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AT 8:30 _____ M
WILLIAM T. WALSH
CLERK**BEFORE THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

In re:

MENU FOODS, INC. PRODUCTS
LIABILITY LITIGATION

MDL Docket No. _____

**FLORIDA PLAINTIFF CHRISTINA TROIANO'S MOTION TO TRANSFER AND
COORDINATE OR CONSOLIDATE ACTIONS UNDER 28 U.S.C. § 1407**Paul J. Geller
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James L. Davidson**LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP**120 E. Palmetto Park Road, Suite 500
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Pursuant to 28 U.S.C. § 1407 and the Rules of Procedure on Multidistrict Litigation, plaintiff in the action styled *Christina Troiano, individually and on behalf of all others similarly situated v. Menu Foods, Inc. et. al.*, Case No. 07-60428-CIV-COHN, United States District Court for the Southern District of Florida (“Troiano” or “Movant”), files this Motion and respectfully moves for an Order transferring all related pending actions against Menu Foods, Inc. and its related partners, affiliates and subsidiaries (the “Defendants”), including the actions listed on Schedule of Actions, to the Southern District of Florida.

As set forth below and in the accompanying Memorandum, Troiano believes the actions listed on the accompanying Schedule of Actions, and any future tag-along actions, satisfy the requirements for consolidation and coordination because they concern common questions of fact and law and consolidation or coordination will serve the interests of efficiency and convenience.

In support of this motion, Movants state as follows:

1. Movant is the plaintiff in the following case: *Christina Troiano, individually and on behalf of all others similarly situated v. Menu Foods, Inc. et. al.*, Case No. 07-60428-CIV-COHN which is currently pending in the United States District Court for the Southern District of Florida.
2. Movant is currently aware of six other pending class action cases containing similar factual allegations and seeking similar relief against the Defendants. The cases are listed on the attached Schedule.
3. Accompanying Movant’s Motion is a Rule 7.2(a)(ii) Schedule of Actions listing all related actions of which Movant is aware. True and correct copies of the complaints in Movant’s action and the complaints in each of the related actions are attached to the accompanying Schedule of Actions, filed herewith

4. As described in greater detail in the accompanying Memorandum, the factual allegations in each of the actions contain similar allegations regarding Defendants and their defective and ultimately deadly pet food. Each action contends that from December 3, 2006 up to and including March 6, 2007, and possibly at other times, Defendants entered into the stream of commerce pet food that was defective and, for thousands of household pets, deadly – Defendants’ pet food and pet food products (the “Products”) were contaminated with rat poison or a related agent that contributed to the illness and/or death of thousands of dogs and cats. As a result of the defective Products, each action contends that the Plaintiffs and members of the putative Class suffered damages in that they have incurred substantial veterinary bills, death of pets, and purchased and/or own pet food and pet food products that they would not otherwise have bought had they known such products were defective.

5. Each action further contends that Defendants should have known or know and have admitted that certain of the Products produced by the Defendants between December 3, 2006 and March 6, 2007 are defective and causing injury and death to pets, and on March 16, 2007, initiated a recall of some of the Products.

6. A centralization of all actions in the Southern District of Florida will be for the convenience of parties and witnesses under 28 U.S.C. §1407 and will save Defendants the burden of having to defend virtually identical actions in multiple states. Witnesses will also be spared the possibility of being required to testify in several locales.

7. Because each of these related cases arises from a virtually identical set of operative facts relating to Defendants’ conduct, discovery conducted in each of the actions proposed for consolidation will be substantially similar, and will involve the same or similar documents and witnesses.

8. Absent transfer of all of these cases to a single forum for coordinated and consolidated proceedings, there is a substantial risk of inconsistent and conflicting pretrial rulings on discovery and other key issues, such as class certification. Coordination and consolidation will promote the just and efficient conduct of the actions, because it will allow one court to address Defendants' ongoing conduct.

9. Centralization in the Southern District of Florida will also promote the just and efficient conduct of this litigation under 28 U.S.C. § 1407 as more fully set forth in the attached Memorandum.

10. These actions have all been filed on or after March 19, 2007, and are still in their nascent stages. Movant is not aware of any discovery conducted to date, and know of no initial disclosures that have been made in any of these cases. A transfer of these related cases will result in only one judge supervising discovery and resolving any subsequent motions, including motions for class certification.

11. Since all actions are in the beginning stage of the litigation, no prejudice or inconvenience would result from transfer, coordination and/or consolidation.

12. A comparison of the relative MDL case loads of potential transferee districts demonstrates that the Southern District of Florida is a suitable forum. According to the Distribution of Pending MDL Dockets as of March 26, 2007, there is only one pending MDL proceeding in the Southern District of Florida, and numerous judges who have the experience to handle MDL's (*See* Distribution of Pending MDL Dockets as of March 26, 2007, Ex. A.).

13. For these reasons, and as set forth more fully in the accompanying memorandum, Movant respectfully requests that the Panel enter an Order consolidating and coordinating the actions

identified on the accompanying Schedule together with any related actions subsequently filed or presently unknown to Movant for proceedings in the Southern District of Florida.

Respectfully submitted,

DATED: March 28, 2007

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EXHIBIT A

DISTRIBUTION OF PENDING MDL DOCKETS
(AS OF MARCH 12, 2007)

District	Judges	Litigation	Pending	Number of Actions
ARE	D.J. William R. Wilson, Jr.	MDL-1507 In re Prempro Products Liability Litigation	3,377	4,027
AZ	Sr. J. Paul G. Rosenblatt Sr. J. Roger G. Strand	MDL-1541 In re Allstate Insurance Co. Fair Labor Standards Act Litigation MDL-972 In re Diamond Benefits Life Insurance Company & American Universal Insurance Company Contracts Litigation	4 1	5 10
CAC	D.J. David O. Carter D.J. Dale S. Fischer D.J. A. Howard Matz Sr. J. Mariana R. Pfaelzer D.J. Manuel L. Real D.J. Manuel L. Real D.J. Christina A. Snyder C.J. Alicemarie H. Stotler Sr. J. Dickran M. Tevrizian, Jr. D.J. Stephen V. Wilson	MDL-1807 In re Wachovia Securities, LLC, Wage and Hour Litigation MDL-1822 In re Bluetooth Headset Products Liability Litigation MDL-1610 In re Conseco Life Insurance Co. Cost of Insurance Litigation MDL-1574 In re Paxil Products Liability Litigation MDL-1601 In re StarMed Health Personnel, Inc., Fair Labor Standards Act Litigation MDL-1737 In re American Honda Motor Co., Inc., Oil Filter Products Liability Litigation MDL-1671 In re Reformulated Gasoline (RFG) Antitrust & Patent Litigation MDL-1803 In re Banc of America Investment Services, Inc., Overtime Pay Litigation MDL-1475 In re Heritage Bonds Litigation MDL-1745 In re Live Concert Antitrust Litigation	19 14 19 39 3 5 11 5 2 2	19 14 21 148 6 5 12 5 9 22
CAN	D.J. Sandra Brown Armstrong D.J. Sandra Brown Armstrong D.J. Charles R. Breyer D.J. Charles R. Breyer D.J. Jeremy D. Fogel D.J. Jeremy D. Fogel D.J. Phyllis J. Hamilton D.J. Martin J. Jenkins D.J. Marilyn Hall Patel D.J. Marilyn Hall Patel C.J. Vaughn R. Walker C.J. Vaughn R. Walker D.J. James Ware D.J. James Ware D.J. Claudia Wilken D.J. Jeffrey S. White D.J. Ronald M. Whyte D.J. Ronald M. Whyte	MDL-1781 In re Cintras Corp. Overtime Pay Arbitration Litigation MDL-1809 In re Terminix Employment Practices Litigation MDL-1699 In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation MDL-1793 In re International Air Transportation Surcharge Antitrust Litigation MDL-1257 In re Cable News Network and Time Magazine "Operation Tailwind" Litigation MDL-1654 In re Compression Labs, Inc., Patent Litigation MDL-1486 In re Dynamic Random Access Memory (DRAM) Antitrust Litigation MDL-1648 In re Rubber Chemicals Antitrust Litigation MDL-1369 In re Napster, Inc., Copyright Litigation MDL-1770 In re Wells Fargo Home Mortgage Overtime Pay Litigation MDL-1606 In re Deep Vein Thrombosis Litigation MDL-1791 In re National Security Agency Telecommunications Records Litigation MDL-1527 In re Cisco Systems, Inc., Securities & Derivative Litigation MDL-1665 In re Acecia Media Technologies Corp. Patent Litigation MDL-1819 In re Static Random Access Memory (SRAM) Antitrust Litigation MDL-1761 In re Ditropan XL Antitrust Litigation MDL-1423 In re Cygnus Telecommunications Technology, LLC, Patent Litigation MDL-1754 In re Apple iPod nano Products Liability Litigation	71 2 1,520 100 1 10 42 10 1 4 53 48 1 22 25 6 15 8	71 2 1,704 101 8 10 44 13 19 4 78 48 2 22 25 6 30 8

