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 CHEMNUTRA INC.  
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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 MARGARET PICUS, an individual; on behalf  
 of herself, and on behalf of all others similarly  
 11 situated,

12 Plaintiffs,

13 vs.

14 WAL-MART STORES, INC.; MENU FOODS  
 15 INC.; DEL MONTE FOODS COMPANY;  
 SUNSHINE MILLS, INC.; CHEMNUTRA  
 16 INC.; and DOES 1 through 100, inclusive,

17 Defendants.

CASE NO.: 2:07-cv-00686-RLH-RJJ

**CHEMNUTRA, INC.'S STATEMENT  
 PURSUANT TO COURT ORDER**

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 19 Removing party ChemNutra, Inc. ("ChemNutra"), in response to this Court's Minute Order  
 20 dated May 29, 2007, provides the following information relative to ChemNutra's removal of the  
 21 above-captioned case to this Court:

- 22 • The complaint in this case was served on ChemNutra on May 7, 2007.
- 23 • The summons in this case was served on ChemNutra also on May 7, 2007.
- 24 • The Court's May 29, 2007 order requests *for diversity cases only* information relative  
 25 to, *inter alia*, the citizenship of the parties, a summary of defendant's evidence of the  
 26 amount in controversy and the length of time that the case has been pending prior to  
 27 removal. Since the basis for the removal in this case was the Class Action Fairness  
 28 Act (CAFA) 28 U.S.C. § 1332(d)(2), ChemNutra has not provided responses to all of

1 these questions here. However, as stated in ChemNutra's removal petition, the face of  
2 plaintiff's complaint reveals that: (1) there is minimal diversity, (2) the \$5,000,000  
3 amount in controversy is met, and (3) none of the exceptions to CAFA apply.

4 Pursuant to the terms of this Court's May 29, 2007 order, ChemNutra will serve a copy of both the  
5 Court's May 29, 2007 order (Exhibit 1) and a copy of this statement to all counsel who have appeared  
6 in the action.

7 DATED this 6 day of June, 2007.

8 MORRIS POLICH & PURDY LLP

9  
10 By: 

11 NICHOLAS M. WIECZOREK  
12 Nevada Bar No. 006170  
13 3980 Howard Hughes Parkway, Suite 400  
14 Las Vegas, Nevada 89169  
15 Attorney for Defendant  
16 CHEMNUTRA INC.  
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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of Morris Polich & Purdy LLP, and that on this 6<sup>th</sup> day of June, 2007, I served a true and correct copy of the foregoing

**CHEMNUTRA, INC.'S STATEMENT PURSUANT TO COURT ORDER** as follows:

- ( X ) by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or
- ( ) to be hand-delivered to the attorneys listed below at the address indicated below:

Robert B. Gerard, Esq.  
Nevada Bar No. 005323  
Lawrence T. Osuch, Esq.  
Nevada Bar No. 006771  
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Attorneys for Plaintiffs

  
An Employee of Morris Polich & Purdy LLP

# **EXHIBIT 1**

**Lisa L. Woodruff - Activity in Case 2:07-cv-00686-RLH-RJJ Picus v. Wal-Mart Stores, Inc. et al "Minute Order re Removal"**

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**From:**  
**To:**  
**Date:** 5/29/2007 7:57 AM  
**Subject:** Activity in Case 2:07-cv-00686-RLH-RJJ Picus v. Wal-Mart Stores, Inc. et al "Minute Order re Removal"

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**United States District Court**

**District of Nevada**

Notice of Electronic Filing

The following transaction was received from MJZ, entered on 5/29/2007 at 7:56 AM PDT and filed on 5/29/2007

**Case Name:** Picus v. Wal-Mart Stores, Inc. et al  
**Case Number:** 2:07-cv-686  
**Filer:**  
**Document Number:** 6

**Docket Text:**

MINUTE ORDER IN CHAMBERS of the Honorable Roger L. Hunt, U.S. District Judge, on 5/29/2007. By Deputy Clerk: Michael Zadina. IT IS ORDERED that all parties removing actions to this court must, WITHIN 15 DAYS, file and serve a signed Statement including:

date complaint served;

date summons served;

on diversity jurisdiction cases, names of served defendants who are citizens of Nevada, the citizenship of the other parties and a summary of defendants evidence of the amount in controversy;

if filed more than 30 days after service, the reason removal has taken place at this time and the date you first received a paper identifying the basis for removal;

if action in state court was commenced more than one year before the date of removal, the reasons this action should not summarily be remanded to the state court;

name of any defendant known to have been served before removal filed who did not join in removal and reasons they did not;

all defendants who joined in removal may file statement jointly.

IT IS FURTHER ORDERED that counsel shall, WITHIN 30 DAYS, file a Joint Status Report including:

list of pending motions and/or other matters which require the attention of this court and copies of same;

statement by counsel of action required to be taken by this court.

Removing defendant shall serve a copy of this Order on all other parties to the action no later than the time they file and serve a copy of the Statement required by this Order. A party who learns that the Statement(s) filed pursuant to this Order contain(s) incorrect information shall promptly notify this court in writing. Statement due by 6/13/2007. Status Report due by 6/28/2007. **(no image attached)** (MJZ)

The following document(s) are associated with this transaction:

**2:07-cv-686 Notice will be electronically mailed to:**

Robert B. Gerard rgerard@gerardlaw.com

Lawrence T. Osuch ltosuch@gerardlaw.com

Nicholas M Wiczorek nwieczorek@mpplaw.com, lwoodruff@mpplaw.com;  
dsurowiec@mpplaw.com

**2:07-cv-686 Notice will be delivered by other means to:**

Norman Blumenthal  
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