

**LITE DEPALMA GREENBERG & RIVAS, LLC**

Joseph J. DePalma, Esq.  
 Katrina Blumenkrants, Esq.  
 Two Gateway Center, 12<sup>th</sup> Floor  
 Newark, New Jersey 07102  
 Telephone: (973) 623-3000  
 Facsimile: (973) 968-3845

**NEWMAN, CREED & ASSOCIATES**

Bruce E. Newman, Esq.  
 Kevin E. Creed, Esq.  
 99 North Street, Rte. 6  
 P.O. Box 575  
 Bristol, CT 06011-0575  
 Telephone: (860) 583-5200  
 Facsimile: (860) 582-0012

*Attorneys for Plaintiff and the Class*

**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEW JERSEY**

**DOCUMENT ELECTRONICALLY FILED**

Todd Sokolowski, Individually and on  
 Behalf of All Others Similarly Situated,

Plaintiffs,

v.

MENU FOODS, INC., MENU FOODS,  
 MENU FOODS INCOME FUND, and  
 THE IAMS COMPANY

Defendants.

Civil Action No. 1:07-CV-01709 NLH-AMD

**[PROPOSED] PROTECTIVE ORDER**

This matter having been presented to the Court by Lite DePalma Greenberg & Rivas, LLC and Newman, Creed & Associates, counsel for Plaintiff, on Plaintiff's motion for a Protective Order pursuant to Rule 23(d) of the Federal Rules of Civil Procedure to supervise or limit The Procter & Gamble Company's ("Procter & Gamble") communications with Class members; and the Court having considered the motion, the Memorandum of Law, Declaration of

Joseph J. DePalma in support thereof, and any other submissions of the parties; and the Court having heard oral argument; and for good cause having been shown;

**IT IS** on this \_\_\_\_\_ day of \_\_\_\_\_, 2007, hereby **ORDERED** as follows:

1. Plaintiff's motion is **GRANTED**;
2. There will be no direct or indirect contact by Procter & Gamble with putative class members except in the circumstances described in Paragraph 3 or as authorized by this Order or future order of the Court on application of Procter & Gamble;
3. If Procter & Gamble has been responding to calls that have been initiated by putative class members, and it becomes apparent that a caller is addressing litigation or the IAMS product recall that is the subject of the litigation, Procter & Gamble will tell the caller that it is unable to comment on the matter at this time, but hopes to do so in the near future. If Risk Enterprise Management, Procter & Gamble's claims administrator receives a similar call it must also respond that it is unable to comment on the matter or that putative class member's pending claim, but hopes to do so in the near future;
4. For represented parties, Plaintiff's counsel will receive copies of the claim forms and any information sent or provided by their clients to Procter & Gamble or Risk Enterprise Management;
5. Within seven (7) days of the entry of this Order, Procter & Gamble shall produce copies of all communications to and from named representatives and absent Class members, along with any internal Procter & Gamble documents relating to Procter & Gamble's contacts with absent Class members relating to this litigation, including copies of all veterinary records or bills, all other documents or times requested and received by Procter & Gamble through its communications, and any releases obtained from absent Class members;

6. Within seven (7) days of the entry of this Order, Procter & Gamble shall produce the results of any tests performed on any pet food received from any named representatives and absent Class Members as a result of its communications, to maintain the integrity of such pet food and to cease conducting any additional testing on such pet food until such time as Plaintiff's counsel can coordinate with Procter & Gamble the shared custody of such pet food.

7. After the cases subject to the MDL motion are transferred to the MDL/Transferee Judge, if Procter & Gamble seeks to communicate with putative class members, a motion must be advanced in order to seek authority to communicate with such persons and to determine the nature of the communication; and

8. Subject to further order of the MDL/Transferee Court, Procter & Gamble will not use any information obtained from putative class members for settlement with unrepresented persons.

**IT IS SO ORDERED**

---

Hon. Noel L. Hillman, U.S.D.J.