Litigation	3	3
	Sr.J. Thomas P. Griesa	MDL-1336 In re Abercrombie & Fitch Co. Securities Litigation	20	20
	Sr.J. Thomas P. Griesa	MDL-1644 In re Elevator and Escalator Antitrust Litigation	4	25
	D.J. Alvin K. Hellerstein	MDL-1230 In re Philip Services Corporation Securities Litigation	1	24
	D.J. Richard J. Holwell	MDL-1771 In re "A Million Little Pieces" Litigation	11	11
	D.J. Barbara S. Jones	MDL-1291 In re Omeprazole Patent Litigation	6	22
	D.J. Lewis A. Kaplan	MDL-1348 In re Rezulin Products Liability Litigation	991	1,865
	D.J. Lewis A. Kaplan	MDL-1653 In re Parmalat Securities Litigation	16	16
	Sr.J. John F. Keenan	MDL-1484 In re Merrill Lynch & Co., Inc., Research Reports Securities Litigation	22	176
	Sr.J. John F. Keenan	MDL-1789 In re Fosamax Products Liability Litigation	108	108
	Sr.J. Shirley Wohl Kram	MDL-1495 In re Enterprise Mortgage Acceptance Co., LLC, Securities Litigation	2	13
	Sr.J. Shirley Wohl Kram	MDL-1500 In re AOL Time Warner Inc. Securities & "ERISA" Litigation	57	72
	Sr.J. Shirley Wohl Kram	MDL-1739 In re Grand Theft Auto Video Game Consumer Litigation (No. II)	7	7
	Sr.J. Shirley Wohl Kram	MDL-1744 In re Marsh & McLennan Companies, Inc., Securities Litigation	10	10
	D.J. Gerard E. Lynch	MDL-1472 In re Global Crossing Ltd. Securities and "ERISA" Litigation	5	89
	D.J. Gerard E. Lynch	MDL-1630 In re Global Crossing Limited Securities Litigation	1	9
	Sr.J. Lawrence M. McKenna	MDL-1529 In re Adelphia Communications Corp. Securities & Derivative Litigation (No. II)	71	71
	D.J. Colleen McMahon	MDL-1695 In re Veeco Instruments Inc. Securities Litigation	13	13
	D.J. Colleen McMahon	MDL-1755 In re Bayou Hedge Funds Investment Litigation	7	7
	Sr.J. Richard Owen	MDL-1688 In re Pfizer Inc. Securities, Derivative & "ERISA" Litigation	30	30
	Sr.J. Richard Owen	MDL-1706 In re Doral Financial Corp. Securities Litigation	24	24
	D.J. William H. Pauley III	MDL-1409 In re Currency Conversion Fee Antitrust Litigation	5	34
	D.J. Loretta A. Preska	MDL-1659 In re Nortel Networks Corp. Securities Litigation	28	29
	D.J. Loretta A. Preska	MDL-1780 In re Digital Music Antitrust Litigation	30	30
	D.J. Jed S. Rakoff	MDL-1598 In re Ephedra Products Liability Litigation	625	840

