

# **EXHIBIT "B"**

**MDL 1850**

**JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION**

**APR - 9 2007**

**FILED  
CLERK'S OFFICE**

**BEFORE THE JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION**

In re:

MDL Docket No. 1850

**PET FOOD PRODUCT LIABILITY  
LITIGATION**

**MOVANT SEXTON'S FIRST NOTICE  
OF POTENTIAL TAG-ALONG ACTIONS**

**PLEADING NO. 44**

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[Additional Counsel Listed on Signature Page]

Attorneys for Individual and Representative  
Plaintiff, *Shirley Sexton*

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JUDICIAL PANEL ON  
MULTIDISTRICT  
LITIGATION

**TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

1. Please take notice that on March 26, 2007, Shirley Sexton, plaintiff in the action entitled *Shirley Sexton v. Menu Foods Income Fund, Menu Foods, Inc., a New Jersey Corporation, and Menu Foods Midwest Corporation, a Delaware corporation*, Civil Action No. 07-cv-01958-GHK (AJWx) ("Movant") filed a petition under 28 U.S.C. Section 1407 seeking transfer and coordination of the following cases:

**United States District Court Central District of California**

Shirley Sexton v. Menu Foods Income Fund; Menu Foods, Inc., a New Jersey Corporation; and Menu Foods Midwest Corporation, a Delaware corporation  
Case No. 07-CV-01958-GHK-AJW; The Honorable George H. King

**United States District Court Eastern District of Tennessee**

LizaJean Holt v. Menu Foods, Inc.  
Case No. 07-CV-00094-TWP; The Honorable Judge Thomas W. Phillips

**United States District Court Western District of Arkansas**

Charles Ray Sims and Pamela Sims v. Menu Foods Income Fund; Menu Foods Midwest Corporation; Menu Foods South Dakota Inc.; Menu Foods, Inc.; Menu Foods Holdings, Inc.  
Case No. 07-CV-05053-JLH; The Honorable Judge Jim Larry Hendren

**United States District Court Northern District of Illinois**

Dawn Majerczyk v. Menu Foods, Inc., a New Jersey Corporation  
Case No. 07-CV-01543-WRA; The Honorable Wayne R. Anderson

**United States District Court Western District of Washington**

Tom Whaley v. Menu Foods, Inc., a foreign corporation; The Iams Company, a foreign corporation; Dog Food Producers Numbers 1-50; and Cat Food Producers 1-40  
Case No. 07-CV-00411-RSM; The Honorable Richardo S. Martinez

**United States District Court District of New Jersey**

Jared Workman, and Mark and Mona Cohen v. Menu Foods Limited; Menu Foods, Inc.; and Menu Foods Midwest Corporation  
Case No. 07-CV-01338-NLH; The Honorable Judge Noel L. Hillman

2. The Movant is aware that the following potential tag-along actions have been filed:

**United States District Court Central District of California**

~~Dawn Howe v. Menu Foods, Ltd., Menu Foods, Inc.; Menu Foods Midwest Corp.; Menu Foods Income Fund; Menu Foods South Dakota, Inc.; Menu Foods Holdings, Inc.; and Menu Foods Operating Trust~~

Case No. 07-CV-0260-SJO-PLA; The Honorable Judge S. James Otero  
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**United States District Court Northern District of California**

~~Sherry Ingles v. Menu Foods, Inc.; Menu Foods Income Fund; Menu Foods a Midwest Corporation; and Menu Foods South Dakota Inc.~~

Case No. 3:07-CV-01809-MMC; The Honorable Maxine M. Chesney

**United States District Court Western District of Arkansas**

Richard Scott and Barbara Widen v. Menu Foods; Menu Foods Income Fund; Menu Foods Gen Par Limited; Menu Foods Limited Partnership; Menu Foods Operating Partnership; Menu Foods Midwest Corporation; Menu Foods South Dakota; Menu Foods, Inc.; Menu Foods Holdings, Inc.; Wal-Mart Stores, Inc.  
Case No. 5:07-CV-05055-RTD; The Honorable Judge Robert T. Dawson

