

1 disclose the material facts alleged herein above with regard to the true geographic origin of important  
2 and substantial component(s) of Ol' Roy brand pet food products. By way of further information,  
3 Plaintiff further allege as follows:

4 **Defendants:**

5 39. The Defendants participation in the fraudulent scheme is set forth as follows:

6 a. Who: The Defendants each participated in the labeling of Ol' Roy brand pet  
7 food products as "Made in the USA" when they each knew that the Ol' Roy brand pet food products  
8 were not made in USA and contained important and substantial component(s) that were made and/or  
9 manufactured outside of the United States.

10 b. When: The Ol' Roy brand pet food products deceptively represented their  
11 geographic origin as herein alleged at all times prior to March 16, 2007, when the true origin of these  
12 products were disclosed for the first time as a result of an investigation by the Food and Drug  
13 Administration.

14 c. Where: On the label and/or packaging of the Ol' Roy brand pet food products  
15 sold in Nevada and throughout the United States.

16 d. Nature of Fraud: This was a fraud as to the geographic origin where "Made  
17 in USA" designation was used on each package to give the appearance that the product was made  
18 in the USA, by United States workers and farmers, and under the protection of United States laws,  
19 when in fact, the Defendants knew or should have known the Ol' Roy brand pet food products were  
20 comprised of component(s) that were made and/or manufactured outside of the United States. In  
21 fact, Chemnutra admitted in its recall notices that the component(s) of Ol' Roy brand pet food  
22 products were originally labeled as "Made in China", which designation apparently was changed  
23 and/or altered by Defendants before sale to consumers.

24 c. How and When Were Material Facts Concealed From The Plaintiffs:  
25 Defendants failed to disclose and concealed the true geographic origin of component(s) of the Ol'  
26 Roy brand pet food products.

27 40. These non-disclosures of material fact were made intentionally in order to deceive  
28 the Plaintiff and the other Class members, to induce their reliance, and in order to enrich the

1 Defendants by using sub-standard foreign components and passing such components off to the public  
2 as "MADE IN USA." Said non-disclosures were made for the purpose of facilitating and/or aiding  
3 and abetting the scheme to market and sell these products to the public using deceptive  
4 representations of geographic origin.

5 41. If Plaintiff and the other members of the Class had known of the facts which  
6 Defendants and each of them failed to disclose, they would never have purchased the Ol' Roy brand  
7 pet food products as they did.

8 42. Defendants' non-disclosures of material facts have caused damage to Plaintiff and  
9 the other members of the Class.

10  
11 **COUNT III**

12 **Unjust Enrichment**

13 **(Against All Defendants)**

14 43. Plaintiff repeats, incorporates by reference and realleges the allegations contained in  
15 Paragraphs 1-42 above as if fully set forth herein.

16 44. By labeling products as "Made in USA", Defendants represented that the subject  
17 "Made in USA" products have the characteristic of being made in America and the benefits of  
18 American-made products, which they do not have. Defendants have represented that the subject  
19 "Made in USA" products have the status of American-made products and the affiliation and  
20 connection with America, which they do not have. Moreover, Defendants have represented that the  
21 subject "Made in USA" products have the standard, quality, and grade of American-made products,  
22 which is not true. This "Made in USA" designation is a material and substantial factor in  
23 consumers' purchasing decisions, because consumers believe they are buying truly American  
24 products and supporting American companies and American jobs. Consumers generally believe that  
25 "Made in USA" products are higher quality products than those of other countries. Further, this  
26 "Made in USA" designation is especially important with respect to food products, because only  
27 through the Made in the USA designation can consumers insure that the products were not produced  
28 using illegal or banned chemicals or pesticides. This concern is evidenced by the recall of Ol' Roy

1 brand pet food products which was ordered because the products were found to contain substances  
2 which are not approved for use in food products in the United States, and the reason they contained  
3 such deleterious chemicals is because component(s) of the subject products were not made and/or  
4 manufactured in the United States, but instead were imported from countries with no such health  
5 protections.

6 45. In reality, the Ol' Roy brand pet food products were not made of all or substantially  
7 all American-made products. In particular, component(s) of the products were imported from outside  
8 the United States, including but not limited to wheat gluten imported from China. In the example  
9 of the wheat gluten from China, such components were imported as "Made in China" however, the  
10 Defendants changed and/or altered such designation to falsely state "Made in USA."

11 46. Defendants have benefitted and been enriched by the above-alleged conduct.  
12 Defendants sold the Ol' Roy brand pet food products with the false designation that the Ol' Roy  
13 brand pet food products were "Made in USA" and thereby unjustly reaped benefits and profits from  
14 consumers and the Class as a result of these representations. Defendants received and continues to  
15 receive sale benefits and profits at the expense of Plaintiff and the Class using such deceptive  
16 representation and designations.

