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Menu Foods Limited
Menu Foods, Inc.,

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

JUDY McGURIMAN, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

MENU FOODS LIMITED, t/a MENU
FOODS, a Canadian business entity, and
MENU FOODS, INC., t/a MENU FOODS, a
New Jersey corporation,

Defendants

Civil Action No.: -

NOTICE OF REMOVAL

TO: Alan C. Milstein, Esq.
John M. Hanamirian, Esq.
Sherman, Silverstein, Kohl, Rose & Podolsky, P.A.
Fairway Corporate Center, 4300 Haddonfield Rd., Suite 311
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Philadelphia, PA 19103
Attorneys for Plaintiff

PLEASE TAKE NOTICE that the defendants - Menu Foods Limited t/a Menu Foods, a Canadian business entity, and Menu Foods, Inc. t/a/ Menu Foods, a New Jersey Corporation, - hereby file this Notice of Removal of the plaintiff's Class Action from the Superior Court of New Jersey to the Camden Vicinage of the United States District Court for the District of New Jersey. This Notice of Removal is pursuant to 28 U.S.C. Sections 1441 and 1446 and 1453. In support of this Notice of Removal, the defendants hereby represent as follows:

1. The plaintiff's Class Action Complaint alleges that their dog became ill as a result of consumption of pet food manufactured by Menu Foods at its Pennsauken, New Jersey location. The plaintiff's Complaint seeks certification on behalf of individuals similarly situated, which plaintiff estimates to be a Class of at least 20,000 individuals.

2. The Complaint was served via process server upon the Corporation Trust Company in New Jersey on April 12, 2007. Pursuant to 28 U.S.C. § 1441, this Notice of Removal is timely filed, as it is being filed within 30 days of defendant's service of the Summons and Complaint.

3. This action is being removed pursuant to 28 U.S.C. § 1453, captioned "Removal of Class Actions," which provides in pertinent part that "a Class Action may be removed to a District Court of the United States in accordance with § 1446...without regard to whether any defendant is a citizen of the State in which the action is brought...." The defendant further notes that this removal is in accordance with the Class Action Fairness Act.

4. The plaintiff's Complaint, which identifies a Class in excess of 20,000 individuals, including damages for the value of deceased pets, as well as veterinary costs and other incidental expenses, asserts claims that exceed the jurisdictional amount of \$5,000.

5. The plaintiff's Complaint, on its face, also presents a case of diversity of citizenship between the plaintiffs and defendants in this action. In this regard, the plaintiff is a citizen of Hatfield, Pennsylvania. The defendant Menu Foods, Limited is a Canadian business entity. The defendant Menu Foods, Inc. is a New Jersey Corporation. Furthermore, pursuant to U.S.C. §1332(d)(2)(A), diversity in a class action is established when "any member of a class of the plaintiffs is a citizen of the state different from any defendant."

6. This lawsuit is one of over 70 class actions that have been filed as a result of the allegations set forth in plaintiff's Complaint. As of the filing of this Notice of Removal, 29 class action suits have been docketed with the United States District Court for the District of New Jersey. Each of these matters has been assigned to the Honorable Noel L. Hillman, who executed an Order, dated May 2, 2007, staying all lawsuits pending resolution by the Judicial Panel on Multi-District Litigation of multiple pending Motions seeking to consolidate and transfer all pending lawsuits throughout the nation to one district. The majority of the plaintiffs seek transfer to the United States District Court for the District of New Jersey, while the defendants seek transfer to the District of Illinois.

WHEREFORE, the defendants, Menu Foods Limited and Menu Foods, Inc., request that this court enter an Order removing the case from the Superior Court of New Jersey – Camden County to the United States District Court for the District of New Jersey.

HILL WALLACK LLP

BY: Gerard H. Hanson
Gerard H. Hanson
Attorneys for Defendants

Dated: May 9, 2007