District	JUDGE	LITIGATION	Actions Pending	Total Number of Actions
NYS (cont.)	D.J. Jed S. Rakoff	MDL-1740 In re Canon U.S.A., Inc., Digital Cameras Products Liability Litigation	3	4
	D.J. Shira Ann Scheindlin	MDL-1358 In re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation	147	159
	D.J. Shira Ann Scheindlin	MDL-1428 In re Ski Train Fire in Kaprun, Austria, on November 11, 2000	14	27
	D.J. Shira Ann Scheindlin	MDL-1554 In re Initial Public Offering (IPO) Securities Litigation	393	511
	Sr.J. John E. Sprizzo	MDL-1153 In re Bennett Funding Group, Inc., Securities Litigation (No. II)	29	66
	Sr.J. John E. Sprizzo	MDL-1499 In re South African Apartheid Litigation	13	14
	Sr.J. John E. Sprizzo	MDL-1584 In re Federal Home Loan Mortgage Corp. Securities & Derivative Litigation (No. II)	6	8
	D.J. Sidney H. Stein	MDL-1603 In re OxyContin Antitrust Litigation	58	58
	D.J. Sidney H. Stein	MDL-1696 In re Sierra Wireless, Inc., Securities Litigation	9	9
	Sr.J. Robert W. Sweet and Sr.J. John F. Keenan*	MDL-1448 In re Air Crash at Belle Harbor, New York, on November 12, 2001	344	365
		* Judge Keenan is assigned to actions in which Judge Sweet is recused.		
OHN	D.J. Peter C. Economus	MDL-1561 In re Travel Agent Commission Antitrust Litigation	2	3
	D.J. James S. Gwin	MDL-1481 In re Meridia Products Liability Litigation	2	125
	Sr.J. David A. Katz	MDL-1742 In re Ortho Evra Products Liability Litigation	507	515
	D.J. Donald C. Nugent	MDL-1488 In re Ford Motor Co. Panther Platform/Fuel Tank Design Products Liability Litigation	4	31
	D.J. Kathleen McDonald O'Malley	MDL-1401 In re Sulzer Orthopedics Inc. Hip Prosthesis and Knee Prosthesis Products Liability Litigation	4	434
	D.J. Kathleen McDonald O'Malley	MDL-1490 In re Commercial Money Center, Inc., Equipment Lease Litigation	34	38
	D.J. Kathleen McDonald O'Malley	MDL-1535 In re Welding Fume Products Liability Litigation	4,186	11,436
OHS	D.J. Gregory L. Frost	MDL-1638 In re Foundry Resins Antitrust Litigation	14	19
	Sr.J. James L. Graham	MDL-1565 In re National Century Financial Enterprises, Inc., Investment Litigation	21	22
	D.J. Edmund A. Sargus, Jr.	MDL-1315 In re SmarTalk TeleServices, Inc., Securities Litigation	21	21
OKW	D.J. Stephen P. Friot	MDL-1564 In re Farmers Insurance Co., Inc., FCRA Litigation	9	12
OR	Sr.J. Robert E. Jones	MDL-1439 In re Farmers Insurance Exchange Claims Representatives' Overtime Pay Litigation	3	12