17 47. Defendants used the aforementioned representations to induce Plaintiff and the other  
18 members of the Class to purchase the Ol' Roy brand pet food products. Accordingly, Defendants  
19 received benefits which they have unjustly retained at the expense of Plaintiff and the Class  
20 members. Defendants have knowledge of this benefit, voluntarily accepted such benefit, and  
21 retained the benefit. Plaintiff, and other consumers similarly situated, did not receive the benefits  
22 of American-made products and the added health protection flowing from such products, for which  
23 they bargained and paid a premium price. As a direct and proximate result of this conduct, Plaintiff  
24 and the other members of the Class were deprived of the benefits and money they expended which  
25 were improperly retained by Defendants, and are therefore entitled to restitution in an amount  
26 equivalent to the value of the benefit.

27 48. As a direct and proximate result of the Defendants conduct and unjust enrichment,  
28

1 Plaintiff and the Class Members have suffered injury and seek relief in an amount necessary to  
2 restore them to the positions they would be in had Defendants not been unjustly enriched.

3  
4 **REQUEST AND PRAYER FOR RELIEF**

5 **WHEREFORE**, Plaintiffs respectfully request that the Court enter judgment in their favor  
6 and against Defendants as follows:

7 1. Certify this action as a class action;  
8 2. Award damages and/or restitution in an amount to be proven at trial;  
9 3. Order declaratory relief finding that Defendants have engaged in deceptive trade practices  
10 or practices in violation of federal and state law.

11 4. Order injunctive relief enjoining Defendants and their officers, directors, agents,  
12 distributors, servants, employees, attorneys, and all others in active concert or participation with  
13 Defendants, or any of them, jointly and severally, during the pendency of this action and permanently  
14 thereafter from falsely representing the origin of the products;

15 5. Award pre-judgment and post-judgment interest at the maximum rate allowed by law and  
16 costs of suit;

17 6. Award Plaintiff attorneys' fees and all litigation expenses as allowable by law.  
18 Alternatively, for all attorneys' fees and all litigation expenses to be awarded pursuant to the  
19 substantial benefit doctrine or other authority requiring Defendants to pay Plaintiff's attorneys' fees  
20 and litigation expenses. Alternatively, for attorneys' fees and other litigation expenses to be paid  
21 under the common fund doctrine or any other provision of law; and

22 7. Order such other and further relief as the Court may deem just and proper.

23 //

24 //

25 //

26 //

27 //

28 //

1 DATED this the 5<sup>th</sup> day of April, 2007.

2 GERARD & OSUCH, LLP

3 By: 

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19 *Attorneys For The Plaintiffs*

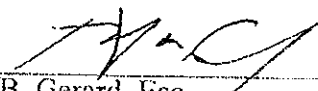
**DEMAND FOR JURY TRIAL**

PLAINTIFFS demand jury trial on issues triable to a jury.

Dated: April 30, 2007  
49.

GERARD & OSUCH, LLP

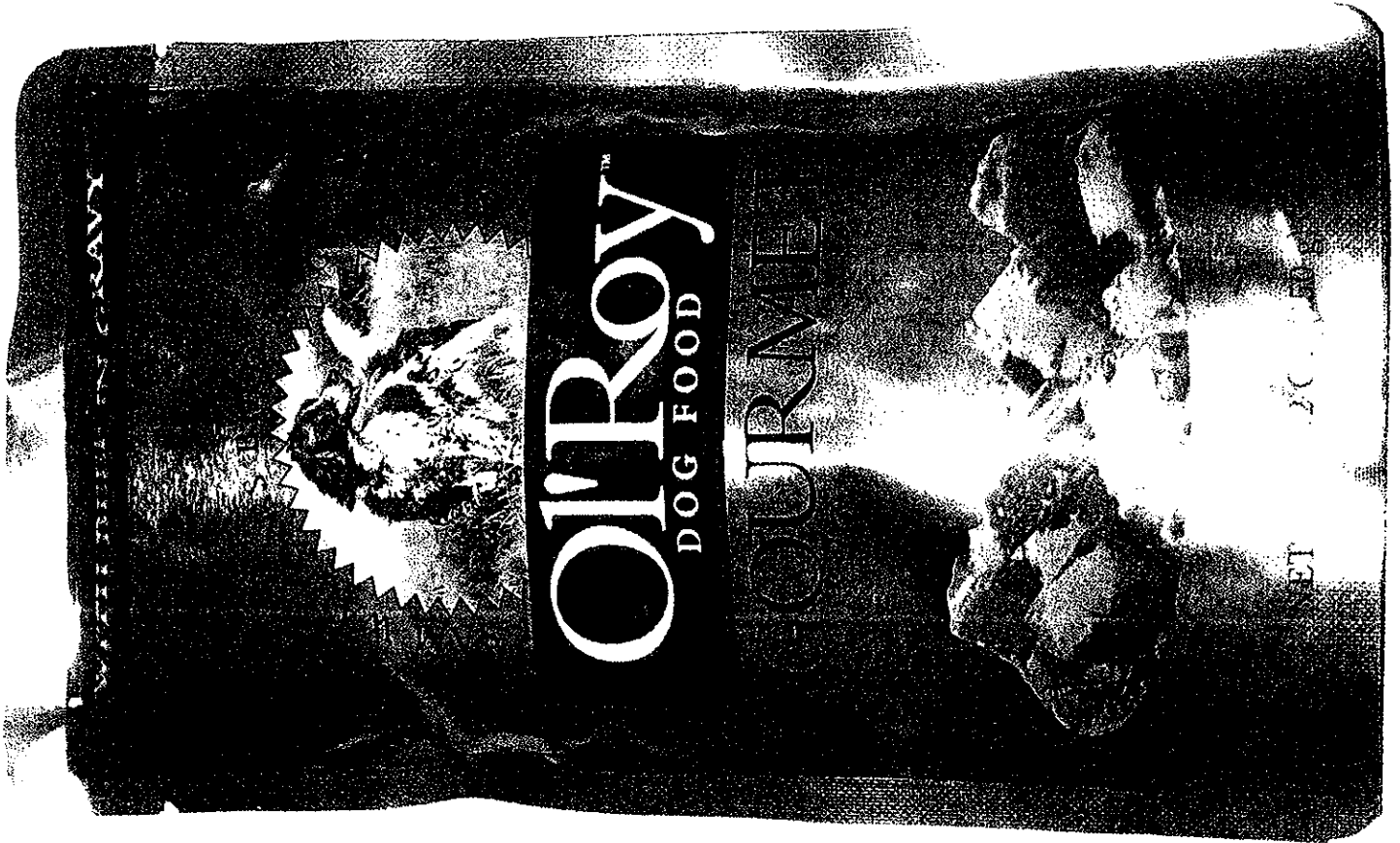
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**EXHIBIT #1**