CAS	D.J. Roger T. Benitez D.J. Napoleon A. Jones, Jr. D.J. Jeffrey T. Miller C.J. Robert H. Whaley (WAE)	MDL-1806 In re Morgan Stanley & Co., Inc., Overtime Pay Litigation (No. II) MDL-1296 In re Alliance Equipment Lease Program Securities Litigation MDL-1751 In re Jamster Marketing Litigation MDL-1405 In re California Wholesale Electricity Antitrust Litigation	10 1 5 5	10 27 5 30		
CO	D.J. Robert E. Blackburn D.J. Wiley Y. Daniel	MDL-1788 In re Qwest Communications International, Inc., Securities & "ERISA" Litigation (No. II) MDL-1743 In re American Family Mutual Insurance Co. Overtime Pay Litigation	30 2	30 2		
CF	Sr.J. Alfred V. Covello D.J. Alvin W. Thompson D.J. Stefan R. Underhill D.J. Stefan R. Underhill D.J. Stefan R. Underhill D.J. Stefan R. Underhill	MDL-1568 In re Parcel Tanker Shipping Services Antitrust Litigation MDL-1463 In re Xerox Corp. Securities Litigation MDL-1542 In re Ethylene Propylene Diene Monomer (EPDM) Antitrust Litigation MDL-1631 In re Publication Paper Antitrust Litigation MDL-1642 In re Polychloroprene Rubber (CR) Antitrust Litigation MDL-1649 In re Helicopter Crash Near Wendle Creek, British Columbia, on August 8, 2002	7 22 15 28 9 4	18 22 15 31 9 4		
DC	D.J. John D. Bates C.J. Thomas F. Hogan C.J. Thomas F. Hogan C.J. Thomas F. Hogan D.J. Ellen Segal Huvelle D.J. Name Withheld	MDL-1772 In re Series 7 Broker Qualification Exam Scoring Litigation MDL-1285 In re Vitamin Antitrust Litigation MDL-1290 In re Lorazepam & Clorazepate Antitrust Litigation MDL-1686 In re Iraq and Afghanistan Detainees Litigation MDL-1792 In re InPhonic, Inc., Wireless Phone Rebate Litigation UNDER SEAL	20 4 2 4 15 2	20 84 14 4 15 39		
	D.J. Richard J. Leon D.J. Richard J. Leon D.J. James Robertson D.J. Ricardo M. Urbina	MDL-1515 In re Nifedipine Antitrust Litigation MDL-1668 In re Federal National Mortgage Association Securities, Derivative & "ERISA" Litigation MDL-1796 In re Department of Veterans Affairs (VA) Data Theft Litigation MDL-1798 In re Long-Distance Telephone Service Federal Excise Tax Refund Litigation	6 7 3 3	10 18 3 3		
DE	D.J. Joseph J. Farnan, Jr. D.J. Gregory M. Sleet	MDL-1717 In re Intel Corp. Microprocessor Antitrust Litigation MDL-1660 In re PharmaStem Therapeutics, Inc., Patent Litigation	74 6	74 6		
FLM	D.J. Henry Lee Adams, Jr. D.J. Anne C. Conway D.J. James S. Moody, Jr. Sr.J. Harvey E. Schlesinger D.J. James D. Whittemore	MDL-1698 In re American General Life & Accident Insurance Co. Retiree Benefits "ERISA" Litigation MDL-1769 In re Serquel Products Liability Litigation MDL-1626 In re Accutane Products Liability Litigation MDL-1624 In re GMAC Insurance Management Corp. Overtime Pay Litigation MDL-1656 In re CP Ships Ltd. Securities Litigation	80 342 24 2 7	80 342 29 2 7		

FLS	D.J. Federico A. Moreno	MDL-1334	In re Managed Care Litigation	6		123		
GAN	D.J. Thomas W. Thrash, Jr.	MDL-1804	In re Stand 'n Seal Products Liability Litigation	13		13		
GAS	C.J. William T. Moore, Jr.	MDL-1677	In re NovaStar Home Mortgage Inc. Mortgage Lending Practices Litigation	3		3		
IAS	Sr.J. Ronald E. Longstaff	MDL-1733	In re Teflon Products Liability Litigation	22		22		
ILN	Sr.J. Marvin E. Aspen	MDL-1425	In re Ainsler Copyright Litigation	11		11		
	Sr.J. Marvin E. Aspen	MDL-1715	In re Ameritrust Mortgage Co. Mortgage Lending Practices Litigation	318		322		
	D.J. Elaine E. Buckle	MDL-1784	In re McDonald's French Fries Litigation	10		10		
	D.J. David H. Coar	MDL-1536	In re Sulfuric Acid Antitrust Litigation	7		7		
	D.J. David H. Coar	MDL-1783	In re JP Morgan Chase & Co. Securities Litigation	3		3		
	D.J. Mark R. Filipp	MDL-1818	In re Clif Financial Services Incorporated Prescreened Offer Litigation	5		5		
	D.J. Robert W. Getteman	MDL-1350	In re Trans Union Corp. Privacy Litigation	14		15		
	Sr.J. John F. Grady	MDL-986	In re "Factor VIII or IX Concentrate Blood Products" Products Liability Litigation	103		356		
	Sr.J. John F. Grady	MDL-1521	In re Wireless Telephone 911 Calls Litigation	10		10		
	Sr.J. John F. Grady	MDL-1703	In re Sears, Roebuck & Co. Tools Marketing and Sales Practices Litigation	6		7		
ILS	Sr.J. George W. Lindberg	MDL-1773	In re Air Crash Near Athens, Greece, on August 14, 2005	7		7		
	D.J. Charles R. Norgle, Sr.	MDL-1604	In re Owen Federal Bank FSB Mortgage Servicing Litigation	64		65		
	D.J. Amy J. St. Eve	MDL-1778	In re Ocean Financial Corp. Prescreening Litigation	5		5		
	D.J. James B. Zagef	MDL-899	In re Mortgage Escrow Deposit Litigation	1		75		
	D.J. James B. Zagef	MDL-1392	In re General Motors Corporation Vehicle Paint Litigation (No. III)	2		3		
	C.J. G. Patrick Murphy	MDL-1562	In re General Motors Corp. Dex-Cool Products Liability Litigation	6		11		
	C.J. G. Patrick Murphy	MDL-1748	In re Profliter Products Liability Litigation	4		4		
	INN	D.J. Rudy J. Lozano	MDL-1767	In re H&R Block Mortgage Corp. Prescreening Litigation	3		3	
		C.J. Robert L. Miller, Jr.	MDL-1700	In re FedEx Ground Package System, Inc., Employment Practices Litigation (No. II)	36		42	
	INS	D.J. Sarah E. Barker	MDL-1373	In re Bridgestone/Firestone, Inc., Tires Products Liability Litigation	23		819	
D.J. David F. Hamilton		MDL-1313	In re AT&T Corp. Fiber Optic Cable Installation Litigation	35		35		
D.J. John D. Tinder		MDL-1727	In re COBRA Tax Shelters Litigation	3		3		
K/S	C.J. John W. Lungstrum	MDL-1468	In re Universal Service Fund Telephone Billing Practices Litigation	63		68		
	C.J. John W. Lungstrum	MDL-1616	In re Urethane Antitrust Litigation	30		30		
	D.J. Kathryn H. Vratil	MDL-1721	In re Cessna 208 Series Aircraft Products Liability Litigation	7		7		