**United States District Court Western District of Washington**

Suzanne E. Johnson and Craig R. Klemann v. Menu Foods, a foreign corporation  
Case No. 2:07-CV-00455-JCC; The Honorable Judge John C. Coughenour

Stacey Heller; Tojnette Robinson; David Rapp; Cecily Mitchell; and Terrence Mitchell v. Menu Foods, a foreign corporation

Case No. 2:07-CV-00453-JCC; The Honorable Judge John C. Coughenour

Audrey Kornelius and Barbara Smith v. Menu Foods, a foreign corporation

Case No. 2:07-CV-00454-MJP; The Honorable Judge Marsha J. Pechman

Michele Suggett and Don James v. Menu Foods, a foreign corporation; Iams Company, a foreign corporation; Eukanuba, a foreign corporation

Dog Food Producers Numbers 1-100; Cat Food Producers 1-100; Does 1-100

Case No. 2:07-CV-00457-RSM; The Honorable Ricardo S. Martinez

**United States District Court District of New Jersey**

- Larry Wilson v. Menu Foods Income Fund; Menu Foods, Inc., a New Jersey Corporation; Menu Foods Holdings, Inc.; and Menu Foods Midwest Corporation, a Delaware Corporation

Case No. 1:07-CV-01456-NLH-AMD; The Honorable Judge Noel L. Hillman

- Suzanne Thomson and Robert Trautmann v. Menu Foods Income Fund (An unincorporated entity organized under the laws of the Province of Ontario, Canada); Menu Foods, Inc. (A corporation organized under the laws of the State of New Jersey); John Does 1-100 (Fictitious names for the person(s) and/or entities responsible for the damages complained of by the Plaintiffs herein)

Case No. 2:07-cv-01360-PGS-RJH; The Honorable Judge Peter G. Sheridan

- Linda Tinker v. Menu Foods, Inc.

Case No. 1:07-CV-01468-NLH-AMD; The Honorable Judge Noel L. Hillman

- Paul Richard and Jennifer Richard (husband and wife) and Charles Kohler and Alicia Kohler (husband and wife) v. Menu Foods Income Fund, a Canadian open-ended trust; Menu Foods, Ltd., a Canadian corporation; Menu Foods Holdings, Inc., a Delaware corporation; Menu Foods, Inc., a New Jersey corporation; Menu Foods Midwest Corporation, a Delaware corporation; Menu Foods South Dakota, Inc., a Delaware corporation; ABC Partnerships; XYZ Corporations

Case No. 1:07-CV-01457-NLH-AMD; The Honorable Judge Noel L. Hillman

- Janice Bonier; Guy Britton; and Tammy Matthews v. Menu Foods, Inc.; Menu Foods Income Fund; and Menu Foods Midwest Corp.

Case No. 1:07-CV-01477-NLH-AMD; The Honorable Judge Noel L. Hillman

- Alexander Nunez v. Menu Foods, Ltd.; Menu Foods, Inc.; Menu Foods Midwest Corp.; Menu Foods Income Fund; Menu Foods South Dakota, Inc.; and Menu Foods Holdings, Inc.

Case No. 1:07-CV-01490-NLH-AMD; The Honorable Judge Noel L. Hillman

- Julie Hidalgo v. Menu Foods Inc.; Menu Foods Income Fund; Menu Foods Midwest Corporation; and Menu Foods South Dakota, Inc.

Case No. 1:07-CV-01488-NLH-AMD; The Honorable Judge Noel L. Hillman

- Troy Gagliardi v. Menu Foods Inc.; Menu Foods Income Fund; Menu Foods Midwest Corporation; and Menu Foods South Dakota, Inc.

