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JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

JUN 19 2007

FILED  
CLERK'S OFFICE**RELEASED FOR PUBLICATION****DOCKET NO. 1850****BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION****IN RE PET FOOD PRODUCTS LIABILITY LITIGATION****BEFORE WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J.  
FREDERICK MOTZ, ROBERT L. MILLER, JR.,\* KATHRYN H. VRATIL,  
DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL****TRANSFER ORDER**

This litigation presently consists of thirteen actions listed on the attached Schedule A and pending in eight districts as follows: five actions in the Western District of Washington; two actions in the Western District of Arkansas; and one action each in the Central District of California, the District of Connecticut, the Southern District of Florida, the Northern District of Illinois, the District of New Jersey, and the Eastern District of Tennessee. Before the Panel are three motions, pursuant to 28 U.S.C. § 1407, that taken together seek centralization for coordinated or consolidated pretrial proceedings of all of these actions.<sup>1</sup> All responding parties agree that centralization is appropriate, but differ regarding the most appropriate transferee district for this litigation. In favor of the District of New Jersey as transferee district are moving Central District of California and Southern District of Florida plaintiffs and plaintiffs in the District of Connecticut, the District of New Jersey, and three of the Western District of Washington actions before the Panel, as well as plaintiffs in fourteen potentially related actions. Plaintiffs in two of the five Western District of Washington actions move for centralization in the Western District of Washington; plaintiffs in the Eastern District of Tennessee action support centralization there; and plaintiffs in the other three Western District of Washington actions alternatively support centralization there. In favor of the Western District of Arkansas as transferee district are plaintiffs in the two Western District of Arkansas actions and the Northern District of Illinois action, and plaintiffs in six potentially related actions. Plaintiffs in two potentially related District of New Jersey actions alternatively support centralization in the Western District of Arkansas. Supporting the Northern District of Illinois as transferee district are all responding defendants, including Menu Foods, Inc., and its related entities, and plaintiffs in one potentially related action. In favor of the Central District of California as transferee district are plaintiffs in nine potentially related actions. Finally, plaintiff in a potentially related Northern District of Ohio action suggests centralization in the Northern District of Ohio.

On the basis of the papers filed and hearing session held, the Panel finds that the actions in this

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\* Judge Miller did not participate in the decision of this matter.

<sup>1</sup> The Panel has been notified of 97 potentially related actions pending in multiple federal districts. In light of the Panel's disposition of this docket, these actions will be treated as potential tag-along actions. See Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001).

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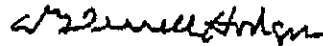
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litigation involve common questions of fact, and that centralization under Section 1407 in the District of New Jersey will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. All actions stem from the recall of pet food products allegedly tainted by melamine found in wheat gluten imported from China and used in these products. Centralization under Section 1407 is necessary in order to eliminate duplicative discovery; avoid inconsistent pretrial rulings, especially with respect to class certification; and conserve the resources of the parties, their counsel and the judiciary.

Although several districts could be described as an appropriate transferee forum for this nationwide litigation, we are persuaded to select the District of New Jersey. Pretrial proceedings are advancing well there and about one-third of all pending actions are already in this district.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on the attached Schedule A and pending outside the District of New Jersey are transferred to the District of New Jersey and, with the consent of that court, assigned to the Honorable Noel L. Hillman for coordinated or consolidated pretrial proceedings with the actions pending there and listed on Schedule A.

FOR THE PANEL:



Wm. Terrell Hodges  
Chairman

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## SCHEDULE A

### MDL-1850 -- In re Pet Food Products Liability Litigation

#### Western District of Arkansas

*Charles Ray Sims, et al. v. Menu Foods Income Fund, et al.*, C.A. No. 5:07-5053  
*Richard Scott Widen, et al. v. Menu Foods, Inc., et al.*, C.A. No. 5:07-5055

