

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE Pet Foods Products : Civil Action No. 07-2867 (NLH)
Liability Litigation :
: MDL DOCKET NO. 1850
:
: ALL CASES

PRACTICE AND PROCEDURE ORDER UPON TRANSFER
PURSUANT TO 28 U.S.C. § 1407(a)

1. This order shall govern the practice and procedure in those actions transferred to this court by the Judicial Panel on Multidistrict Litigation pursuant to their order of June 19, 2007 as well as all related actions originally filed in this court or transferred or removed to this court. These actions are listed in Schedule A attached hereto. This order shall also govern the practice and procedure in any tag-along actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to Rule 1 of the Rules of Procedure of that Panel subsequent to the filing of the final transfer order by the Clerk of this Court and any related actions subsequently filed in this Court or otherwise transferred or removed to this Court.

2. The actions described in paragraph 1 of this order are consolidated for pretrial purposes.

3. All counsel must register with this Court's Electronic Case Filing ("ECF") System as an ECF User before the first pretrial conference, or within 10 days of the transfer of their case to this Court. Counsel shall register as an ECF User by completing the prescribed registration form and submitting it to the Clerk of Court. The form is available on the court's web site at www.njd.uscourts.gov. Registration as an ECF User constitutes consent to electronic service of all documents as provided in this Order in accordance with the Federal Rules of Civil Procedure and the Local Rules of this Court.

4. Following the first pretrial conference, all pleadings or other filings shall be filed electronically using this Court's ECF System. No paper service is necessary, except that one courtesy copy of each filing shall be sent directly to chambers. All papers filed in these actions shall bear the identification "MDL Docket No. 1850," and when such paper relates to all these actions, the MDL docket number shall be followed only by the notation "ALL CASES." If such paper does not relate to all of these actions the individual docket numbers assigned by the Clerk of this Court (as listed in Schedule A hereto) of those actions to which the paper relates shall also be listed.

5. Any paper which is to be filed in any of these actions shall be filed with the Clerk of this Court and not with the transferor district court.

6. Counsel who appeared in the transferor district court prior to the transfer need not enter a separate appearance before this Court.

7. When registering as an ECF User, an attorney is certifying that he/she has completed the ECF tutorial on the Court's web site or some other form of training provided by the Court. It is recommended that a PACER account be established, which can be accomplished by visiting the PACER web site at <http://pacer.psc.uscourts.gov>. After verification, the ECF User will receive an electronic notification of the user login and password.

8. If an attorney needs to file a document prior to becoming an ECF User, the document shall be submitted as a paper filing and must be accompanied by a disk or CD ROM containing the signed document in PDF format. The paper document shall be served upon each of the parties listed on the service list in accordance with the rules for service of the Federal Rules of Civil Procedure and the Local Rules of this Court, including the filing of a certificate of service.

9. Prior to the first pretrial conference, service of all papers shall be made on each of the attorneys on the Panel Attorney Service List attached hereto as Schedule L. Any attorney who wishes to have his name added to or deleted from such Panel Attorney Service List may do so upon request to the Clerk of this Court with notice to all other persons on such service list. Service shall be deemed sufficient if made upon all attorneys on the Panel Attorney Service List via the ECF System. The parties shall present to the Court at the first pretrial conference a list of attorneys for purposes of service. Only one attorney for each party separately represented shall be included on such list.

10. The Court will consider motions for the appointment of lead and/or liaison counsel for each group of parties whose interests are similarly aligned. In accordance with the procedures set forth in this Order, the parties shall file such motions no later than September 5, 2007. A formal hearing on the motions will be held at the first pretrial conference.

11. Upon remand of any of these actions the parties will be required to provide to this Court copies of any necessary and relevant papers previously filed.

12. No parties to any of these actions shall be required to obtain

local counsel in this district and the requirements of Local Rule 101.1 of this Court are waived as to any attorney appearing in these actions who is duly admitted to practice before any United States Court.

13. Hearings shall not be held on any motions filed except by order of Court upon such notice as the Court may direct.

14. Any paper filed in any of these actions which is substantially identical to any other paper filed in another of these actions shall be sufficient if it incorporates by reference the paper to which it is substantially identical. Where counsel for more than one party plan to file substantially identical papers they shall join in the submission of such papers and shall file only one paper on behalf of all so joined.

15. Any stay orders previously entered by this Court or any transferor district court are vacated.

16. Any other orders, including protective orders, previously entered by this Court or any transferor district court shall remain in full force and effect unless modified by this Court upon application.