District	Judge	Litigation	Actions Pending	Total Number of Actions
PAE	C.J. Harvey Bartle III	MDL-1203 In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability Litigation	2,626	20,006
	D.J. Ronald L. Buckwalter	MDL-1014 In re Orthopedic Bone Screw Products Liability Litigation	1	3,085
	D.J. Ronald L. Buckwalter	MDL-1741 In re Isolagen, Inc., Securities & Derivative Litigation	5	5
	D.J. Stewart Dalzell	MDL-1682 In re Hydrogen Peroxide Antitrust Litigation	1	33
	D.J. Legrome D. Davis	MDL-1684 In re Plastics Additives Antitrust Litigation (No. II)	9	9
	Sr.J. Jan E. DuBois	MDL-1261 In re Linerboard Antitrust Litigation	10	20
	Sr.J. John P. Fullam	MDL-1782 In re Pharmacy Benefit Managers Antitrust Litigation	6	6
	D.J. James T. Giles	MDL-875 In re Asbestos Products Liability Litigation (No. VI)	35,378	111,259
	D.J. Bruce W. Kauffman	MDL-969 In re Unisys Corp. Retiree Medical Benefit "ERISA" Litigation	8	14
	D.J. Mary A. McLaughlin	MDL-1712 In re American Investors Life Insurance Co. Annuity Marketing and Sales Practices Litigation	15	15
	Sr.J. Louis H. Pollak	MDL-1817 In re CertainTeed Corp. Roofing Shingle Products Liability Litigation	9	9
	D.J. Timothy J. Savage	MDL-1675 In re ACE Limited Securities Litigation	4	4
	D.J. Timothy J. Savage	MDL-1768 In re Methyl Methacrylate (MMA) Antitrust Litigation	18	18
	D.J. Richard Barclay Surrick	MDL-1426 In re Automotive Refinishing Paint Antitrust Litigation	62	63
PAM	D.J. Thomas I. Vanaskie	MDL-1556 In re Pressure Sensitive Labelstock Antitrust Litigation	11	11
PAW	C.J. Donetta W. Ambrose	MDL-1091 In re Metropolitan Life Insurance Co. Sales Practices Litigation	6	148
	D.J. Gary L. Lancaster	MDL-1674 In re Community Bank of Northern Virginia Mortgage Lending Practices Litigation	6	6
SC	Sr.J. Solomon Blatt, Jr.	MDL-1595 In re Electrical Receptacle Products Liability Litigation	1	9
	D.J. Cameron McGowan Currie	MDL-1429 In re American General Life & Accident Insurance Co. Industrial Life Insurance Litigation	69	135
	D.J. David C. Norton	MDL-1785 In re Bausch & Lomb Inc. Contact Lens Solution Products Liability Litigation	113	114
	Sr.J. Matthew J. Perry, Jr.	MDL-865 In re Showa Denko K.K. L-Tryptophan Products Liability Litigation (No. II)	1	973
TNE	C.J. Curtis L. Collier	MDL-1552 In re UnumProvident Corp. Securities, Derivative & "ERISA" Litigation	23	28
TNM	C.J. Todd J. Campbell	MDL-1760 In re Aredia and Zometa Products Liability Litigation	209	210
	Sr.J. John T. Nixon	MDL-1537 In re Nortel Networks Corp. "ERISA" Litigation	6	6
TNW	D.J. J. Daniel Breen	MDL-1551 In re Reciprocal of America (ROA) Sales Practices Litigation	13	13

District	Judge	Litigation	Actions Pending	Total Number of Actions
TXE	D.J. Leonard E. Davis D.J. T. John Ward	MDL-1512 In re Electronic Data Systems Corp. Securities & "ERISA" Litigation MDL-1530 In re Fleming Companies Inc. Securities & Derivative Litigation	4 10	29 22
TXN	C.J. A. Joe Fish D.J. Sidney A. Fitzwater	MDL-1578 In re UICI "Association-Group" Insurance Litigation MDL-1214 In re Great Southern Life Insurance Company Sales Practices Litigation	15 1	28 25
TXS	D.J. Vanessa D. Gilmore D.J. Melinda Harmon D.J. Melinda Harmon D.J. Lynn N. Hughes D.J. Janis Graham Jack	MDL-1646 In re Testmasters Trademark Litigation MDL-1422 In re Waste Management, Inc., Securities Litigation MDL-1446 In re Enron Corp. Securities, Derivative & "ERISA" Litigation MDL-1609 In re Service Corporation International Securities Litigation MDL-1810 In re MERSCORP Inc., et al., Real Estate Settlement Procedures Act (RESPA) Litigation	1 1 129 1 19	6 7 196 4 19
UT	D.J. Dale A. Kimball	MDL-1546 In re Medical Waste Services Antitrust Litigation	1	8
VAE	D.J. Leonie M. Brinkema	MDL-1705 In re Xybernaut Corp. Securities Litigation	10	10
WAW	D.J. Barbara Jacobs Rothstein	MDL-1407 In re Phenylpropanolamine (PPA) Products Liability Litigation	402	3,365
WVS	D.J. Joseph R. Goodwin	MDL-1477 In re Serzone Products Liability Litigation	16	177
WY	C.J. William F. Downes	MDL-1293 In re Natural Gas Royalties Qui Tam Litigation	75	83

LSS

U.S. District Court
Southern District of Florida (Ft. Lauderdale)
CIVIL DOCKET FOR CASE #: 0:07-cv-60428-JIC