#### Central District of California

*Shirley Sexton v. Menu Foods Income Fund, et al.*, C.A. No. 2:07-1958

#### District of Connecticut

*Lauri A. Osborne v. Menu Foods, Inc.*, C.A. No. 3:07-469

#### Southern District of Florida

*Christina Trolano v. Menu Foods, Inc., et al.*, C.A. No. 0:07-60428

#### Northern District of Illinois

*Dawn Majerczyk v. Menu Foods, Inc.*, C.A. No. 1:07-1543

#### District of New Jersey

*Jared Workman, et al. v. Menu Foods Ltd., et al.*, C.A. No. 1:07-1338

#### Eastern District of Tennessee

*Lizajean Holt, et al. v. Menu Foods, Inc.*, C.A. No. 3:07-94

#### Western District of Washington

*Tom Whaley v. Menu Foods, Inc., et al.*, C.A. No. 2:07-411  
*Stacey Heller, et al. v. Menu Foods*, C.A. No. 2:07-453  
*Audrey Kornelius, et al. v. Menu Foods*, C.A. No. 2:07-454  
*Suzanne E. Johnson, et al. v. Menu Foods*, C.A. No. 2:07-455  
*Michele Suggett, et al. v. Menu Foods, et al.*, C.A. No. 2:07-457

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JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

JUN 28 2007

FILED  
CLERK'S OFFICE

**DOCKET NO. 1850**

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION  
IN RE PET FOOD PRODUCTS LIABILITY LITIGATION**

**(SEE ATTACHED SCHEDULE)**

**CONDITIONAL TRANSFER ORDER (CTO-1)**

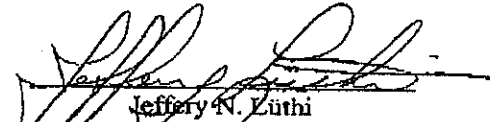
On June 19, 2007, the Panel transferred 12 civil actions to the United States District Court for the District of New Jersey for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See F.Supp.2d (J.P.M.L. 2007). With the consent of that court, all such actions have been assigned to the Honorable Noel L. Hillman.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the District of New Jersey and assigned to Judge Hillman.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of New Jersey for the reasons stated in the order of June 19, 2007, and, with the consent of that court, assigned to the Honorable Noel L. Hillman.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of New Jersey. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

  
Jeffery N. Lüthi  
Clerk of the Panel

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**SCHEDULE CTO-20 - TAG-ALONG ACTIONS  
DOCKET NO. 1850  
IN RE PET FOOD PRODUCTS LIABILITY LITIGATION**

**DIST. DIV. C.A. #****CASE CAPTION**

ARKANSAS EASTERN  
ARE 4 07-376

Scott Stacey, et al. v. Nestle SA, et al.

ARKANSAS WESTERN  
ARW 4 07-4036  
ARW 5 07-5065

Kirby Cooper v. Menu Foods Income Fund, et al.  
Sandra L. Gray, et al. v. Menu Foods, et al.

## CALIFORNIA CENTRAL

CAC 2 07-1987  
CAC 2 07-2060  
CAC 2 07-2253  
CAC 2 07-2338  
CAC 2 07-2476  
CAC 2 07-2779  
CAC 2 07-2964  
CAC 5 07-398

Paul Randolph Johnson, et al. v. Menu Foods, Inc., et al.  
Dawn Howe v. Menu Foods Ltd., et al.  
Lois Grady, et al. v. Menu Foods Income Fund, et al.  
Kelly Finestone v. Menu Foods, Inc., et al.  
Richard Chamberlain v. Nestle SA, et al.  
Ken Wahl, et al. v. Menu Foods Income Fund, et al.  
Jayne Englander, et al. v. Menu Foods Income Fund, et al.  
Dennis Lee Townsend, et al. v. Menu Foods Ltd., et al.

CALIFORNIA EASTERN  
CAE 2 07-654

Cheryl Carver v. Del Monte Foods Co., et al.

## CALIFORNIA NORTHERN

CAN 3 07-1809  
CAN 3 07-2665

Sherry Ingles v. Menu Foods, Inc., et al.  
Diane Lowery v. Menu Foods Income Fund, et al.

## CALIFORNIA SOUTHERN

CAS 3 07-705  
CAS 3 07-706  
CAS 3 07-734  
CAS 3 07-951

Robert Payne, et al. v. Menu Foods, Inc., et al.  
Diane Swarberg v. Menu Foods Holding, Inc., et al.  
Hayley Ford, et al. v. Menu Foods Income Fund, et al.  
John Colliard v. Menu Foods, Inc., et al.

## COLORADO

CO 1 07-736

Emily Tompkins v. Menu Foods Midwest Corp., et al.

## FLORIDA MIDDLE

FLM 2 07-235  
FLM 6 07-803

Maria Teresa Ferrarese v. Menu Foods, Inc., et al.  
George Birney, et al. v. Menu Foods, Inc.

## FLORIDA SOUTHERN

FLS 1 07-20955

Stephen Donnelly, et al. v. Menu Foods, Inc., et al.