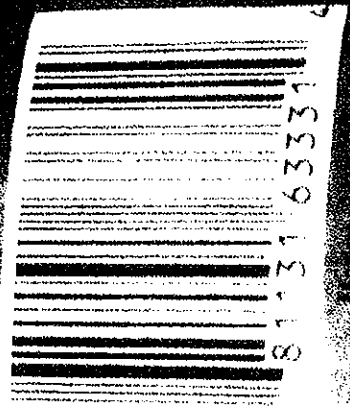




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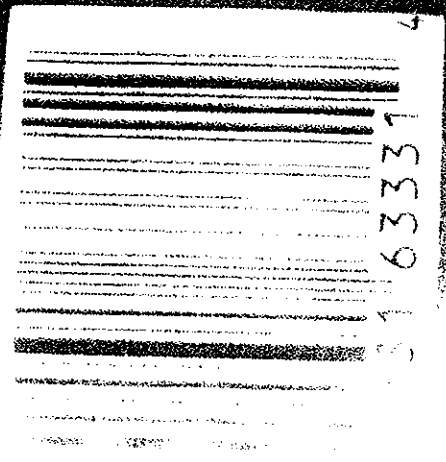
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EXHIBIT *B*

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# UNITED STATES OF AMERICA JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**CHAIRMAN:**  
Judge Wm. Terrell Hodges  
United States District Court  
Middle District of Florida

**MEMBERS:**  
Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Judge Kathryn H. Vrtil  
United States District Court  
District of Kansas

Judge David R. Hansen  
United States Court of Appeals  
Eighth Circuit

Judge Anthony J. Scirica  
United States Court of Appeals  
Third Circuit



**DIRECT REPLY TO:**

Jeffery N. Lüthi  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-255, North Lobby  
Washington, D.C. 20002

Telephone: [202] 502-2800  
Fax: [202] 502-2888

<http://www.jpml.uscourts.gov>

April 12, 2007

## NOTICE OF HEARING SESSION

Dear Counsel:

Pursuant to the order of the Judicial Panel on Multidistrict Litigation filed today, you are hereby notified that a hearing session has been scheduled to consider various matters pursuant to 28 U.S.C. § 1407.

**DATE OF HEARING SESSION:** May 31, 2007

**LOCATION OF HEARING SESSION:** Lloyd D. George United States Courthouse  
Courtroom 7C, 7th Floor  
333 Las Vegas Boulevard South  
Las Vegas, Nevada 89101

**TIME OF HEARING SESSION:** In those matters designated for oral argument, counsel presenting oral argument must be present at **8:30 a.m.** in order for the Panel to allocate the amount of time for oral argument. Oral argument will commence at **9:30 a.m.**

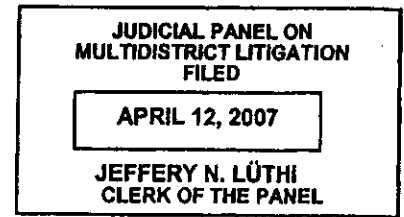
Please direct your attention to the enclosed Hearing Session Order and Schedule of Matters for Hearing Session for a listing of the matters scheduled for consideration at this hearing session.

- Section A of this Schedule lists the matters designated for oral argument.
- Section B of this Schedule lists the matters that the Panel has determined to consider **without oral argument**, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001).

For those matters listed on Section A of the Schedule, the enclosed blue "Notice of Presentation or Waiver of Oral Argument" must be returned to this office no later than **May 14, 2007**. Note the procedures governing Panel oral argument which are outlined on the enclosed "Procedures for Oral Argument before the Judicial Panel on Multidistrict Litigation." These procedures are strictly adhered to and your cooperation is appreciated.