Case No. 1:07-CV-01522-NLH-AMD; The Honorable Judge Noel L. Hillman

**United States District Court Southern District of Florida**

- Christina Troiano v. Menu Foods, Inc., Menu Foods Income Fund

Case No. 0:07-CV-60428-JIC; The Honorable Judge James I. Cohn

**United States District Court District of Rhode Island**

✓ Carol Brown v. Menu Foods, Inc.; Menu Foods Income Fund; Menu Foods Midwest Corp.; and Menu Foods South Dakota, Inc.  
Case No. 1:07-CV-00115-ML-LDA; The Honorable Judge Mary M. Lisi

**United States District Court District of Connecticut**

Lauri A. Osborne v. Menu Foods, Inc.  
Case No. 3:07-CV-00469-RNC; The Honorable Judge Robert N. Chatigny

✓ **United States District Court Western District of Wisconsin**

Jacqueline Johnson v. The Proctor & Gamble Co.; Menu Foods, Inc.; Menu Foods Income Fund; The Iams Company  
Case No. 07-C-0159-C; The Honorable Judge Barbara B. Crabb

✓ **United States District Court District of Maine**

Mara Brazilian v. Menu Foods Income Fund, a Canadian Corporation with its principal place of business in Ontario, Canada; Menu Foods, Ltd., a Canadian corporation with its principal place of business in Ontario, Canada; Menu Foods, Inc., a New Jersey corporation with its principal place of business in Pennsauken, New Jersey and a wholly owned subsidiary of Menu Foods, Ltd.; Menu Foods Midwest Corp., a Delaware Corporation with its principle place of business in Emporia, Kansas and a wholly owned subsidiary of Menu Foods Ltd.; and The Iams Company, an Ohio Corporation with its principal place of business in Dayton, Ohio  
Case No. 2:07-CV-00054-GZS; The Honorable Judge George Z. Singal

**United States District Court District of Nevada**

✓ Marion Streczyn v. Menu Foods Income Fund, a foreign corporation; Menu Foods Inc., a New Jersey corporation; and Does I-X, inclusive  
Case No. 3:07-CV-00159-LRH-VPC; The Honorable Larry R. Hicks

3. These actions arise from the same facts and assert similar claims as the pending actions that are the subject of Movant's petition and should, therefore, be designated as a Tag-Along Actions pursuant to Panel Rule 7.5. True and correct copies of the complaints in the *Howe, Ingles, Widen, Johnson, Heller, Kornelius, Suggett, Wilson, Thomson, Tinker, Richard, Bonier, Nunez, Hidalgo, Gagliardi, Troiano, Brown, Osborne, Johnson,*

*Brazilian*, and *Streczyn* actions are attached hereto as Exhibits A through U, respectively.

Dated: April 5, 2007

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*Attorneys for Plaintiff/Petitioner*

JUDICIAL PANEL ON  
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In re:

MDL Docket No. 1850

PET FOOD PRODUCT LIABILITY  
LITIGATION

**FIRST AMENDED RULE 7.2(a)(ii) SCHEDULE OF ACTIONS**

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[Additional Counsel Listed on Signature Page]

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Plaintiff, *Shirley Sexton*

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**UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION – LOS ANGELES**

Shirley Sexton v. Menu Foods Income Fund; Menu Foods, Inc., a New Jersey Corporation; and  
Menu Foods Midwest Corporation, a Delaware corporation

Case No. 07-CV-01958-GHK-AJW; The Honorable George H. King

Dawn Howe v. Menu Foods, Ltd., Menu Foods, Inc.; Menu Foods Midwest Corp.; Menu Foods  
Income Fund; Menu Foods South Dakota, Inc.; Menu Foods Holdings, Inc.; and Menu Foods  
Operating Trust

Case No. 07-CV-0260-SJO-PLA; The Honorable Judge S. James Otero

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF ARKANSAS, FAYETTEVILLE DIVISION**

Charles Ray Sims and Pamela Sims v. Menu Foods Income Fund, Menu Foods Midwest  
Corporation; Menu Foods South Dakota Inc.; Menu Foods, Inc.; Menu Foods Holdings, Inc.