LA/E	D.J. Eldon E. Fallon D.J. Eldon E. Fallon D.J. Martin L.C. Feldman D.J. Martin L.C. Feldman D.J. Martin L.C. Feldman D.J. Sarah S. Vance	MDL-1355 In re Propulsid Products Liability Litigation MDL-1657 In re Vioxx Marketing, Sales Practices and Products Liability Litigation MDL-1371 In re Monumental Life Insurance Company Industrial Life Insurance Litigation MDL-1390 In re Life Insurance Co. of Georgia Industrial Life Insurance Litigation MDL-1395 In re Western & Southern Life Insurance Co. Industrial Life Insurance Litigation MDL-1643 In re Educational Testing Service PLT 7-12 Test Scoring Litigation	362 8,538 11 112 7 31	474 8,530 14 133 8 31
MA	D.J. Nancy Gertner D.J. Nancy Gertner St.J. Edward F. Harrington D.J. Patti B. Sarris D.J. Patti B. Sarris D.J. Patti B. Sarris D.J. Richard G. Stearns D.J. Joseph L. Taurro D.J. Joseph L. Taurro D.J. Douglas P. Woodlock D.J. Douglas P. Woodlock D.J. Rya W. Zobel D.J. Rya W. Zobel	MDL-1354 In re Citigroup, Inc., Capital Accumulation Plan Litigation MDL-1753 In re Standard Automotive Corp. Retiree Benefits "ERISA" Litigation MDL-1143 In re Mutual Life Insurance Company of New York Premium Litigation MDL-1456 In re Pharmaceutical Industry Average Wholesale Price Litigation MDL-1629 In re Neuronin Marketing, Sales Practices and Products Liability Litigation MDL-1713 In re Bank of America ATM Fee Litigation MDL-1430 In re Lupron Marketing and Sales Practices Litigation MDL-1790 In re Volkswagen and Audi Warranty Extension Litigation MDL-1820 In re Webloyalty.com, Inc., Marketing and Sales Practices Litigation MDL-1543 In re Carbon Black Antitrust Litigation MDL-1704 In re M3Power Razor System Marketing & Sales Practices Litigation MDL-1380 In re Xcelera.com Inc. Securities Litigation MDL-1461 In re Shell Oil Products Co. Dealer Franchise Litigation	6 2 3 18 50 3 2 6 4 1 1 2 1	16 2 23 116 209 3 17 6 4 16 26 20 3
MD	D.J. Catherine C. Blake D.J. Catherine C. Blake D.J. Andre M. Davis D.J. Andre M. Davis D.J. Benson Everett Legg D.J. J. Frederick Motz D.J. J. Frederick Motz D.J. Andre M. Davis and D.J. Catherine C. Blake	MDL-1421 In re Wireless Telephone Radio Frequency Emissions Products Liability Litigation MDL-1539 In re Royal Ahold N.V. Securities & "ERISA" Litigation MDL-1110 In re Second Chance Body Armor, Inc., Advertising Litigation MDL-1518 In re Allegheny Energy, Inc., Securities Litigation MDL-1387 In re ProteGen Sling and Vesica System Products Liability Litigation MDL-1332 In re Microsoft Corp. Windows Operating Systems Antitrust Litigation MDL-1586 In re Mutual Funds Investment Litigation	2 37 2 2 8 2 423	19 37 9 17 584 116 437
ME	D.J. D. Brock Hornby	MDL-1532 In re New Motor Vehicles Canadian Export Antitrust Litigation	30	31
M/E	C.J. Bernard A. Friedman D.J. Gerald E. Rosen D.J. Gerald E. Rosen	MDL-1718 In re Ford Motor Co. Speed Control Deactivation Switch Products Liability Litigation MDL-1725 In re Delphi Corp. Securities, Derivative & "ERISA" Litigation MDL-1749 In re General Motors Corp. Securities & Derivative Litigation	39 24 5	40 25 5

MN	D.J. Michael J. Davis D.J. Donovan W. Frank Sr.J. Paul A. Magnuson Sr.J. Paul A. Magnuson C.J. James M. Rosenbaum D.J. John R. Tunheim	MDL-1431 In re Baycol Products Liability Litigation MDL-1708 In re Guidant Corp. Implantable Defibrillators Products Liability Litigation MDL-1328 In re Monosodium Glutamate Antitrust Litigation MDL-1724 In re Viagra Products Liability Litigation MDL-1726 In re Medtronic, Inc., Implantable Defibrillators Products Liability Litigation MDL-1396 In re St. Jude Medical, Inc., Silzone Heart Valves Products Liability Litigation	1,392 1,200 1 65 966 30	9,044 1,212 14 70 966 57
MOE	D.J. Jean C. Hamiton Sr.J. Stephen N. Limbaugh D.J. Catherine D. Perry D.J. Rodney W. Sippel	MDL-1702 In re Air Crash Near Kirksville, Missouri, on October 19, 2004 MDL-1672 In re Express Scripts, Inc., Pharmacy Benefits Management Litigation MDL-1811 In re LLRice 601 Contamination Litigation MDL-1736 In re Celera and Lexapro Products Liability Litigation	6 9 59 32	11 12 59 32
MOW	D.J. Richard E. Dorr	MDL-1786 In re H&R Block, Inc., Express IRA Marketing Litigation	21	21
NCE	Sr.J. W. Earl Britt	MDL-1132 In re Exterior Insulation Finish System (EIFS) Products Liability Litigation	1	109
NCM	C.J. James A. Beaty, Jr.	MDL-1622 In re Cotton Yarn Antitrust Litigation	9	9
NCW	C.J. Richard L. Voothees	MDL-1516 In re Polyester Staple Antitrust Litigation	17	36
NH	D.J. Paul J. Barbadoro	MDL-1335 In re Tyco International, Ltd., Securities, Derivative and "ERISA" Litigation	13	101
NJ	Sr.J. Harold A. Ackerman C.J. Garrett E. Brown, Jr. C.J. Garrett E. Brown, Jr. D.J. Stanley R. Chesler D.J. Stanley R. Chesler Sr.J. Dickinson R. Debevoise D.J. Joseph A. Greenaway, Jr. Sr.J. John C. Liffand Sr.J. John C. Liffand D.J. Jose L. Linares D.J. William J. Martini D.J. Jerome B. Simandle Sr.J. William H. Walls D.J. Susan D. Wigenton D.J. Freda L. Wolfson	MDL-1687 In re Ford Motor Co. E-350 Van Products Liability Litigation (No. 11)	5	5
		MDL-1471 In re Compensation of Managerial, Professional and Technical Employees Antitrust Litigation	4	4
		MDL-1663 In re Insurance Brokerage Antitrust Litigation	41	42
		MDL-1658 In re Merck & Co., Inc., Securities, Derivative & "ERISA" Litigation	2	35
		MDL-1777 In re SFBC International, Inc., Securities & Derivative Litigation	1	14
		MDL-1337 In re Holocaust Era German Industry, Bank & Insurance Litigation	2	59
		MDL-1419 In re K-Dur Antitrust Litigation	1	44
		MDL-1384 In re Gapabentin Patent Litigation	15	17
		MDL-1479 In re Neuronin Antitrust Litigation	22	22
		MDL-1730 In re Hypodermic Products Antitrust Litigation	7	8
		MDL-1763 In re Human Tissue Products Liability Litigation	136	136
		MDL-1514 In re Electrical Carbon Products Antitrust Litigation	1	25
MDL-1292 In re Candant Corporation Securities Litigation	3	18		
MDL-1550 In re IDT Corp. Calling Card Terms Litigation	4	5		
MDL-1799 In re Vonage Initial Public Offering (IPO) Securities Litigation	15	15		

				Section
NV	D.J. Kent J. Dawson Sr.J. Lloyd D. George C.J. Phillip M. Pro C.J. Phillip M. Pro	MDL-1619 In re Musha Cay Litigation MDL-1357 In re NOS Communications, Inc., Billing Practices Litigation MDL-1566 In re Western States Wholesale Natural Gas Antitrust Litigation MDL-1735 In re Wal-Mart Wage and Hour Employment Practices Litigation	3 7 3 23	3 8 30 25
NYE	D.J. Carol Bagley Arnon D.J. Raymond J. Dearie D.J. John Gleeson D.J. John Gleeson Sr.J. Thomas C. Platt, Jr. Sr.J. Charles P. Sifton Sr.J. David G. Trager Sr.J. Jack B. Weinstein Sr.J. Jack B. Weinstein	MDL-1775 In re Air Cargo Shipping Services Antitrust Litigation MDL-1613 In re Nigeria Charter Flights Contract Litigation MDL-1575 In re Visa/MasterCard Antitrust Litigation MDL-1720 In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation MDL-799 In re Disaster at Lockerbie, Scotland, on December 21, 1988 MDL-1689 In re Air Crash Near Woodbury, Connecticut, on December 20, 2002 MDL-1738 In re Vitamin C Antitrust Litigation MDL-381 In re "Agent Orange" Products Liability Litigation MDL-1596 In re Zyprexa Products Liability Litigation	82 13 6 51 37 8 10 4	82 14 8 51 297 8 10 627 1,722