Very truly,  
  
Jeffery N. Lüthi  
Clerk of the Panel

c: Clerk, U.S. District Court for the District of Nevada



**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**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**

**HEARING SESSION ORDER**

IT IS ORDERED that on May 31, 2007, a hearing session will be held in Las Vegas, Nevada, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

IT IS FURTHER ORDERED that at said hearing session the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section A of the attached Schedule shall be designated for oral argument.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section B of the attached Schedule shall be considered without oral argument, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001). The Panel reserves the prerogative, on any basis including submissions of parties pursuant to Panel Rule 16.1(b), to issue a subsequent notice designating any of those matters for oral argument.

IT IS FURTHER ORDERED that the Clerk of the Judicial Panel on Multidistrict Litigation shall direct notice of this hearing session to counsel for all parties involved in the matters on the attached Schedule.

FOR THE PANEL:



Wm. Terrell Hodges  
Chairman

SCHEDULE OF MATTERS FOR HEARING SESSION  
May 31, 2007 -- Las Vegas, Nevada

SECTION A  
MATTERS DESIGNATED FOR ORAL ARGUMENT

MDL-1835 -- In re Brian L. Roberts Litigation

Motion of plaintiff Brian L. Roberts for centralization of the following actions in the United States District Court for the Southern District of New York:

Southern District of New York

*Brian L. Roberts v. Sony Corp., et al.*, C.A. No. 1:06-6337

District of Utah

*Brian L. Roberts v. Sony, et al.*, C.A. No. 2:04-673

MDL-1836 -- In re Mirapex Products Liability Litigation

Motion of defendants Boehringer Ingelheim Pharmaceuticals, Inc., and Pfizer Inc. for centralization of the following actions in the United States District Court for the Southern District of New York or, in the alternative, the United States District Court for the District of Connecticut or other suitable United States district court:

Northern District of California

*Therese Bottiglieri v. Pfizer Inc., et al.*, C.A. No. 3:06-3248

District of Maryland

*William David Livingston, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 1:06-1887

District of Minnesota

*Gary Selinsky, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-873

*Robert M. Zwayner, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-874

Schedule of Matters for Hearing Session, Section A  
Las Vegas, Nevada

p. 2

MDL-1836 (Continued)

District of Minnesota (Continued)

- Michael A. Dubaich, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-875
- Donald J. Nelsen v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-876
- Larry Webb, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-898
- Timothy Harms v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*, C.A. No. 0:06-899
- Timothy L. Estep v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-900
- Mary Conway v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*, C.A. No. 0:06-901
- Dennis M. Scharpen, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-1206
- Gary E. Charbonneau, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-1215
- Todd R. Cain v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*, C.A. No. 0:06-1582
- Manuel A. Quintela, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-1675
- Thaddeus R. Fayard v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-2144
- Hylton H. Dodd v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-2145
- Michael W. Averitt, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-2194
- William F. Courtney, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-2546
- Richard I. Bloom, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-2577
- Joyce A. Anderson v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-2578
- Kathleen R. Frye, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-2662
- Cynthia Harris, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-3009

Schedule of Matters for Hearing Session, Section A  
Las Vegas, Nevada

p. 3

MDL-1836 (Continued)

District of Minnesota (Continued)

- Daniel M. Hayward, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3180
- Daniel F. Neal v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,* C.A. No. 0:06-3182
- Peggy J. Bronson v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3254
- Theresa R. Seaman, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3255
- Madeline J. Vingers v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3284
- Irene M. Conejo v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3519
- Melody S. Erickson v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3526
- Alan Kite, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3527
- George P. Wagner v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3537
- Gordon J. Haughey, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3539
- Stella C. Rush, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3544
- Carl M. Milam, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3778
- Floyd Wayne Kanuch v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-3839
- Rick James Berger v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-4358
- Mark Mayer v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,* C.A. No. 0:06-4366
- Resa King, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-4502
- George Konrad v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-4699
- Steven Purser, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*  
C.A. No. 0:06-4783



Schedule of Matters for Hearing Session, Section A  
Las Vegas, Nevada

p. 4

MDL-1836 (Continued)

District of Minnesota (Continued)

- Barbara Goldman, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4784
- James Holmes, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4785
- Florene D. Saracco v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4827
- Greg Stutz v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*, C.A. No. 0:06-4828
- Thomas M. Celorie v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4868
- Maryann J. Deleo, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4869
- William Chamberlain, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4870
- Ronald P. Markel, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4871
- Hilarie Pearce v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*, C.A. No. 0:06-4944
- Linda Michels, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4945
- David Emery, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4946
- Richard Scott Brown v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4947
- William Gage, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4948
- Carolyn Paulette Shows, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-4949
- Michele C. Glancy, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:06-5123
- Tza Ping Aliya Lee, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 0:07-39

Schedule of Matters for Hearing Session, Section A  
Las Vegas, Nevada

p. 5

MDL-1836 (Continued)

Western District of Missouri

*Wayne Jackson, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,  
C.A. No. 4:06-969