Troiano v. Menu Foods, Inc. et al
Assigned to: Judge James I. Cohn
Demand: $5,000,000
Cause: 28:1332 Diversity-Property Damage

Date Filed: 03/26/2007
Jury Demand: Plaintiff
Nature of Suit: 385 Prop. Damage Prod. Liability
Jurisdiction: Diversity

Plaintiff

Christina Troiano

represented by **James Lee Davidson**
Lerach Coughlin Stoia Geller Rudman & Robbins LLP
120 East Palmetto Park Road
Suite 500
Boca Raton, FL 33432
561-750-3000
Fax: 561-750-3364
Email: jdavidson@lerachlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lawrence M. Kopelman
Kopelman & Blankman
350 E Las Olas Boulevard
Suite 980
Fort Lauderdale, FL 33301
954-462-6855
Fax: 462-6899
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul Jeffrey Geller
Lerach Coughlin Stoia Geller Rudman & Robbins
120 E Palmetto Park Road
Suite 500
Boca Raton, FL 33432
561-750-3000
Fax: 561-750-3364
Email: pgeller@lerachlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stuart Andrew Davidson
Lerach Coughlin Stoia Geller Rudman & Robbins
120 East Palmetto Park Road
Suite 500

Boca Raton, FL 33432
561-750-3000
Fax: 750-3364
Email: sdavidson@lerachlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Menu Foods, Inc.

Defendant

Menu Foods Income Fund

Date Filed	#	Docket Text
03/26/2007	1	COMPLAINT against Menu Foods, Inc., Menu Foods Income Fund Filing fee $ 350. Receipt#: 539659, filed by Christina Troiano.(ls) (Entered: 03/26/2007)
03/26/2007	2	Summons Issued as to Menu Foods, Inc.. (ls) (Entered: 03/26/2007)
03/26/2007	3	Summons Issued as to Menu Foods Income Fund. (ls) (Entered: 03/26/2007)

PACER Service Center			
Transaction Receipt			
03/28/2007 13:46:34			
PACER Login:	mw0078	Client Code:	060228-00001/91103
Description:	Docket Report	Search Criteria:	0:07-cv-60428-JIC
Billable Pages:	1	Cost:	0.08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 07-60428 CIV-COHN

CHRISTINA TROIANO, Individually and On Behalf of All Others Similarly Situated,

Plaintiff,

vs.

MENU FOODS, INC. and MENU FOODS INCOME FUND,

Defendants.
_____/

JURY TRIAL DEMAND

CLASS ACTION COMPLAINT

Plaintiff Christina Troiano ("Plaintiff"), individually and on behalf of all others similarly situated, files this Class Action Complaint against Defendants Menu Foods, Inc., a New Jersey Corporation and Menu Foods Income Fund, a foreign corporation (collectively "Defendants") and alleges as follows:

I. INTRODUCTION

1. This is a class action lawsuit brought on behalf of Plaintiff and others similarly situated who purchased pet food and pet food products produced, manufactured and/or distributed by Defendants that caused injury, illness, and/or death to Plaintiff's household pets.

2. Defendants are the leading North American private label/contract manufacturer of wet pet food products sold by supermarket retailers, mass merchandisers, pet specialty retailers, and other wholesale and retail outlets, including Wal-Mart, Safeway, Kroger, PetSmart, Inc., Giant Food, and other large retail chains, and has provided pet food products to or for Proctor & Gamble, Inc. Defendants produce hundreds of millions of containers of pet food annually.

3. Defendants designed, manufactured, marketed, advertised and warranted their pet food products. In conjunction with each sale, Defendants marketed, advertised and warranted that the Products were fit for the ordinary purpose for which such goods were used – consumption by household pets – and were free from defects. Defendants produce the pet food products intending that consumers will purchase the pet food products, regardless of brand or label name, place of purchase, or the location where pets actually consume them. The pet food products were intended to be placed in the stream of commerce and distributed and offered for sale and sold to Plaintiff and purchasers in Florida and the United States and fed to their pets.