			4	5
NYS	Sr.J. Harold Baer, Jr. D.J. Deborah A. Batts D.J. Richard A. Berman D.J. Charles L. Briecant D.J. Charles L. Briecant D.J. Richard C. Casey D.J. Denise Cote D.J. Paul A. Crotty D.J. George B. Daniels Sr.J. Kevin Thomas Duffy Sr.J. Thomas P. Griesa Sr.J. Thomas P. Griesa D.J. Alvin K. Hellerstein D.J. Richard J. Holwell D.J. Barbara S. Jones D.J. Lewis A. Kaplan D.J. Lewis A. Kaplan Sr.J. John F. Keenan Sr.J. John F. Keenan Sr.J. John F. Keenan Sr.J. Shirley Wohl Kram Sr.J. Shirley Wohl Kram Sr.J. Shirley Wohl Kram Sr.J. Shirley Wohl Kram D.J. Gerard E. Lynch D.J. Gerard E. Lynch Sr.J. Lawrence M. McKenna D.J. Colleen McMahon D.J. Colleen McMahon Sr.J. Richard Owen Sr.J. Richard Owen D.J. William H. Pauley III D.J. Loretta A. Preska D.J. Loretta A. Preska D.J. Jed S. Rakoff	MDL-1661 In re Rivastigmine Patent Litigation MDL-1714 In re Rhodia S.A. Securities Litigation MDL-1628 In re Pineapple Antitrust Litigation MDL-1368 In re High Pressure Laminate Antitrust Litigation MDL-1508 In re Medco Health Solutions, Inc., Pharmacy Benefits Management Litigation MDL-1570 In re Terrorist Attacks on September 11, 2001 MDL-1487 In re WorldCom, Inc., Securities & "ERISA" Litigation MDL-1794 In re Novartis Wage and Hour Litigation MDL-1379 In re Literary Works in Electronic Databases Copyright Litigation MDL-1443 In re America Online, Inc., Community Leaders Litigation MDL-1336 In re Abercrombie & Fitch Co. Securities Litigation MDL-1644 In re Elevator and Escalator Antitrust Litigation MDL-1230 In re Phillip Services Corporation Securities Litigation MDL-1771 In re "A Million Little Pieces" Litigation MDL-1291 In re Omeprazole Patent Litigation MDL-1348 In re Rezulin Products Liability Litigation MDL-1653 In re Parmalat Securities Litigation MDL-1484 In re Merrill Lynch & Co., Inc., Research Reports Securities Litigation MDL-1789 In re Fosamax Products Liability Litigation MDL-1495 In re Enterprise Mortgage Acceptance Co., LLC, Securities Litigation MDL-1500 In re AOL Time Warner Inc. Securities & "ERISA" Litigation MDL-1739 In re Grand Theft Auto Video Game Consumer Litigation (No. II) MDL-1744 In re Marsh & McLennan Companies, Inc., Securities Litigation MDL-1472 In re Global Crossing Ltd. Securities and "ERISA" Litigation MDL-1630 In re Global Crossing Limited Securities Litigation MDL-1529 In re Adelphia Communications Corp. Securities & Derivative Litigation (No. II) MDL-1695 In re Veeco Instruments Inc. Securities Litigation MDL-1755 In re Bayou Hedge Funds Investment Litigation MDL-1688 In re Pfizer Inc. Securities, Derivative & "ERISA" Litigation MDL-1706 In re Doral Financial Corp. Securities Litigation MDL-1409 In re Currency Conversion Fee Antitrust Litigation MDL-1659 In re Nortel Networks Corp. Securities Litigation MDL-1780 In re Digital Music Antitrust Litigation MDL-1598 In re Ephedra Products Liability Litigation	4 4 6 12 6 22 28 2 3 3 20 4 1 11 6 991 16 22 108 2 57 7 10 5 1 71 13 7 30 24 5 28 30 625	4 4 10 37 18 23 177 2 5 3 20 25 24 11 22 1,865 16 176 108 13 72 7 10 89 9 71 13 7 30 24 34 29 30 840

NYS (cont.)	<p>D.J. Jed S. Rakoff</p> <p>D.J. Shira Ann Scheindlin</p> <p>D.J. Shira Ann Scheindlin</p> <p>D.J. Shira Ann Scheindlin</p> <p>Sr.J. John E. Sprizzo</p> <p>Sr.J. John E. Sprizzo</p> <p>Sr.J. John E. Sprizzo</p> <p>D.J. Sidney H. Stein</p> <p>D.J. Sidney H. Stein</p> <p>Sr.J. Robert W. Sweet and Sr.J. John F. Keenan*</p>	<p>MDL-1740 In re Canon U.S.A., Inc., Digital Cameras Products Liability Litigation</p> <p>MDL-1358 In re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation</p> <p>MDL-1428 In re Ski Train Fire in Kaprun, Austria, on November 11, 2000</p> <p>MDL-1554 In re Initial Public Offering (IPO) Securities Litigation</p> <p>MDL-1153 In re Bennett Funding Group, Inc., Securities Litigation (No. II)</p> <p>MDL-1499 In re South African Apartheid Litigation</p> <p>MDL-1584 In re Federal Home Loan Mortgage Corp. Securities & Derivative Litigation (No. II)</p> <p>MDL-1603 In re OxyContin Antitrust Litigation</p> <p>MDL-1696 In re Sierra Wireless, Inc., Securities Litigation</p> <p>MDL-1448 In re Air Crash at Belle Harbor, New York, on November 12, 2001</p>	<p>3</p> <p>147</p> <p>14</p> <p>393</p> <p>29</p> <p>13</p> <p>6</p> <p>58</p> <p>9</p> <p>344</p>	<p>4</p> <p>159</p> <p>27</p> <p>511</p> <p>66</p> <p>14</p> <p>8</p> <p>58</p> <p>9</p> <p>365</p>
OHN	<p>D.J. Peter C. Economus</p> <p>D.J. James S. Gwin</p> <p>Sr.J. David A. Katz</p> <p>D.J. Donald C. Nugent</p> <p>D.J. Kathleen McDonald O'Malley</p> <p>D.J. Kathleen McDonald O'Malley</p> <p>D.J. Kathleen McDonald O'Malley</p>	<p>MDL-1561 In re Travel Agent Commission Antitrust Litigation</p> <p>MDL-1481 In re Meridia Products Liability Litigation</p> <p>MDL-1742 In re Ortho Evra Products Liability Litigation</p> <p>MDL-1488 In re Ford Motor Co. Panther Platform/Fuel Tank Design Products Liability Litigation</p> <p>MDL-1401 In re Sulzer Orthopedics Inc. Hip Prosthesis and Knee Prosthesis Products Liability Litigation</p> <p>MDL-1490 In re Commercial Money Center, Inc., Equipment Lease Litigation</p> <p>MDL-1535 In re Welding Fume Products Liability Litigation</p>	<p>2</p> <p>2</p> <p>507</p> <p>4</p> <p>4</p> <p>34</p> <p>4,186</p>	<p>3</p> <p>125</p> <p>515</p> <p>31</p> <p>434</p> <p>38</p> <p>11,436</p>
OHS	<p>D.J. Gregory L. Frost</p> <p>Sr.J. James L. Graham</p> <p>D.J. Edmund A. Sargus, Jr.</p>	<p>MDL-1638 In re Foundry Resins Antitrust Litigation</p> <p>MDL-1565 In re National Century Financial Enterprises, Inc., Investment Litigation</p> <p>MDL-1315 In re SmartTalk TeleServices, Inc., Securities Litigation</p>	<p>14</p> <p>21</p> <p>21</p>	<p>19</p> <p>22</p> <p>21</p>
OKW	<p>D.J. Stephen P. Prior</p>	<p>MDL-1564 In re Farmers Insurance Co., Inc., FCRA Litigation</p>	<p>9</p>	<p>12</p>
OR	<p>Sr.J. Robert E. Jones</p>	<p>MDL-1439 In re Farmers Insurance Exchange Claims Representatives' Overtime Pay Litigation</p>	<p>3</p>	<p>12</p>

* Judge Keenan is assigned to actions in which Judge Sweet is recused.