## IDAHO

ID 1 07-160

Larry Klimes, et al. v. Menu Foods

## ILLINOIS NORTHERN

ILN 1 07-2162  
ILN 1 07-2183  
ILN 1 07-2211  
ILN 1 07-2237

Heather Amro v. Menu Foods Income Fund, et al.  
Gary Bruski v. Menu Foods, Inc., et al.  
Raymond Demith, et al. v. Nestle Purina Petcare Co., et al.  
Sonja Foxe v. Menu Foods, Inc., et al.

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## SCHEDULE CTO-1 - TAG-ALONG ACTIONS (MDL-1850)

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<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
<b>MASSACHUSETTS</b>	
MA 1 07-10745	Lidia Rodrigues v. Menu Foods, Inc., et al.
MA 1 07-10797	Megan Connerton, et al. v. Menu Foods Midwest Corp., et al.
<b>MATNE</b>	
ME 2 07-54	Mara Brazilian v. Menu Foods Income Fund, et al.
<b>MINNESOTA</b>	
MN 0 07-1808	Stephanie Rozman v. Menu Foods Midwest Corp., et al.
MN 0 07-2108	Wendy Krossschell v. Menu Foods Income Fund, et al.
<b>MISSOURI WESTERN</b>	
MOW 3 07-5041	Richard Schwinger v. Menu Foods, et al.
<b>MISSISSIPPI SOUTHERN</b>	
MSS 5 07-105	Sarah Cavin v. Menu Foods, et al.
<b>NEVADA</b>	
NV 2 07-686	Maragaret Picus v. Wal-Mart Stores, Inc., et al.
NV 3 07-159	Marion Streczyn v. Menu Foods, Inc., et al.
<b>NEW YORK SOUTHERN</b>	
NYS 1 07-3236	Mark Cashman, et al. v. Menu Foods Midwest Corp., et al.
<b>OHIO NORTHERN</b>	
OHN 1 07-1018	Gregory Boehm v. Menu Foods, Inc., et al.
<b>PENNSYLVANIA MIDDLE</b>	
PAM 1 07-929	Dixie Keller v. Menu Foods Ltd., et al.
<b>RHODE ISLAND</b>	
RI 1 07-115	Carol Brown v. Menu Foods, Inc., et al.
<b>TENNESSEE EASTERN</b>	
TNE 3 07-98	Barbara Light v. Menu Foods Income Fund
<b>WASHINGTON WESTERN</b>	
WAW 2 07-575	Laura Migliore v. Menu Foods
WAW 2 07-576	Gail Moran v. Menu Foods
WAW 2 07-577	Sheryl Puett v. Menu Foods
WAW 2 07-634	Daniel Ray Reeves v. Menu Foods
WAW 2 07-666	Sheree A. Robinson v. Menu Foods
WAW 2 07-667	Phyllis A. Ullman v. Menu Foods
WAW 2 07-668	Elizabeth Palmer v. Menu Foods
WAW 2 07-669	Jason Labbate v. Menu Foods
WAW 2 07-670	Megan Whitt v. Menu Foods
WAW 2 07-684	Linda Weitz v. Menu Foods
WAW 2 07-685	Michelle Adams v. Menu Foods

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SCHEDULE CTO-1 - TAG-ALONG ACTIONS (MDL-1850)

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DIST. DIV. C.A. #

CASE CAPTION

WAW 2 07-686	Lerae Dineen v. Menu Foods
WAW 2 07-687	Sandra Shingle v. Menu Foods
WAW 2 07-688	Gary Thomas v. Menu Foods
WAW 2 07-689	Deborah A. Mullen v. Menu Foods
WAW 2 07-690	Helen Percy v. Menu Foods
WAW 2 07-745	Paula Monk v. Menu Foods
WAW 2 07-746	Tony Boyer v. Menu Foods
WAW 2 07-747	Norman Brenton v. Menu Foods
WAW 2 07-748	Lynda Nagel v. Menu Foods
WAW 2 07-749	Teresa Eilers v. Menu Foods
WAW 3 07-5204	Jeff Rusiecki v. Menu Foods
WAW 3 07-5205	Nancy Guthrie v. Menu Foods

WISCONSIN WESTERN

WIW 3 07-159	Jacqueline Johnson v. The Procter & Gamble Co., et al.
WIW 3 07-248	Penny J. Roberts, et al. v. Menu Foods Income Fund, et al.