4. Plaintiff brings this action, pursuant to Rule 23 of the Federal Rules of Civil Procedure, on her own behalf and as a representative of a class of persons consisting of all persons in the United States who purchased, or incurred damages by using pet food produced manufactured and/or distributed by Defendants that was or will be recalled by the Defendants, including that produced from December 3, 2006 up to and including March 6, 2007. The pet food products referenced in this paragraph will hereinafter be referred to as the "Products."

5. As a result of the defective Products, Plaintiff and members of the Class have suffered damages in that they have incurred substantial veterinary bills, death of pets, and purchased and/or own pet food and pet food products that they would not otherwise have bought had they known such products were defective.

6. Defendants know and have admitted that certain of the Products produced by the Defendants between December 3, 2006 and March 6, 2007 are defective and causing injury and death to household pets, and on March 16, 2007, initiated a recall of some of the Products. Further, the Food and Drug Administration has reported that as many as one in six animals died in tests of the Products by Defendants last month after the Defendants received complaints the products were

poisoning pets around the country. A spokeswoman for the New York State Department of Agriculture and Markets has said that rodent poison was determined to have been mixed into the Products by Defendants.

II. PARTIES

7. Plaintiff is a resident of Broward County, Florida who, in early March of 2007, purchased Iams Select Bytes Cat Food from a Publix grocery store in Deerfield Beach, Florida. The Iams Select Bytes Cat Food purchased by Plaintiff is a part of the group of Products that were produced, manufactured and/or distributed by Defendants.

8. Defendant Menu Foods, Inc. is a New Jersey corporation with its principal place of business in the State of New Jersey, specifically located at 9130 Griffith Morgan Lane, Pennsauken NJ 08110.

9. Defendant Menu Foods, Inc. is ultimately owned or controlled by Defendant Menu Foods Income Fund, an unincorporated company with its principal place of business in the Province of Ontario, Canada. Some of Defendant Menu Foods, Inc.'s high managerial officers or agents with substantial authority are also high managerial officers or agents of Defendant Menu Foods Income Fund.

10. Plaintiff, individually and as representative of a Class of similarly situated persons more defined below, brings suit against the named Defendants for offering for sale and selling to Plaintiff and members of the Class the Products in a defective condition and thereby causing damages to Plaintiff and members of the Class.

III. JURISDICTION AND VENUE

11. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1332 and subsection (d), and the Class Action Fairness Act of 2005, Pub. L. 109-2 (Feb. 18, 2005); and over supplemental state law claims pursuant to 28 U.S.C. §1367.

12. Venue is proper in this Court and judicial district pursuant to 28 U.S.C. §1391 and/or Pub. L. 109-2 because a substantial part of the events or omissions giving rise to the claim occurred in this judicial district. In this judicial district, Plaintiff purchased the recalled pet food products made by Defendants, and her household pets ate and consumed the Products. Thousands of other consumers – including other members of the Class – purchased the Products in this judicial district from retailers that Defendants, their agents, affiliates, or others controlled or were in privity with. In turn, retailers or others sold the Products to the general public, including Plaintiff, and members of the Class. The Products were purchased for consumption by the pets of Plaintiff and the other members of the Class. Defendants made or caused these products to be offered for sale and sold to the public, including Plaintiff.