PAE	C.J. Harvey Bartle III D.J. Ronald L. Buckwalter D.J. Ronald L. Buckwalter D.J. Stewart Dalzell D.J. Legrome D. Davis Sr. J. Jan E. DuBois Sr. J. John P. Fullam D.J. James T. Giles D.J. Bruce W. Kaufman D.J. Mary A. McLaughlin Sr. J. Louis H. Pollak D.J. Timothy J. Savage D.J. Timothy J. Savage D.J. Richard Barclay Surrick	MDL-1203 In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability Litigation MDL-1014 In re Orthopedic Bone Screw Products Liability Litigation MDL-1741 In re Isolagen, Inc., Securities & Derivative Litigation MDL-1682 In re Hydrogen Peroxide Antitrust Litigation MDL-1684 In re Plastics Additives Antitrust Litigation (No. II) MDL-1261 In re Linerboard Antitrust Litigation MDL-1782 In re Pharmacy Benefit Managers Antitrust Litigation MDL-875 In re Asbestos Products Liability Litigation (No. VI) MDL-969 In re Unisys Corp. Retiree Medical Benefit "ERISA" Litigation MDL-1712 In re American Investors Life Insurance Co. Annuity Marketing and Sales Practices Litigation MDL-1817 In re CertainTeed Corp. Roofing Shingle Products Liability Litigation MDL-1675 In re ACE Limited Securities Litigation MDL-1768 In re Methyl Methacrylate (MMA) Antitrust Litigation MDL-1426 In re Automotive Refinishing Paint Antitrust Litigation	2,626	20,006		
PAM	D.J. Thomas I. Vanskie	MDL-1556 In re Pressure Sensitive Labelstock Antitrust Litigation	11	11		
PAW	C.J. Donetta W. Ambrose D.J. Gary L. Lancaster	MDL-1091 In re Metropolitan Life Insurance Co. Sales Practices Litigation MDL-1674 In re Community Bank of Northern Virginia Mortgage Lending Practices Litigation	6 6	148 6		
SC	Sr. J. Solomon Blatt, Jr. D.J. Cameron McGowan Currie	MDL-1595 In re Electrical Receptacle Products Liability Litigation MDL-1429 In re American General Life & Accident Insurance Co. Industrial Life Insurance Litigation	1 69	9 135		
TNE	D.J. David C. Norton Sr. J. Matthew J. Perry, Jr.	MDL-1785 In re Bausch & Lomb Inc. Contact Lens Solution Products Liability Litigation MDL-865 In re Showa Denko K.K. L-Tryptophan Products Liability Litigation (No. II)	113 1	114 973		
TNM	C.J. Curtis L. Collier	MDL-1552 In re UnumProvident Corp. Securities, Derivative & "ERISA" Litigation	23	28		
TNW	C.J. Todd J. Campbell Sr. J. John T. Nixon D.J. J. Daniel Breen	MDL-1760 In re Aredia and Zometa Products Liability Litigation MDL-1537 In re Nortel Networks Corp. "ERISA" Litigation MDL-1551 In re Reciprocal of America (ROA) Sales Practices Litigation	209 6 13	210 6 13		

TXE	D.J. Leonard E. Davis D.J. T. John Ward	MDL-1512 In re Electronic Data Systems Corp. Securities & "ERISA" Litigation MDL-1530 In re Fleming Companies Inc. Securities & Derivative Litigation	4 10	29 22	
TXN	C.J. A. Joe Fish D.J. Sidney A. Fitzwater	MDL-1578 In re UICI "Association-Group" Insurance Litigation MDL-1214 In re Great Southern Life Insurance Company Sales Practices Litigation	15 1	28 25	
TXS	D.J. Vanessa D. Gilmore D.J. Melinda Harmon D.J. Melinda Harmon D.J. Lynn N. Hughes D.J. Janis Graham Jack	MDL-1646 In re Testmasters Trademark Litigation MDL-1422 In re Waste Management, Inc., Securities Litigation MDL-1446 In re Enron Corp. Securities, Derivative & "ERISA" Litigation MDL-1609 In re Service Corporation International Securities Litigation MDL-1810 In re MERSCORP Inc., et al., Real Estate Settlement Procedures Act (RESPA) Litigation	1 1 129 1 19	6 7 196 4 19	
UT	D.J. Dale A. Kimball	MDL-1546 In re Medical Waste Services Antitrust Litigation	1	8	
VAE	D.J. Leonie M. Brinkema	MDL-1705 In re Xybernaut Corp. Securities Litigation	10	10	
WAW	D.J. Barbara Jacobs Rothstein	MDL-1407 In re Phenylpropanolamine (PPA) Products Liability Litigation	402	3,365	
WVS	D.J. Joseph R. Goodwin	MDL-1477 In re Serzone Products Liability Litigation	16	177	
WY	C.J. William F. Downes	MDL-1293 In re Natural Gas Royalties Qui Tam Litigation	75	83	

RECEIVED

APR - 2 2007

AT 8:30 _____ AM
WILLIAM T. WALSH
CLERK

**BEFORE THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

In re:

MENU FOODS PET FOOD LITIGATION
_____ /

MDI Docket No. _____

CERTIFICATE OF SERVICE

Paul J. Geller
Stuart A. Davidson
James L. Davidson

**LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP**
120 E. Palmetto Park Road, Suite 500
Boca Raton, FL 33432-4809
Telephone: (561) 750-3000
Facsimile: (561) 750-3364

Counsel for Florida Plaintiff Christina Troiano

I, James L. Davidson, hereby declare as follows:

I am employed by Lerach Coughlin Stoia Geller Rudman & Robbins LLP, 120 E. Palmetto Park Road, Suite 500, Boca Raton, Florida 33432. I am over the age of eighteen years and not a party to this action. On March 28, 2007, I served the following documents:

1. **FLORIDA PLAINTIFF CHRISTINA TROIANO'S MOTION TO TRANSFER AND COORDINATE OR CONSOLIDATE ACTIONS UNDER 28 U.S.C. § 1407;**
2. **FLORIDA PLAINTIFF CHRISTINA TROIANO'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO TRANSFER AND COORDINATE OR CONSOLIDATE ACTIONS UNDER 28 U.S.C. § 1407;**
3. **SCHEDULE OF ACTIONS IN SUPPORT OF FLORIDA PLAINTIFF CHRISTINA TROIANO'S MOTION TO TRANSFER AND COORDINATE OR CONSOLIDATE ACTIONS UNDER 28 U.S.C. § 1407; and**
4. **CERTIFICATE OF SERVICE.**

on:

SEE ATTACHED SERVICE LIST "A"

X by placing the document(s) listed above for collection and mailing following the firm's ordinary business practices in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at Boca Raton, Florida addressed as set forth on the attached service list.

I further certify and declare that I caused the above documents to be delivered by the same means to the clerks of the following courts affected by the Motion for Transfer and Consolidation:

SEE ATTACHED SERVICE LIST "B"

I declare under penalty of perjury under the laws of the United States of America that the following is true and correct, executed this 28 day of March, 2007, at Boca Raton, Florida.


James L. Davidson

IN RE MENU FOODS PET FOOD LITIGATION

SERVICE LIST "A"

<p>Paul J. Geller Stuart A. Davidson James L. Davidson LERACH COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP 120 E. Palmetto Park Road, Suite 500 Boca Raton, FL 33432-4809 Telephone: (561) 750-3000 Facsimile: (561) 750-3364 <i>Attorneys for Florida Plaintiff Christina Troiano</i></p> <p>Lawrence Kopelman KOPELMAN & BLANKMAN 350 E. Las Olas Blvd., Suite 980 Ft. Lauderdale, FL 33301 Telephone: (954) 462-6855 Facsimile: (954) 462-6899 <i>Attorneys for Florida Plaintiff Christina Troiano</i></p>	<p>Menu Foods, Inc. 9130 Griffith Morgan Lane Pennsauken, NJ 08110 <i>Defendant</i></p> <p>Menu Foods Income Fund 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 <i>Defendant</i></p>
---	---

WHALEY v. MENU FOODS, ET AL.
 Case No.: 2:07-cv-00411-RSM
 USDC, Western District of Washington

<p>Michael David Myers MYERS & COMPANY, P.L.L.C. 1809 Seventh Avenue, Suite 700 Seattle, WA 98101 Telephone: (206) 398-1188 Facsimile: (206) 400-1112 <i>Attorneys for Plaintiff Tom Whaley</i></p>	<p>Menu Foods 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 <i>Defendant</i></p> <p>The Iams Company c/o Registered Agent - Joseph A. Stegbauer Attn: Corporate Secretary One Procter & Gamble Plaza C-2 Cincinnati, OH 45202 <i>Defendant</i></p>
--	---