Western District of Washington

*Matthew Andresen, et al. v. Pfizer Inc., et al.*, C.A. No. 2:06-1413

MDL-1837 -- In re BMW Subframe Marketing and Sales Practices Litigation

Motion of plaintiff Scott Halperin for centralization of the following actions in the United States District Court for the District of New Jersey:

Central District of California

*Eric Bacca, et al. v. BMW of North America, LLC*, C.A. No. 2:06-6753

Middle District of Florida

*Frances Perrone v. BMW of North America, LLC*, C.A. No. 8:06-2045

Southern District of Mississippi

*Jaime Moore v. BMW of North America, LLC*, C.A. No. 4:06-139

District of New Jersey

*Lyndsay Alpert, et al. v. BMW of North America, LLC*, C.A. No. 2:06-5198

Schedule of Matters for Hearing Session, Section A  
Las Vegas, Nevada

p. 6

MDL-1838 -- In re TJX Companies, Inc., Customer Data Security Breach Litigation

Motion of plaintiffs Julie Buckley, et al., for centralization of the following actions in the United States District Court for the District of Massachusetts:

Northern District of Alabama

*Jo Wood, et al. v. TJX, Inc., et al.*, C.A. No. 2:07-147

District of Massachusetts

*Paula G. Mace v. TJX Companies, Inc.*, C.A. No. 1:07-10162

*Amerifirst Bank v. TJX Companies, Inc., et al.*, C.A. No. 1:07-10169

*Julie Buckley, et al. v. TJX Companies, Inc.*, C.A. No. 1:07-10209

*Thomas J. Gaydos v. TJX Companies, Inc., et al.*, C.A. No. 1:07-10217

District of Puerto Rico

*Patricia Miranda, et al. v. TJX, Inc., et al.*, C.A. No. 3:07-1075

MDL-1839 -- In re Pro Tem Partners, Inc., and Semico Research Corp. Contract Litigation

Motion of Pro Tem Partners, Inc., for centralization of the following actions in the United States District Court for the District of Massachusetts:

District of Arizona

*Semico Research Corp. v. Jan-Charles Fine, et al.*, C.A. No. 2:06-2475

District of Massachusetts

*Pro Tem Partners, Inc. v. Semico Research Corp.*, C.A. No. 1:05-11822

Schedule of Matters for Hearing Session, Section A  
Las Vegas, Nevada

p. 7

MDL-1840 -- In re Motor Fuel Temperature Sales Practices Litigation

Motion of defendants Exxon Mobil Corp.; Hess Corp.; and Motiva Enterprises LLC for centralization of the following actions in the United States District Court for the District of New Jersey:

Northern District of California

*Mark Rushing, et al. v. Alon USA, Inc., et al.*, C.A. No. 3:06-7621

District of Kansas

*Zachary Wilson, et al. v. Ampride, Inc., et al.*, C.A. No. 2:06-2582  
*American Fiber & Cabling LLC, et al. v. BP Corp. North America, Inc., et al.*,  
C.A. No. 2:07-2053

Western District of Kentucky

*Keen Exploration, LLC, et al. v. Amoco Oil Co., et al.*, C.A. No. 5:07-14

Western District of Missouri

*Victor VanDyne v. Murphy Oil USA, Inc., et al.*, C.A. No. 2:06-4302  
*Ditzfeld Transfer, Inc. v. Pilot Travel Centers, LLC, et al.*, C.A. No. 2:07-4025  
*James Vanderbilt v. BP Corp. North America, Inc., et al.*, C.A. No. 4:06-1052  
*Brent Donaldson, et al. v. BP Corp. North America, Inc., et al.*, C.A. No. 4:07-93

District of New Jersey

*Richard Galauski, et al. v. Amerada Hess Corp., et al.*, C.A. No. 3:06-6005

Western District of Oklahoma

*Craig Massey, et al. v. BP Corp. North America, Inc., et al.*, C.A. No. 5:07-102  
*Cynthia J. Cary, et al. v. BP Corp. North America, Inc., et al.*, C.A. No. 5:07-155

Western District of Tennessee

*Diane Foster, et al. v. BP North America Petroleum, Inc., et al.*, C.A. No. 2:07-2059

Schedule of Matters for Hearing Session, Section A  
Las Vegas, Nevada

p. 8

MDL-1841 -- In re Wells Fargo Loan Processor Overtime Pay Litigation

Motion of defendant Wells Fargo Home Mortgage for centralization of the following actions in the United States District Court for the District of Kansas:

Northern District of California

*Mary Basore, et al. v. Wells Fargo Home Mortgage, et al.*, C.A. No. 3:07-461

District of Kansas

*Trudy Bowne, et al. v. Wells Fargo Home Mortgage*, C.A. No. 2:06-2020

MDL-1842 -- In re Kugel Mesh Hernia Patch Products Liability Litigation

Motion of plaintiffs Sonia Montiel, et al., for centralization of certain of the following actions in the United States District Court for the District of Rhode Island and motion of plaintiffs Lilyan Kathleen Hall, et al., for centralization of the following actions in the United States District Court for the Northern District of Alabama:

Northern District of Alabama

*Lilyan Kathleen Hall, et al. v. Davol, Inc., et al.*, C.A. No. 3:07-480

Eastern District of Arkansas

*Carolene Jean Carter v. Davol, Inc., et al.*, C.A. No. 4:06-1012

Western District of Arkansas

*Mary Jane Campbell v. Davol, Inc., et al.*, C.A. No. 5:06-5154

Eastern District of California

*Daniel Poston, et al. v. Davol, Inc.*, C.A. No. 2:07-32

Northern District of Florida

*Jane R. Wilson v. Davol, Inc., et al.*, C.A. No. 3:06-541

Schedule of Matters for Hearing Session, Section A  
Las Vegas, Nevada

p. 9

MDL-1842 (Continued)

Central District of Illinois

*James Daniel Mathien v. Davol, Inc., et al.*, C.A. No. 2:07-2031

Eastern District of Missouri

*Timothy J. Edgar v. Davol, Inc.*, C.A. No. 4:06-1471

District of New Jersey

*Jenine Von Essen v. C.R. Bard, Inc., et al.*, C.A. No. 2:06-4786

Eastern District of New York

*Thomas D. Hyland, et al. v. Davol, Inc., et al.*, C.A. No. 2:07-1054

Southern District of New York

*Sophia Katechis, et al. v. Davol, Inc., et al.*, C.A. No. 1:07-2098

Northern District of Ohio

*Richard H. Sayler, et al. v. Davol, Inc., et al.*, C.A. No. 1:07-765

District of Rhode Island

*Sonia Montiel, et al. v. Davol, Inc., et al.*, C.A. No. 1:07-64

Middle District of Tennessee

*George Andrew Luffman v. C.R. Bard, Inc., et al.*, C.A. No. 3:07-243

Schedule of Matters for Hearing Session, Section A  
Las Vegas, Nevada

p. 10

MDL-1843 -- In re Schering Marketing and Sales Practices Litigation

Motion of plaintiff United American Insurance Company for centralization of the following actions in the United States District Court for the Eastern District of Pennsylvania:

District of New Jersey

*International Brotherhood of Teamsters Local No. 331 Health & Welfare Trust Fund v. Schering-Plough Corp.*, C.A. No. 2:06-5774

Eastern District of Pennsylvania

*Blue Cross & Blue Shield of Alabama v. Schering-Plough Corp., et al.*,  
C.A. No. 2:07-568

*United American Insurance Co. v. Schering-Plough Corp., et al.*, C.A. No. 2:07-702

MDL-1844 -- In re Air Crash Near Peixoto de Azeveda, Brazil, on September 29, 2006

Motion of plaintiff Zita Swensson de Mattos for centralization of the following actions in a single United States district court:

Central District of California

*Maria Jose Miranda Bermudes Abreu, et al. v. ExcelAire Service, Inc., et al.*,  
C.A. No. 2:07-1296

Middle District of Florida

*Suely de Castro Alves Miranda, etc. v. Joseph Lepore, et al.*, C.A. No. 6:07-283

Eastern District of Missouri

*Bianca Pi Hancock, etc. v. ExcelAire Services, Inc., et al.*, C.A. No. 4:07-372

Eastern District of New York

*Patricia Abraham Barbosa Garcia, et al. v. ExcelAire Service, Inc., et al.*,  
C.A. No. 1:06-5964

*Mario De Abreu Lleras, et al. v. ExcelAire Service, Inc., et al.*, C.A. No. 2:06-6083

Schedule of Matters for Hearing Session, Section A  
Las Vegas, Nevada

p. 11

MDL-1844 (Continued)

Southern District of New York

*Zita Swensson de Mattos, etc. v. ExcelAire Services, Inc., et al.*, C.A. No. 1:07-948

MDL-1845 -- In re ConAgra Peanut Butter Products Liability Litigation

Motion of plaintiffs Grady Ware, et al., for centralization of certain of the following actions in the United States District Court for the Northern District of Georgia; motion of plaintiffs Thomas B. Price, Annie Blackwell, and Jamie S. Jeffords for centralization of certain of the following actions in the United States District Court for the District of South Carolina; and motion of plaintiff Pamela Gateley, etc., for centralization of certain of the following actions in a single United States district court:

Middle District of Florida

*Marion Caldarera v. ConAgra Foods, Inc., et al.*, C.A. No. 8:07-384

Southern District of Florida

*Charles Stafford v. ConAgra Foods, Inc.*, C.A. No. 9:07-80178

Middle District of Georgia

*Karen Klepsig, et al. v. ConAgra Foods, Inc.*, C.A. No. 1:07-37

*Geoffrey Midler v. ConAgra Foods, Inc.*, C.A. No. 1:07-42

Northern District of Georgia

*Anne Cease, et al. v. ConAgra Foods, Inc.*, C.A. No. 1:07-425

*John Harper v. ConAgra Foods, Inc.*, C.A. No. 1:07-538

*Grady Ware, et al. v. ConAgra Foods, Inc.*, C.A. No. 4:07-40

Northern District of Mississippi

*Pamela Gateley, etc. v. ConAgra Foods, Inc.*, C.A. No. 2:07-35



Schedule of Matters for Hearing Session, Section A  
Las Vegas, Nevada

p. 12

MDL-1845 (Continued)