IV. SUBSTANTIVE ALLEGATIONS

Defendants and their Defective Pet Food

13. Defendants are in the business of manufacturing, producing, distributing, and/or selling pet food under various brands or labels, and/or for third party firms, including: America's Choice, Preferred Pets, Authority, Best Choice, Companion, Compliments, Demoulus Market Basket, Eukanuba, Fine Feline Cat, Food Lion, Food Town, Giant Companion, Hannaford, Hill Country Fare, Hy-Vee, Iams, Laura Lynn, Li'l Red, Loving Meals, Meijer's Main Choice, Nutriplan, Nutro Max Gourmet Classics, Nutro Natural Choice, Paws, Pet Pride, President's Choice, Priority, Sav-a-Lot, Schnucks, Science Diet

Feline Savory Cuts Cans, Sophsitacat, Special Kitty US, Springfield Prize, Sprout, Total Pet, Wegmans, Western Family, White Rose, and Winn Dixie. Defendants has manufactured or produced pet food for private labels for aproximately17 of the 20 leading retailers in the United States.

14. Defendants' business includes manufacturing, producing, distributing, or selling dog food under various brands or labels, and/or for third party firms, including: America's Choice, Preferred Pets, Authority, Award, Best Choice, Big Bet, Big Red, Bloom, Bruiser, Cadillac, Companion, Demoulus Market Basket, Eukanuba, Food Lion, Giant Companion, Great Choice, Hannaford, Hill Country Fare, Hy-vee, Iams, Laura Lynn, Li'l Red, Loving Meals, Meijer's Main Choice, Mixables, Nutriplan, Nutro Max, Nutro Ultra, Nutro, Ol'Roy US, Paws, Pet Essentials, Pet Pride - Good & Meaty, President's Choice, Price Chopper, Priority, Publix, Roche Brothers, Sav-a-Lot, Schnucks, Shep Dog, Sprout, Statler Bros, Total Pet, Western Family, White Rose, Winn Dixie, and Your Pet.

15. Defendants produce millions of pouches or containers of pet food products each year, a substantial portion of which are sold or offered for sale in Florida. Upon information and belief, Defendants have sold, either directly or indirectly, thousands of units of defective pet food and pet food products nationwide and in the State of Florida.

16. Defendants manufactured, marketed, advertised, warranted and sold, either directly or through their authorized distribution channels, the Products that caused Plaintiff's damages. Plaintiff and members of the Class have been or will be forced to pay for damages caused by the defect in Defendants' Products.

Factual Allegations Related to Plaintiff

17. In early March, 2007, Plaintiff purchased Iams Select Bytes Cat Food pet food from a national chain grocery store, Publix, operating in Deerfield Beach, Florida.

18. Over the course of the next few weeks, Plaintiff fed the cat food to her two cats, Angel and Piescat. Towards the end of that period, Plaintiff began noticing that her cats were not eating much of the Defendants' product, and that the cats were leaving large pools of urine in their litter box with little or no bowel movements.

19. On or about March 16, 2007, Defendants announced a recall of approximately 42 brands of "cuts and gravy style dog food, all produced by the Defendants between December 3, 2006 and March 6, 2007." Defendants had initially received complaints from consumers as far back as February 20, 2007 indicating that certain of Defendants' pet food was causing kidney failure and death in dogs and cats. Unfortunately, Plaintiff and the Class were not made aware of this recall for several more days.

20. On March 20, 2007, following another few days of unusual behavior from her cats, Plaintiff took her cats to the veterinarian. The veterinarian advised Plaintiff that both of her cats were suffering from kidney failure directly and proximately caused by the cat food. One of the Plaintiff's cats, Angel, died shortly thereafter, while the other cat, Piescat, remains at a veterinary hospital receiving treatment.

21. Thereafter, Plaintiff learned about the recall and the potential problems that could occur from feeding the Products to her pets. Prior to the recall, Defendants never warned Plaintiff or any other member of the Class that the Products would cause their pets to have health problems. As referenced above, Defendants knew about the risks of injury or death at least one month prior to the time that Plaintiff fed the Products to her cat.

22. As a result of their purchases of the Products, as set forth above, Plaintiff and other members of the Class have suffered and will suffer damages, including consequential and incidental damages, such as the loss and disability of their household pets, costs of purchasing the Products and replacing it with a safe product, including sales tax or a similar tax, costs of making an additional trip to a retail store to purchase safe, non-contaminated pet food, the price of postage to secure a refund offered by Defendants, the cost of veterinarians, treatment, medicines and the trip(s) to make such visits for diagnosis and treatment, and otherwise.