Case No. 07-CV-05053-JLH; The Honorable Judge Jim Larry Hendren

Richard Scott and Barbara Widen v. Menu Foods; Menu Foods Income Fund; Menu Foods Gen  
Par Limited; Menu Foods Limited Partnership; Menu Foods Operating Partnership; Menu Foods  
Midwest Corporation; Menu Foods South Dakota; Menu Foods, Inc.; Menu Foods Holdings,  
Inc.; Wal-Mart Stores, Inc.

Case No. 5:07-CV-05055-RTD; The Honorable Judge Robert T. Dawson

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

Sherry Ingles v. Menu Foods, Inc.; Menu Foods Income Fund; Menu Foods a Midwest  
Corporation; and Menu Foods South Dakota Inc.

Case No. 3:07-CV-01809-MMC; The Honorable Maxine M. Chesney

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT, NEW HAVEN DIVISION**

Lauri A. Osborne v. Menu Foods, Inc.

Case No. 3:07-CV-00469-RNC; The Honorable Judge Robert N. Chatigny

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA, FORT LAUDERDALE DIVISION**

Christina Trojano v. Menu Foods, Inc., Menu Foods Income Fund

Case No. 0:07-CV-60428-JIC; The Honorable Judge James I. Cohn

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

Dawn Majerczyk v. Menu Foods, Inc., a New Jersey Corporation

Case No. 07-CV-01543-WRA; The Honorable Wayne R. Anderson

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

Mara Brazilian v. Menu Foods Income Fund, a Canadian Corporation with its principal place of business in Ontario, Canada; Menu Foods, Ltd., a Canadian corporation with its principal place of business in Ontario, Canada; Menu Foods, Inc., a New Jersey corporation with its principal place of business in Pennsauken, New Jersey and a wholly owned subsidiary of Menu Foods, Ltd.; Menu Foods Midwest Corp., a Delaware Corporation with its principle place of business in Emporia, Kansas and a wholly owned subsidiary of Menu Foods Ltd.; and The Iams Company, an Ohio Corporation with its principal place of business in Dayton, Ohio

Case No. 2:07-CV-00054-GZS; The Honorable Judge George Z. Singal

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA, RENO DIVISION**

Marion Streczyn v. Menu Foods Income Fund, a foreign corporation; Menu Foods Inc., a New Jersey corporation; and Does I-X, inclusive

Case No. 3:07-CV-00159-LRH-VPC; The Honorable Larry R. Hicks

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY, CAMDEN DIVISION**

Janice Bonier; Guy Britton; and Tammy Matthews v. Menu Foods, Inc.; Menu Foods Income Fund; and Menu Foods Midwest Corp.

Case No. 1:07-CV-01477-NLH-AMD; The Honorable Judge Noel L. Hillman

Troy Gagliardi v. Menu Foods Inc.; Menu Foods Income Fund; Menu Foods Midwest Corporation; and Menu Foods South Dakota, Inc.

Case No. 1:07-CV-01522-NLH-AMD; The Honorable Judge Noel L. Hillman

Julie Hidalgo v. Menu Foods Inc.; Menu Foods Income Fund; Menu Foods Midwest Corporation; and Menu Foods South Dakota, Inc.

Case No. 1:07-CV-01488-NLH-AMD; The Honorable Judge Noel L. Hillman

Alexander Nunez v. Menu Foods, Ltd.; Menu Foods, Inc.; Menu Foods Midwest Corp.; Menu Foods Income Fund; Menu Foods South Dakota, Inc.; and Menu Foods Holdings, Inc.

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Case No. 1:07-CV-01457-NLH-AMD; The Honorable Judge Noel L. Hillman

Linda Tinker v. Menu Foods, Inc.