HOLT v. MENU FOODS, INC.
 Case No.: 3:07-cv-00094
 USDC, Eastern District of Tennessee

<p>A. James Andrews 905 Locust Street Knoxville, TN 37902 Telephone: (865) 660-3993 Facsimile: (865) 523-4623 <i>Attorneys for Plaintiff Lizajean Holt</i></p>	<p>Menu Foods, Inc. 9130 Griffith Morgan Lane Pennsauken, NJ 08110 <i>Defendant</i></p>
---	--

<p>Nicole Bass 905 Locust Street Knoxville, TN 37902 Telephone: (865) 310-6804 <i>Attorneys for Plaintiff Lizajean Holt</i></p> <p>Perry A. Craft CRAFT & SHEPPARD, PLC 214 Centerview Drive, Suite 233 Brentwood, TN 37027 Telephone: (615) 309-1707 Facsimile: (615) 309-1717 <i>Attorneys for Plaintiff Lizajean Holt</i></p>	
---	--

MAJERCZYK v. MENU FOODS, INC.
 Case No.: 1:07-cv-01543
 USDC, Northern District of Illinois

<p>John Blim Jay Edelson Myles McGuire (Of Counsel) BLIM & EDELSON, LLC 53 West Jackson Blvd., Suite 1642 Chicago, IL 60604 Telephone: (312) 913-9400 Facsimile: (312) 913-9401 <i>Attorneys for Plaintiff Dawn Majerczyk</i></p>	<p>Menu Foods, Inc. 9130 Griffith Morgan Lane Pennsauken, NJ 08110 <i>Defendant</i></p>
--	--

SIMS v. MENU FOODS INCOME FUND, ET AL.
 Case No.: 5:07-cv-05053-JLH
 USDC, Western District of Arkansas

<p>Jason M. Hatfield LUNDY & DAVIS, L.L.P. 300 N. College Avenue, Suite 309 Fayetteville, AR 72701 Telephone: (479) 527-3921 Facsimile: (479) 587-9196 <i>Attorneys for Plaintiffs Charles Ray Sims and Pamela Sims</i></p>	<p>Menu Foods Income Fund 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 <i>Defendant</i></p> <p>Menu Foods Midwest Corporation c/o Registered Agent - The Corporation Trust Co. 1209 Orange Street Wilmington, DE 19801-1120 <i>Defendant</i></p> <p>Menu Foods South Dakota, Inc. c/o Registered Agent The Corporation Trust Company 1209 Orange Street Wilmington, DE 19801-1120 <i>Defendant</i></p>
---	--

	<p>Menu Foods Holdings, Inc. c/o Registered Agent The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801-1120 Defendant</p> <p>Menu Foods, Inc. c/o Registered Agent Corporation Trust Company 820 Bear Tavern Road West Trenton, NJ 08628 Defendant</p>
--	---

WIDEN v. MENU FOODS, ET AL.
Case No.: 5:07-cv-05055-RTD
USDC, Western District of Arkansas

<p>Jeremy Y. Hutchinson Jack Thomas Patterson II PATTON, ROBERTS, MCWILLIAMS & CAPSHAW, L.L.P. Stephens Building 111 Center Street, Suite 1315 Little Rock, AR 72201 Telephone: (501) 372-3480 Facsimile: (501) 372-3488 <i>Attorneys for Plaintiffs Richard Scott Widen and Barbara Widen</i></p> <p>Richard Adams James C. Wyly Sean F. Rommel PATTON, ROBERTS, MCWILLIAMS & CAPSHAW, L.L.P. Century Bank Plaza, Suite 400 P.O. Box 6128 Texarkana, TX 75505-6128 Telephone: (903) 334-7000 Facsimile: (903) 334-7007 <i>Attorneys for Plaintiffs Richard Scott Widen and Barbara Widen</i></p>	<p>Menu Foods 9130 Griffith Morgan Lane Pennsauken, NJ 08110 Defendant</p> <p>Menu Foods Income Fund 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 Defendant</p> <p>Menu Foods Gen Par Limited c/o Menu Foods Income Fund 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 Defendant</p> <p>Menu Foods Limited Partnership c/o Menu Foods Income Fund 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 Defendant</p> <p>Menu Foods Operating Partnership c/o Menu Foods Income Fund 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 Defendant</p>
--	--

	<p>Menu Foods Midwest Corporation c/o Registered Agent The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801-1120 <i>Defendant</i></p> <p>Menu Foods South Dakota c/o Registered Agent The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801-1120 <i>Defendant</i></p> <p>Menu Foods, Inc. c/o Registered Agent Corporation Trust Company 820 Bear Tavern Road West Trenton, NJ 08628 <i>Defendant</i></p> <p>Menu Foods Holdings, Inc. c/o Registered Agent The Corporation Trust Company 1209 Orange Street Wilmington, DE 19801-1120 <i>Defendant</i></p> <p>Wal-Mart Stores, Inc. c/o Registered Agent The Corporation Trust Company 1209 Orange Street Wilmington, DE 19801-1120 <i>Defendant</i></p>
--	---

WORKMAN, ET AL. v. MENU FOODS LIMITED, ET AL.

Case No.: 1:07-cv-01338-NLH-AMD

USDC, District of New Jersey

<p>Donna Siegel Moffa Lisa J. Rodriguez TRUJILLO RODRIGUEZ & RICHARDS, LLC 8 Kings Highway West Haddonfield, NJ 08033 Telephone: (856) 795-9002 Facsimile: (856) 795-9887 <i>Attorneys for Plaintiffs Jared Workman, and Mark and Mona Cohen</i></p>	<p>Menu Foods Limited 8 Falconer Drive Streetsville, Ontario Canada L5N 1B1 <i>Defendant</i></p> <p>Menu Foods, Inc. 9310 Griffith Morgan Lane Pennsauken, NJ 08110 <i>Defendant</i></p>
---	---

<p>Robert A. Rovner Jeffrey I. Zimmerman ROVNER, ALLEN, ROVNER, ZIMMERMAN & NASH 175 Bustleton Pike Feasterville, PA 19053-6456 Telephone: (215) 698-1800 <i>Attorneys for Plaintiffs Jared Workman, and Mark and Mona Cohen</i></p> <p>Sherrie R. Savett Michael T. Fantini Russell D. Paul BERGER & MONTAGUE, P.C. 1622 Locust Street Philadelphia, PA 19103 Telephone: (215) 875-3000 <i>Attorneys for Plaintiffs Jared Workman, and Mark and Mona Cohen</i></p>	<p>Menu Foods Midwest Corporation P.O. Box 1046 1400 East Logan Avenue Emporia, KS 66801 <i>Defendant</i></p>
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IN RE MENU FOODS PET FOOD LITIGATION**SERVICE LIST "B"**

CASE	CLERK
Whaley v. Menu Foods, et al. Case No.: 2:07-cv-00411-RSM USDC, Western District of Washington	USDC, Western District of Washington U.S. Courthouse 700 Stewart Street Seattle, WA 98101
Holt v. Menu Foods, Inc. Case No.: 3:07-cv-00094 USDC, Eastern District of Tennessee	USDC, Eastern District of Tennessee Howard H. Baker Jr. U.S. Courthouse 800 Market Street, Suite 130 Knoxville, TN 37902
Majerczyk v. Menu Foods, Inc.. Case No.: 1:07-cv-01543 USDC, Northern District of Illinois	USDC, Northern District of Illinois Everett McKinley Dirksen Building 219 South Dearborn Street Chicago, IL 60604
Sims v. Menu Foods Income Fund, et al. Case No.: 5:07-cv-05053-JLH USDC, Western District of Arkansas	USDC, Western District of Arkansas John Paul Hammerschmidt Federal Building 35 East Mountain Street, Suite 510 Fayetteville, AR 72701-5354
Widen v. Menu Foods, et al. Case No.: 5:07-cv-05055-RTD USDC, Western District of Arkansas	USDC, Western District of Arkansas John Paul Hammerschmidt Federal Building 35 East Mountain Street, Suite 510 Fayetteville, AR 72701-5354
Workman, et al. v. Menu Foods Limited, et al. Case No.: 1:07-cv-01338-NLH-AMD USDC, District of New Jersey	USDC, District of New Jersey Mitchell H. Cohen Building & U.S. Courthouse 4th & Cooper Streets, Room 1050 Camden, NJ 08101

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APR - 2 2007

AT 8:50 _____ M
WILLIAM T. WALSH
CLERK

**BEFORE THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

In re:

MENU FOODS, INC. PRODUCTS
LIABILITY LITIGATION

MDL Docket No. _____

**FLORIDA PLAINTIFF CHRISTINA TROIANO'S MEMORANDUM OF LAW
IN SUPPORT OF MOTION TO TRANSFER AND COORDINATE OR
CONSOLIDATE ACTIONS UNDER 28 U.S.C. § 1407**

Paul J. Geller
Stuart A. Davidson
James L. Davidson
**LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP**
120 E. Palmetto Park Road, Suite 500
Boca Raton, FL 33432
Telephone: 561/750-3000
561/750-3364 (fax)

Counsel for Florida Plaintiff Christina Troiano

Pursuant to 28 U.S.C. § 1407 and the Rules of Procedure on Multidistrict Litigation, Plaintiff in the action styled *Christina Troiano, individually and on behalf of all others similarly situated v. Menu Foods, Inc. et. al.*, CASE NO. 07-60428-CIV-COHN, United States District Court for the Southern District of Florida. Plaintiff Christina Troiano (“Troiano” or “Movant”), respectfully submits this Memorandum in Support of Florida Plaintiff Christina Troiano’s Motion for Transfer and Coordination or Consolidation. For the reasons set forth below, Movant’s lawsuit and the related lawsuits identified in the accompanying Schedule of Actions should be transferred to and consolidated in the Southern District of Florida.

I. INTRODUCTION

Troiano brings her class action to remedy the harm caused by the defective and deadly pet food manufactured and placed into the stream of commerce by Menu Foods, Inc. and its affiliates, partners and subsidiaries (collectively, the “Menu Foods Defendants” or “Defendants”). Defendants are the leading North American private label/contract manufacturer of wet pet food products (the “Products”) sold by supermarket retailers, mass merchandisers, pet specialty retailers, and other wholesale and retail outlets, including Wal-Mart, Safeway, Kroger, PetSmart, Inc., Giant Food, and other large retail chains, and has provided pet food products to or for Proctor & Gamble, Inc. Defendants produce hundreds of millions of containers of pet food annually.

Defendants design, manufacture, market, advertise and warrant their pet food Products. In conjunction with each sale, Defendants market, advertise and warrant that the Products are fit for the ordinary purpose for which such goods are used – consumption by pets – and are free from defects. Defendants produce the pet food Products intending that consumers will purchase the pet food products, regardless of brand or label name, place of purchase, or the location where pets actually consume them. The pet food Products are placed in the stream of commerce and distributed and

offered for sale and sold to Troiano and purchasers in Florida and the United States and fed to their pets.

From December 3, 2006 up to and including March 6, 2007, and possibly at other times, Defendants entered into the stream of commerce pet food Products that were deadly and defective – Defendants' pet food and pet food Products were potentially contaminated with rat poison or some other agent that contributed to the illness and/or death of thousands of dogs and cats. As a result of the defective Products, Troiano and members of the putative Class have suffered damages in that they have incurred substantial veterinary bills, death of pets, and purchased and/or own pet food and pet food products that they would not otherwise have bought had they known such products were defective.

Defendants know and have admitted that certain of the Products produced by the Defendants between December 3, 2006 and March 6, 2007 are defective and causing injury and death to pets, and on March 16, 2007, initiated a nationwide recall of some of the Products. Further, the Food and Drug Administration has reported that as many as one in six animals died in tests of the Products by Defendants last month after the Defendants received complaints the Products were poisoning pets around the country. A spokeswoman for the New York State Department of Agriculture and Markets has said that rodent poison was determined to have been mixed into the Products.

II. HISTORY OF THE PENDING LAWSUITS

The related actions, identified in the accompanying Schedule of Actions present common questions of law and fact, common defendants, and are brought on behalf of overlapping classes (*i.e.*, all persons and entities who suffered damages due to Defendants' defective pet food and pet food Products). Transfer and consolidation of all existing actions, and all subsequently filed related cases, to the Southern District of Florida will best serve the convenience of the parties and witnesses

and promote the just and efficient conduct of the litigation. Each related action is briefly discussed below.

On or about March 19, 2007, Tom Whaley, individually and on behalf of others similarly situated, filed the class action styled *Whaley v. Menu Foods, Inc., et. al.*, Case No. 2:07-cv-00411, in the United States District Court for the Western District of Washington (the "*Whaley Action*"). This complaint seeks damages and equitable relief for breach of contract, unjust enrichment, deceptive and unfair business practices, breach of warranties and negligent misrepresentation on behalf of a class of all persons who purchased any dog or cat food which was produced by the Defendants and/or has had a dog or cat become ill as a result of eating the food.

Also on March 19, 2007, Lizajean Holt, individually and on behalf of others similarly situated, filed the class action styled *Holt v. Menu Foods, Inc.*, Case No. 3:07-cv-00094, in the United States District Court for the Eastern District of Tennessee (the "*Holt Action*"). This complaint likewise seeks damages and equitable relief for deceptive and unfair business practices, breach of warranties and negligence on behalf of a class of all persons in the United States who purchased or fed his, her, or their cat(s) or dog(s) pet food produced or manufactured by Defendants that was or will be recalled by the Defendants, including that produced from December 3, 2006 up to and including March 6, 2007.

On or about March 20, 2007, Dawn Majerczyk, individually and on behalf of others similarly situated, filed the class action styled *Majerczyk v. Menu Foods, Inc.*, Case No. 1:07-cv-01543, in the United States District Court for the Northern District of Illinois (the "*Majerczyk Action*"). This complaint seeks damages and injunctive relief for breach of warranties and negligence on behalf of a class of herself and all others who purchased pet food in the United States that was ultimately subject to the March 16, 2007 Menu Foods recall.

On or about March 21, 2007, Charley Ray Sims and Pamela Sims, on behalf of themselves and all others similarly situated, filed the class action styled *Sims, et. al. v. Menu Foods Income Fund, et. al.*, Case No. 5:07-cv-05053, in the District Court for the Western District of Arkansas (the “*Sims Action*”). This complaint seeks damages for strict liability, fraud, breach of express and implied warranties and negligence on behalf of a class of (1) all persons or entities who purchased Menu Food brands at any time and disposed of or will not use the products based on publicity surrounding the safety and recall of the products; (2) all persons or entities who purchased Menu Foods products and fed products to their pets on or since December 6, 2006; and (3) all persons or entities who purchased Menu Food products from wholesale distributors on or since December 6, 2006.

On or about March 23, 2007, Jared Workman, and Mark and Mona Cohen, on behalf of themselves and all others similarly situated, filed the class action styled *Workman, et. al. v. Menu Foods Limited, et. al.*, Case No. 1:07-cv-01338, in the District Court for the District of New Jersey (the “*Workman Action*”). This complaint seeks damages for breach of express and implied warranties and negligence on behalf of a class of all persons in the United States who purchased any of the pet food brands manufactured by Defendants during the period commencing December 3, 2006, and ending March 6, 2007.

Also on March 23, 2007, Richard and Barbara Widen, and Mark and Mona Cohen, on behalf of themselves and all others similarly situated, filed the class action styled *Widen, et. al. v. Menu Foods, et. al.*, Case No. 5:07-cv-05055, in the District Court for the Western District of Arkansas (the “*Widen Action*”). This complaint seeks damages for strict liability and negligence on behalf of a class of all persons in the United States who purchased contaminated pet food from Wal-Mart that was produced by Menu Foods.

On March 26, 2007, Troiano, individually, and on behalf of all others similarly situated, filed her Complaint against Defendants alleging claims for negligence, breach of warranties, strict liability, and unjust enrichment.

III. ARGUMENT

In view of the facts outlined above, and the jurisprudence regarding multidistrict litigation set forth below, these cases should be centralized in the United States District Court for the Southern District of Florida. Transfer and consolidation is essential to permit the efficient and non-duplicative handling of these cases and the Southern District of Florida is the most appropriate venue for this multidistrict litigation.

A. The Similarity of These Class Actions Warrants Coordination and Consolidation

28 U.S.C. § 1407(a) authorizes the transfer of multiple civil actions pending in various federal districts to a single federal district court when the actions involve “one or more common questions of fact” Moreover, transfer is necessary “in order to eliminate duplicative discovery; prevent inconsistent rulings on pretrial motions, including those with respect to whether the actions should proceed as [class actions]” *In re Starmed Health Personnel, Inc. Fair Labor Standards Act Litig.*, 317 F. Supp. 2d 1380, 1381 (J.P.M.L. 2004); *see also In re Comp. of Managerial Prof'l and Tech. Employees Antitrust Litig.*, 206 F. Supp. 2d 1374, 1375 (J.P.M.L. 2002) (noting that centralization is “necessary in order to... prevent inconsistent pretrial rulings (especially with regard to class certification issues”).

