

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DARRYL ALEXANDER and EDNA  
ALEXANDER

Case No. 2:09-CV-12303

Plaintiffs,

Hon. Patrick J. Duggan  
Magistrate Judge Paul J. Komives

vs.

DEL MONTE CORPORATION and THE  
KROGER COMPANY,

Defendants.

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**ORDER**

At a session of said Court, held in Detroit,  
Michigan, on February 1, 2010.

PRESENT: HON. PATRICK J. DUGGAN  
U.S. District Court Judge

Upon reading the foregoing Stipulation and the Court being otherwise fully advised in the premises,

IT IS HEREBY ORDERED:

1. That on or before February 1, 2010, counsel for Plaintiffs must produce the jar and lid described in Plaintiffs' Complaint for visual examination by representatives of Crown Cork & Seal Company, Inc. No tests shall be performed until the parties mutually agree to a testing protocol recommended by said representatives;
2. Defendants may not engage in any destructive testing and shall share the results of any tests with counsel for Plaintiffs;

3. Defendants will be responsible for any loss or damage to the subject jar and lid;  
and

4. Defendants will be responsible for shipping the jar and lid to and from Crown  
Cork & Seal Company, Inc.

s/Patrick J. Duggan  
Patrick J. Duggan  
United States District Judge

Dated: February 1, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record  
on February 2, 2010, by electronic and/or ordinary mail.

s/Marilyn Orem  
Case Manager