Case No. 1:07-CV-01468-NLH-AMD; The Honorable Judge Noel L. Hillman

Larry Wilson v. Menu Foods Income Fund; Menu Foods, Inc., a New Jersey Corporation; Menu Foods Holdings, Inc.; and Menu Foods Midwest Corporation, a Delaware Corporation

Case No. 1:07-CV-01456-NLH-AMD; The Honorable Judge Noel L. Hillman

Jared Workman, and Mark and Mona Cohen v. Menu Foods Limited; Menu Foods, Inc.; and Menu Foods Midwest Corporation

Case No. 07-CV-01338-NLH; The Honorable Judge Noel L. Hillman

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEW JERSEY, NEWARK DIVISION**

Suzanne Thomson and Robert Trautmann v. Menu Foods Income Fund (An unincorporated entity organized under the laws of the Province of Ontario, Canada); Menu Foods, Inc. (A corporation organized under the laws of the State of New Jersey); John Does 1-100 (Fictitious names for the person(s) and/or entities responsible for the damages complained of by the Plaintiffs herein)

Case No. 2:07-CV-01360-PGS-RJH; The Honorable Judge Peter G. Sheridan

**UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND**

Carol Brown v. Menu Foods, Inc.; Menu Foods Income Fund; Menu Foods Midwest Corp.; and  
Menu Foods South Dakota, Inc.

Case No. 1:07-CV-00115-ML-LDA; The Honorable Judge Mary M. Lisi

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE, KNOXVILLE DIVISION**

LizaJean Holt v. Menu Foods, Inc.

Case No. 07-CV-00094-TWP; The Honorable Judge Thomas W. Phillips

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

Stacey Heller; Toinette Robinson; David Rapp; Cecily Mitchell; and Terrence Mitchell v. Menu  
Foods, a foreign corporation

Case No. 2:07-CV-00453-JCC; The Honorable Judge John C. Coughenour

Suzanne E. Johnson and Craig R. Klemann v. Menu Foods, a foreign corporation

Case No. 2:07-CV-00455-JCC ; The Honorable Judge John C. Coughenour

Audrey Kornelius and Barbara Smith v. Menu Foods, a foreign corporation

Case No. 2:07-CV-00454-MJP; The Honorable Judge Marsha J. Pechman

Michele Suggett and Don James v. Menu Foods, a foreign corporation; Iams Company, a foreign  
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Case No. 2:07-CV-00457-RSM; The Honorable Ricardo S. Martinez

Tom Whaley v. Menu Foods, Inc., a foreign corporation; The Iams Company, a foreign  
corporation; Dog Food Producers Numbers 1-50; and Cat Food Producers 1-40

Case No. 07-CV-00411-RSM; The Honorable Richardo S. Martinez

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WISCONSIN**


Jacqueline Johnson v. The Proctor & Gamble Co.; Menu Foods, Inc.; Menu Foods Income Fund;  
The Iams Company

Case No. 07-C-0159-C; The Honorable Judge Barbara B. Crabb

Dated: April 5, 2007

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By: \_\_\_\_\_

  
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*Attorneys for Plaintiff/Petitioner*

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In re:

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**CERTIFICATE OF SERVICE**

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*Counsel for Plaintiff Shirley Sexton*

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I, Rochelle Firebaugh, employed by Wexler Toriseva Wallace, LLP, do hereby state under penalty of perjury that:

1. On April 5, 2007 I caused to be served the following papers:  
**Notice of Potential Tag-Along Actions;**  
**First Amended Rule 7.2(a)(ii) Schedule of Actions; and**  
**Certificate of Service**
2. On April 5, 2007, I caused those papers to be served by Federal Express upon:

Jeffrey N. Lathi  
Clerk of the Panel  
Thurgood Marshall Federal Judiciary Building  
One Columbus Circle, NE  
Room G-255, North Lobby  
Washington, D.C. 20002-8004

3. On April 5, 2007, I caused those papers to be served via United States First Class Mail upon:

**SEE ATTACHED SERVICE LIST**

Executed on April 5, 2007, at Sacramento, California.

  
Rochelle Firebaugh