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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**Jared Workman, and Mark and Mona
Cohen, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

Menu Foods Limited, Menu Foods Inc.,
and Menu Foods Midwest Corporation

Defendants.

Civil Action No. 1:07-CV-01338 NLH-AMD

**DECLARATION OF MARK J. TAMBLYN
REGARDING MENU FOODS DEFENDANTS'
CONTACTS WITH REPRESENTED PARTIES
AND ABSENT CLASS MEMBERS**

I, Mark J. Tamblyn, declare as follows:

1. I am an attorney duly licensed to practice law in all courts of the State of California and am a partner in the law firm of Wexler Toriseva Wallace LLP ("WTW"), counsel for Plaintiff Larry Wilson in *Wilson v. Menu Foods, et al*, D.N.J. No. 07-CV-1456 NLH, pending before this Court, and in other related actions. I have personal knowledge of the matters set forth herein, and if called upon to testify, would be competent to do so.

2. Through local counsel, Joseph DePalma of Lite DePalma Greenberg & Rivas LLC, I have caused to be filed today my application for admission *pro hac vice* in this Court, both for purposes of proceedings in the Wilson matter, but also as an interested party in all other related actions currently pending before this Court. I attended the hearing before this Court on May 18, 2007 at 11:00 a.m. on Plaintiffs' request for an OSC regarding Menu Foods Defendants' communications with named and absent class members ("Motion").

3. In addition to Mr. Wilson, and numerous other named and unnamed plaintiffs, my firm represents Plaintiff Shirley Sexton in *Sexton v. Menu Foods Income Fund, et al*, C.D.Cal. No. 07-CV-0198 GHK (AJWx). Ms. Sexton filed her action on March 26, and served her complaint upon the Menu Foods Defendants on March 28. Ms. Sexton is also the Movant, pursuant to 28 U.S.C. § 1407, in *In Re Pet Food Products Liability Litigation*, MDL No. 1850.

4. On Monday, May 21, I confirmed the following facts with Ms. Sexton:

a. On or about March 18, Ms. Sexton called Menu Foods' toll-free number after seeing it posted by a morning news program. At that time, she provided her contact information.

b. On or about April 19, almost a month after filing her suit, Ms. Sexton received a call from a representative at Crawford & Company, seeking information from her.

c. On May 18, the day of the hearing on the Motion, Ms. Sexton received a letter from Menu Foods, along with a Claim Form, both of which are the subjects of the Motion.


d. On May 19, Ms. Sexton received an automated message, presumably from Crawford & Company, advising her that the Claim Form was in the mail to her and that she may

also download it from Menu Foods' website. As noted above, she had already received the Claim Form the day before.

5. These facts demonstrate that Ms. Sexton has received three (3) communications from Menu Foods or its agent(s), after she filed her suit and served her complaint on March 28.

6. It is my understanding from members of the law firm of Berding & Weil LLP (which I understand represents hundreds of claimants) that their clients have received calls from Crawford & Company on behalf of Menu Foods offering to pay their veterinary bills and advising that if the claim is over \$1,000.00, a release would need to be signed; if the claim is under \$1,000.00 a release would not need to be signed. However, to date, I understand that Berding & Weil's records reflect that none of the claimants who were contacted by Crawford & Company have received release documentation, regardless of the amount of their claim.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on May 21, 2007 in Sacramento, California.



Mark J. Tamblyn