Western District of Missouri

*Brian Cox, et al. v. ConAgra Foods, Inc.*, C.A. No. 5:07-6027

Western District of New York

*Mark Avalone, et al. v. ConAgra Foods, Inc.*, C.A. No. 6:07-6084

Eastern District of Oklahoma

*Irene Clandord v. ConAgra Foods, Inc.*, C.A. No. 6:07-56

Eastern District of Pennsylvania

*Lucille A. Knight v. ConAgra Foods, Inc.*, C.A. No. 2:07-818

Middle District of Pennsylvania

*Kathleen Nieves, et al. v. ConAgra Foods, Inc.*, C.A. No. 3:07-327

District of South Carolina

*Annie Blackwell v. ConAgra Foods, Inc.*, C.A. No. 0:07-529

*Thomas B. Price v. ConAgra Foods, Inc.*, C.A. No. 3:07-536

*Jerry Shawn Medford v. ConAgra Foods, Inc.*, C.A. No. 3:07-611

*Jamie S. Jeffords v. ConAgra Foods, Inc.*, C.A. No. 4:07-530

*Jennifer Ann Hoey, et al. v. ConAgra Foods, Inc.*, C.A. No. 7:07-544

Eastern District of Tennessee

*Cynthia Woodlee, et al. v. ConAgra Foods, Inc.*, C.A. No. 4:07-15

Western District of Washington

*James Winston Daniels, II, et al. v. ConAgra, Inc.*, C.A. No. 2:07-259

Schedule of Matters for Hearing Session, Section A  
Las Vegas, Nevada

p. 13

MDL-1846 -- In re Trade Partners, Inc., Investors Litigation

Motion of defendants Macatawa Bank Corp. and Macatawa Bank for centralization of the following actions in the United States District Court for the Western District of Michigan or, in the alternative, the United States District Court for the Western District of Oklahoma:

Central District of California

*James Lee, et al. v. Macatawa Bank Corp., et al.*, C.A. No. 2:06-8009

Western District of Michigan

*Forrest W. Jenkins, et al. v. Macatawa Bank Corp., et al.*, C.A. No. 1:03-321

Western District of Oklahoma

*Steven M. Adamson, et al. v. Macatawa Bank Corp., et al.*, C.A. No. 5:06-1267  
*Eddie Elkins, et al. v. Macatawa Bank Corp.*, C.A. No. 5:07-109

Northern District of Texas

*Frank V. Bailey, et al. v. Macatawa Bank Corp.*, C.A. No. 3:06-2193

MDL-1847 -- In re Tayssoun Transportation, Inc., and Dallas & Mavis Specialized Carrier Co., LLC, Contract Litigation

Motion of plaintiff Tayssoun Transportation, Inc., for centralization of the following actions in the United States District Court for the Southern District of Texas:

Northern District of Texas

*Dallas & Mavis Specialized Carrier Co., LLC v. Pacific Motor Transport Co., et al.*,  
C.A. No. 3:06-1922

Southern District of Texas

*Tayssoun Transportation, Inc. v. Dallas & Mavis Specialized Carrier Co., LLC*,  
C.A. No. 4:06-3463

Schedule of Matters for Hearing Session, Section A  
Las Vegas, Nevada

p. 14

MDL-1848 -- In re Rembrandt Technologies, LP, Patent Litigation

Motion of defendant CoxCom, Inc., for centralization of the following actions in the United States District Court for the District of Delaware:

District of Delaware

*Rembrandt Technologies, LP v. Cablevision Systems Corp., et al.*, C.A. No. 1:06-635  
*Coxcom, Inc. v. Rembrandt Technologies, LP*, C.A. No. 1:06-721  
*Rembrandt Technologies, LP v. CBS Corp.*, C.A. No. 1:06-727  
*Rembrandt Technologies, LP v. NBC Universal, Inc.*, C.A. No. 1:06-729  
*Rembrandt Technologies, LP v. ABC, Inc.*, C.A. No. 1:06-730  
*Rembrandt Technologies, LP v. Fox Entertainment Group, Inc., et al.*, C.A. No. 1:06-731

Southern District of New York

*Rembrandt Technologies, LP v. Adelphia Communications Corp., et al.*,  
Bky. Advy. No. 1:06-1739  
*Rembrandt Technologies, LP v. Adelphia Communications Corp.*, C.A. No. 1:07-214

Eastern District of Texas

*Rembrandt Technologies, LP v. Comcast Corp., et al.*, C.A. No. 2:05-443  
*Rembrandt Technologies, LP v. Sharp Corp., et al.*, C.A. No. 2:06-47  
*Rembrandt Technologies, LP v. Charter Communications, Inc., et al.*, C.A. No. 2:06-223  
*Rembrandt Technologies, LP v. Time Warner Cable, Inc.*, C.A. No. 2:06-224  
*Rembrandt Technologies, LP v. Time Warner Cable, Inc.*, C.A. No. 2:06-369  
*Rembrandt Technologies, LP v. Comcast Corp., et al.*, C.A. No. 2:06-506  
*Rembrandt Technologies, LP v. Charter Communications, Inc., et al.*, C.A. No. 2:06-507