V. CLASS ACTION ALLEGATIONS

23. Plaintiff brings this action on her own behalf and as a Class action pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure on behalf of the following proposed class:

> All persons in the United States who purchased, or incurred damages by using, pet food produced or manufactured by Defendants that was or will be recalled by the Defendants, including that produced from December 3, 2006 up to and including March 6, 2007.

Upon completion of discovery with respect to the scope of the Class, Plaintiff reserves the right to amend the class definition. Excluded from the Class are Defendants, their parents, subsidiaries and affiliates, directors and officers, and members of their immediate families. Also excluded from the Class are the court, the Court's spouse, all persons within the third degree of relationship to the Court and its spouse, and the spouses of all such persons.[1]

24. Numerosity: The members of the Class are so numerous and geographically diverse that joinder of all of them is impracticable. While the exact number and identities of members of the Class are unknown to Plaintiff at this time and can only be ascertained through appropriate

---

[1] *See* Canon 3.C(3)(a) of the Code of Conduct for United States Judges.

discovery, Plaintiffs believe and therefore aver that there are thousands of Class members throughout the United States.

25. Commonality: There are questions of fact and law common to members of the Class that predominate over any questions affecting any individual members including, *inter alia*, the following:

(a) Whether Defendants sold pet food and pet food products that were recalled or subject to a recall.

(b) Whether Defendants advertised, represented, or held itself out as producing or manufacturing a pet food product that was safe for pets of the class members.

(c) Whether Defendants expressly warranted these products.

(d) Whether Defendants purported to disclaim any express warranty.

(e) Whether Defendants purported to disclaim any implied warranty.

(f) Whether any limitation on warranty fails to meet its essential purpose.

(g) Whether Defendants intended that the Products be purchased by Plaintiff, Class members, or others.

(h) Whether Defendants intended or foresaw that Plaintiff, class members, or others would feed the Products to their pets.

(i) Whether Defendants recalled the pet food products.

(j) Whether Defendants was negligent in manufacturing or processing the Products.

(k) Whether using the Products as intended - to feed their pets - resulted in loss, injury, damage, or damages to the Class.

(l) Whether Defendants' negligence proximately caused loss or injury to damages.

(m) Whether Class members suffered direct losses or damages,

(n) Whether Class members suffered indirect losses or damages.

(o) Whether Defendants' acts or practices violated the Florida Deceptive and Unfair Trade Practices Acts.

26. Typicality: Plaintiff's claims are typical of the claims of the other members of the Class in that all such claims arise out of Defendants' conduct in manufacturing, producing and entering into the stream of commerce defective pet food and pet food products, Defendants' conduct surrounding the recall of its product, and Plaintiff's and Class Members' purchase and use of Defendants' products. Plaintiff and the other members of the Class seek identical remedies under identical legal theories, and there is no antagonism or material factual variation between Plaintiff's claims and those of the Class.

27. Adequacy: Plaintiff will fairly and adequately protect the interests of the Class. Plaintiff's claims are coextensive with, and not antagonistic to, the claims of the other members of the Class. Plaintiff is willing and able to vigorously prosecute this action on behalf of the Class, and Plaintiff has retained competent counsel experienced in litigation of this nature.

28. Plaintiff brings this action under Rule 23(b)(3) because common questions of law and fact (identified in paragraph 25 above) predominate over questions of law and fact affecting individual members of the Class. Indeed, the predominant issue in this action is whether Defendants' pet food and pet food products are defective and have caused damages to Plaintiff and the members of the Class. In addition, the expense of litigating each Class member's claim individually would be so cost prohibitive as to deny Class members a viable remedy. Certification under Rule 23(b)(3) is appropriate because a class action is superior to the other available methods