

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

MEGAN CONNERTON AND KIMBERLY )  
MELLO, INDIVIDUALLY AND ON )  
BEHALF OF ALL OTHERS SIMILARLY )  
SITUATED, )  
Plaintiff, )  
v. )  
MENU FOODS MIDWEST )  
CORPORATIONS, MENU FOODS INCOME )  
FUND, MENU FOODS LIMITED, MENU )  
FOODS, INC., MENU FOODS HOLDINGS, )  
INC., THE IAMS COMPANY, NUTRO )  
PRODUCTS, INC., TARGET )  
CORPORATION, CHEMNUTRA INC. AND )  
XUZHOU ANYING BIOLOGIC )  
TECHNOLOGY DEVELOPMENT )  
COMPANY LTD., )  
Defendants. )  
)

CASE NO.: 1:07-CV-10797-DPW

**STIPULATION AND [PROPOSED] ORDER STAYING ALL PROCEEDINGS AND  
FOR PRESERVATION OF EVIDENCE**

WHEREAS, this case is one of over one hundred putative class actions filed in this court and several other courts throughout the country for damages and injunctive relief, arising from the manufacture, distribution and/or sale of pet food products allegedly by and through Defendants Menu Foods. The defendants in the instant action are Menu Foods Income Fund, Menu Foods, Inc., Menu Foods Midwest Corporation, Menu Foods Holdings, Inc., and Menu Foods Limited (collectively referred to as "MENU FOODS") and the Iams Company, Nutro Products, Inc., Target Corporation, and Chemnutra Inc.(collectively referred to as "DEFENDANTS"). Defendant Xuzhou Anying Biologic Technology Development Company LTD has not yet been served.

WHEREAS, actions are currently pending in the Western District of Washington, Eastern District of Tennessee, Northern District of Illinois, Western District of Wisconsin, Western District of Arkansas, District of New Jersey, Northern District of Florida, Southern District of Florida, Middle District of Florida, District of Massachusetts, District of Connecticut, Central District of California, District of Rhode Island, District of Maine, Northern District of Connecticut, Central District of California, District of Nevada, District of Idaho, and Northern District of Ohio. Specifically, the pending cases allege that Menu Foods sold contaminated pet

food to the general public and individuals whose pets consumed this pet food and sustained injuries and/or death.

WHEREAS, on June 19, 2007 the JPML entered an Order transferring cases before it and pending outside the District of New Jersey to the District of New Jersey (the "Transfer Order") and assigned the Hon. Noel L. Hillman as the presiding judge over the coordinated or consolidated pretrial proceedings. The JPML also stated that it has been notified of 97 potentially related actions pending in multiple federal districts and ordered that these actions be treated as potential tag-along actions. (Please see a true and correct copy of Transfer Order attached hereto as Exhibit A).

WHEREAS, during the short intervening time between now and the actual transfer and coordination and/or consolidation, a stay of these proceedings will conserve party and judicial resources.

IT IS HEREBY STIPULATED by and between the Plaintiffs Megan Connerton and Kimberly Mello, individually and on behalf of others similarly situated, and DEFENDANTS, through their designated counsel, that this matter, including the deadlines for DEFENDANTS to respond to the Complaint, the parties to participate in class certification and other pretrial proceedings, be stayed pending the actual transfer of this case for coordinated pretrial proceedings with other actions pending throughout the country to the District of New Jersey.

All parties shall, during the pendency of the stay of this matter, comply with their duty to preserve all evidence that may be relevant to this action. This duty extends to documents, electronic data, and tangible things in the possession, custody and control of the parties to this action. "Preservation" is to be interpreted broadly to accomplish the goal of maintaining the integrity of all documents, data and tangible things reasonably anticipated to be the subject of discovery under Federal Rules of Civil Procedure 26, 45, and 56(e) in this action. Preservation includes taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of such material, as well as negligent or intentional handling that would involve the routine destruction, recycling, relocation, or mutation of the materials, that party must, to the extent practicable for the pendency of this order, either:

- i) halt such business practices;
- ii) sequester or remove such material from the business process; or

- iii) arrange for the preservation of complete and accurate duplicates or copies of such material, suitable for later discovery requested.

IT IS SO STIPULATED

Dated: June 29, 2007

Respectfully submitted,

**Plaintiffs Megan Connerton and Kimberly Mello, individually and on behalf of others similarly situated**

By their attorneys,

/s/ Eugene R. Richard

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Dated: June 29, 2007

Respectfully submitted,

**Menu Foods Midwest Corporation, Menu Foods Income Fund, Menu Foods Limited, Menu Foods, Inc., and Menu Foods Holding, Inc.**

By their attorneys,

/s/ Maureen E. Lane

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Dated: June 29, 2007

Respectfully submitted,

**ChemNutra Inc.**

By its attorneys,

/s/ Megan S. Wynne

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Dated: June 29, 2007

Respectfully submitted,

**The Iams Company**

By its attorneys,

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Dated: June 29, 2007

Respectfully submitted,

**Target Corporation,**  
By its attorney,

/s/ Sean J. Milano

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Dated: June 29, 2007

**Nutro Products**  
Respectfully submitted,

By its attorney,

/s/ Madonna E. Cournoyer  
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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

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THE HONORABLE DOUGLAS P. WOODLOCK  
UNITED STATES DISTRICT COURT JUDGE