MDL-1849 -- In re C.H. Robinson Worldwide, Inc., Overtime Pay Litigation

Motion of plaintiffs for centralization of the following actions in the United States District Court for the Northern District of Illinois or, in the alternative, the United States District Court for the District of Minnesota:

Northern District of Alabama

*Donna Eddy, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 2:06-4926

Schedule of Matters for Hearing Session, Section A  
Las Vegas, Nevada

p. 15

MDL-1849 (Continued)

Central District of California

*Mimi Vuong v. C.H. Robinson Worldwide, Inc.*, C.A. No. 2:07-1428  
*Nancy Austin, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 8:07-301

Eastern District of California

*Gladys Garcia, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:07-157

Northern District of California

*Kimberly Elam, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 4:07-475

Northern District of Georgia

*Terri Kuvach, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:07-328

Northern District of Illinois

*Evelyn Sparks, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6461  
*Cheryl D. Braithwaite, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6462  
*Lynn A. Amorose, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6463  
*Angela L. Jacobson v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6465  
*Scott D. Hyder, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6503  
*Anne K. Ciaglia, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6507  
*Joann M. McGill, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6510  
*Richard Cahn, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6512  
*Jason K. Bergquist, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6515  
*Craig Bowen, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6516  
*Christopher L. Sims, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6520  
*Shannon D. Anderson, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6527  
*Nora Hageman, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6530  
*Brenda Mitchell, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6538  
*Lynette DiNova, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6545  
*Joanna Elke, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6552

Schedule of Matters for Hearing Session, Section A  
Las Vegas, Nevada

p. 16

MDL-1849 (Continued)

Northern District of Illinois (Continued)

*Roy Rogenic, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6553  
*LaToya R. McCants, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6556  
*Michael Blackburn v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6563  
*Sharon K. Dodson-McDonald, et al. v. C.H. Robinson Worldwide, Inc.*,  
C.A. No. 1:06-6564  
*Patricia A. Parrish, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6568  
*Brendan M. Clarke, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6581  
*Amber Vandersommen, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6582  
*Leslie Nemelka, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6623  
*Kari S. Johnson, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6629  
*Ariel B. Crotty, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6630  
*Wendy L. Ferger, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6632  
*Laura J. Jeneault, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6634  
*Heidi Michelle Poepsel v. C.H. Robinson Worldwide, Inc.*, C.A. No. 1:06-6664

Southern District of Indiana

*Catherine A. Wilcox v. C.H. Robinson Worldwide, Inc.*, C.A. No. 3:06-197

District of Kansas

*Kimberly K. Bethel, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 2:07-2129  
*Lisa M. Quigley, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 6:07-1063

Eastern District of Louisiana

*Morgan J. Wood, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 2:07-1269

Eastern District of Michigan

*Carla M. Strugala v. C.H. Robinson Worldwide, Inc.*, C.A. No. 5:07-10767

Schedule of Matters for Hearing Session, Section A  
Las Vegas, Nevada

p. 17

MDL-1849 (Continued)

District of Minnesota

*Jamie L. Benner, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 0:06-4640  
*Justin Accola, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 0:06-4643  
*Jeffrey Cichosz, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 0:06-4644  
*William F. Holmberg, Jr. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 0:06-4645  
*Elizabeth Marianne Buck, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 0:06-4646  
*Penny M. Cantazaro, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 0:06-4647  
*Kathy Cota, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 0:06-4648  
*Jill K. East, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 0:06-4649  
*Kathleen L. Hambleton, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 0:06-4650  
*Elizabeth Hopp v. C.H. Robinson Worldwide, Inc.*, C.A. No. 0:06-4651  
*Joann F. Larson v. C.H. Robinson Worldwide, Inc.*, C.A. No. 0:06-4652  
*Kelley S. Lyons, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 0:06-4653  
*Kimberly M. Martineau, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 0:06-4654  
*Sandra Steinmetz, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 0:06-4655  
*John Gino Giovannoni v. C.H. Robinson Worldwide, Inc.*, C.A. No. 0:06-4960  
*Sally J. Dowden, et al., C.H. Robinson Worldwide, Inc.*, G.A. No. 0:07-89  
*Amelia M. Alfaro, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 0:07-90  
*Jennifer L. Alfano, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 0:07-251  
*Claudia Alicia Martinez, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 0:07-542  
*Jennifer N. Mcinnis v. C.H. Robinson Worldwide, Inc.*, C.A. No. 0:07-544  
*Beth Shaw, et al v. C.H. Robinson Worldwide, Inc.*, C.A. No. 0:07-595  
*Shannon Davis v. C.H. Robinson Worldwide, Inc.*, C.A. No. 0:07-1119  
*Esther Nevarez, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 0:07-1563

Eastern District of Missouri

*Heather Lee Markle, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 4:07-428

Northern District of Ohio

*Julie Gallagher, et al. v. C.H. Robinson Worldwide, Inc.*, C.A. No. 5:07-846