The requirements for transfer under section 1407 are easily satisfied here. As discussed above, each of these pending cases (i) purport to represent a large class of individuals and/or entities who were damaged by defective and deadly pct food marketed, manufactured and/or distributed by the Defendants, (ii) assert the same or similar claims against the Defendants, and (iii) seek to recover

losses based upon those damages caused by the Defendants. To separately litigate each pending case (and subsequently filed related cases) would waste resources and present the danger of inconsistent pretrial rulings. Consolidation of these cases is particularly critical because these related actions seek class action status on behalf of the same class or overlapping classes and, as a result, there is a significant potential for conflicting or inconsistent rulings on class certification issues. Accordingly, centralization and consolidation pursuant to 28 U.S.C. § 1407 is warranted.

The consolidation and transfer of these cases would further promote the efficient adjudication of these actions. As the class actions alleged in these related cases are similar if not identical, the discovery needed in each of these pending cases will unquestionably be duplicative. To have the parties engaged in duplicative discovery in multiple complex class actions would be singularly inefficient and an unnecessary burden on the judicial system and the parties. These factors again all weigh heavily in favor of consolidating and coordinating these cases.

B. The Southern District of Florida Is the Proper Forum for These Coordinated Proceedings

Numerous factors may be considered by the Panel in determining the most appropriate transferee forum, including “convenience of the parties and witnesses.” *See In re Computervision Corp. Sec. Litig.*, 814 F. Supp. 85, 86 (J.P.M.L. 1993). Here, the balance of relevant factors weighs strongly in favor of transferring these actions to the Southern District of Florida due to its convenient location, large concentration of putative class members, experience in handling MDL proceedings, and lack of pending MDL cases.

1. The Southern District of Florida Is as Appropriate as Any Other Forum for the Parties and Witnesses

The convenience of the parties and witnesses is a critical factor in determining to which district related actions should be transferred. *See* 28 U.S.C. § 1407(a) (related actions may be transferred to a district for coordinated proceedings upon a determination that the transfer “will be

for the convenience of parties and witnesses and will promote the just and efficient conduct of such actions”). In deciding whether a particular forum is convenient, the Panel examines factors such as: where the first filed and most advanced cases are pending; the location of the parties, documents and potential witnesses relative to that district; and the location where the majority of actions have been brought. *See In re Baldwin-United Corp. Litig.*, 581 F. Supp. 739, 740 (J.P.M.L. 1984).

The Defendants in the multiple class actions are a Canadian business entity and its United States subsidiaries and/or affiliates, as well as certain other Defendant-distributors of the defective products. Each of these entities is headquartered and/or incorporated in different jurisdictions, including Canada, New Jersey, and Delaware. Of the seven lawsuits currently pending, one is pending in the Western District of Washington, one is pending in the Eastern District of Tennessee, one is pending in the Northern District of Illinois, two are pending in the Western District of Arkansas, one is pending in the District Court for the District of New Jersey, and one is pending in the Southern District of Florida. Further, upon information and belief, Defendants conduct business, and potentially have caused damages to purported class members, in all fifty states. Thus, there is no central forum that would be more convenient over any others in terms of the locations of parties, documents, and potential witnesses.

2. The Accessibility of the Southern District of Florida Warrants Transfer

While there will be a large number of class members residing in Florida, Troiano anticipates that parties to this litigation will come from all across the country and not one centralized region. Those parties residing outside of Florida will find the courthouses in the Southern District of Florida convenient and accessible by all forms of transportation. The multiple federal courthouses in the Southern District of Florida -- in, among other place, Miami, Fort Lauderdale and West Palm Beach - are all in very close proximity to airports that have direct flights on many airlines to

numerous cities across the United States. Traveling from the airport to the courthouse is also simple due to the varieties of ground transportation available. *See In re Comp. of Managerial, Prof'l and Tech. Employees Antitrust Litig.*, 206 F. Supp. 2d at 1375 (transferring cases to the District of New Jersey and noting that the District of New Jersey is an "accessible" metropolitan location that is geographically convenient for litigants and counsel). On balance, the accessibility factor favors transfer of the related actions in the Southern District of Florida.

3. The Southern District of Florida Has the Capacity and Expertise to Handle these Related Cases

A comparison of the relative MDL case loads of potential transferee districts demonstrates that the Southern District of Florida is a highly suitable forum. The judges of the Southern District of Florida have vast experience in Multidistrict litigation, having brought to termination a total of 24 cases through September 30, 2006.¹ Yet, as of March 26, 2007, the Southern District of Florida only had only one pending MDL proceeding, which is nearly in an inactive stage. Thus, while the Southern District of Florida is well versed in the nuances of Multidistrict litigation, the Southern District would not be overburdened with similar cases if these actions were transferred there.

C. No Party Is Prejudiced by the Transfer and Consolidation of These Lawsuits

Each of the related lawsuits is in its infancy. To Movant's knowledge, no party has served discovery, filed disclosures or engaged in substantive motion practice regarding these lawsuits. Because these related cases are all in their early stages, no party will be prejudiced by the transfer to the Southern District of Florida. Furthermore, since no discovery has occurred, an Order transferring

¹ Multidistrict Litigation Terminated Through September 30, 2006, available at <http://www.jpml.uscourts.gov/Statistics/TerminatedDocketsThroughSeptember2006.pdf>, viewed on March 26, 2007.

these cases to the Southern District of Florida can truly eliminate the expenses associated with the duplicative discovery that would otherwise occur in District Courts across the country.

IV. CONCLUSION

For the reasons discussed above, the Plaintiff respectfully request that the related actions identified on the accompanying Schedule of Actions, and any tag-along actions, be transferred to and consolidated in the Southern District of Florida. Accordingly, the Plaintiff respectfully request that this Panel enter an Order transferring the related actions, and any future related actions, to the Southern District of Florida.

Respectfully submitted,

DATED: March 28, 2007

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**BEFORE THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

In re:

MENU FOODS, INC. PRODUCTS
LIABILITY LITIGATION

MDL Docket No. _____

**SCHEDULE OF ACTIONS IN SUPPORT OF FLORIDA PLAINTIFF CHRISTINA
TROIANO'S MOTION TO TRANSFER AND COORDINATE OR CONSOLIDATE
ACTIONS UNDER 28 U.S.C. § 1407**

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SCHEDULE OF ACTIONS

Case Caption	Date Filed	Court	Civil Action No.	Judge
Plaintiffs: Tom Whaley Defendants: Menu Foods, The Iams Company, Dog Food Producers Number 1-50, Cal Food Producers 1-40	March 19, 2007	W.D. Washington	2:07-cv-00411	Ricardo S. Martinez
Plaintiffs: Lizajean Holt Defendants: Menu Foods, Inc.	March 19, 2007	E.D. Tennessee	3:07-cv-00094	Thomas W. Phillips
Plaintiffs: Dawn Majerczyk Defendants: Menu Foods, Inc.	March 20, 2007	N.D. Illinois	1:07-cv-01543	Wayne R. Anderson
Plaintiffs: Charles Ray Sims, Pamela Sims Defendants: Menu Foods Income Fund, Menu Foods Midwest Corporation, Menu Foods South Dakota Inc., Menu Foods, Inc., Menu Foods Holdings, Inc.	March 21, 2007	W.D. Arkansas	5:07-cv-05053	Jimm Larry Hendren
Plaintiffs: Richard Scott Widen, Barbara Widen Defendants: Menu Foods, Menu Foods Income Fund, Menu Foods General Partnership Limited, Menu Foods Limited	March 23, 2007	W.D. Arkansas	5:07-cv-05055	Robert T. Dawson

Partnership, Menu Foods Operating Partnership, Menu Foods Midwest				
Plaintiffs: Jared Workman, Mark Cohen, Mona Cohen Defendants: Menu Foods Limited, Menu Foods Inc., Menu Foods Midwest Corporation	March 23, 2007	D. New Jersey	2:07-cv-00411	Noel L. Hillman
Plaintiffs: Christina Troiano Defendants: Menu Foods Limited, Menu Foods Inc., Menu Foods Midwest Corporation	March 26, 2007	S.D. Florida	0:07-cv-60428	James I. Cohn

DATED: March 29, 2007

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