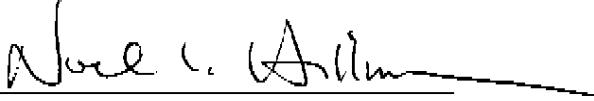
17. All discovery proceedings in these actions are stayed until further order of this Court and the time requirements to perform any acts or file any papers pursuant to Rules 26 through 37, Federal Rules of Civil Procedure, are tolled until the first pretrial conference at which time discovery schedule will be established.

18. Defendants may refrain from filing their Answers to any Complaint filed in, or transferred to, this Court until a date set by the Court at the pretrial conference.

19. The Court will be guided by the Amended Manual for Complex Litigation, Fourth approved by the Judicial Conference of the United States and counsel are directed to familiarize themselves with that publication.

20. All other matters will be discussed at the initial pretrial conference to be held on **WEDNESDAY, September 26, 2007 at 11:00 a.m.** Ten days prior to the conference, counsel shall furnish suggestions for items to be included on the agenda for this conference.

Dated: August 14, 2007
At Camden, New Jersey


NOEL L. HILLMAN, U.S.D.J.

SCHEDULE A

1. <i>Workman v. Menu Foods</i>	C.A. No. 1:07-1338	(Judge Noel L. Hillman)
2. <i>Johnson v. Menu Foods</i>	C.A. No. 1:07-1360	(Judge Noel L. Hillman)
3. <i>Wilson v. Menu Foods</i>	C.A. No. 1:07-1456	(Judge Noel L. Hillman)
4. <i>Richard v. Menu Foods</i>	C.A. No. 1:07-1457	(Judge Noel L. Hillman)
5. <i>Tinker v. Menu Foods</i>	C.A. No. 1:07-1468	(Judge Noel L. Hillman)
6. <i>Bonier v. Menu Foods</i>	C.A. No. 1:07-1477	(Judge Noel L. Hillman)
7. <i>Hidalgo v. Menu Foods</i>	C.A. No. 1:07-1488	(Judge Noel L. Hillman)
8. <i>Nunez v. Menu Foods</i>	C.A. No. 1:07-1490	(Judge Noel L. Hillman)
9. <i>Golding v. Menu Foods</i>	C.A. No. 1:07-1521	(Judge Noel L. Hillman)
10. <i>Gagliardi v. Menu Foods</i>	C.A. No. 1:07-1522	(Judge Noel L. Hillman)
11. <i>Turturro v. Menu Foods</i>	C.A. No. 1:07-1523	(Judge Noel L. Hillman)
12. <i>Schneider v. Menu Foods</i>	C.A. No. 1:07-1533	(Judge Noel L. Hillman)
13. <i>Berndl v. Menu Foods</i>	C.A. No. 1:07-1553	(Judge Noel L. Hillman)
14. <i>Pittsonberger v. Menu Foods</i>	C.A. No. 1:07-1561	(Judge Noel L. Hillman)
15. <i>Carter v. Menu Foods</i>	C.A. No. 1:07-1562	(Judge Noel L. Hillman)
16. <i>Bullock v. Menu Foods</i>	C.A. No. 1:07-1579	(Judge Noel L. Hillman)
17. <i>Johnson v. Menu Foods</i>	C.A. No. 1:07-1610	(Judge Noel L. Hillman)
18. <i>Conner v. Menu Foods</i>	C.A. No. 1:07-1623	(Judge Noel L. Hillman)
19. <i>Long v. Menu Foods</i>	C.A. No. 1:07-1624	(Judge Noel L. Hillman)
20. <i>Conti v. Menu Foods</i>	C.A. No. 1:07-1638	(Judge Noel L. Hillman)
21. <i>Freeman v. Menu Foods</i>	C.A. No. 1:07-1646	(Judge Noel L. Hillman)
22. <i>Pirches v. Menu Foods</i>	C.A. No. 1:07-1685	(Judge Noel L. Hillman)
23. <i>Diedrich v. Menu Foods</i>	C.A. No. 1:07-1700	(Judge Noel L. Hillman)
24. <i>Sokolowski v. Menu Foods</i>	C.A. No. 1:07-1709	(Judge Noel L. Hillman)
25. <i>McCullough v. Menu Foods</i>	C.A. No. 1:07-1710	(Judge Noel L. Hillman)
26. <i>Colquitt v. Menu Foods</i>	C.A. No. 1:07-1738	(Judge Noel L. Hillman)
27. <i>DeBarathy v. Menu Foods</i>	C.A. No. 1:07-1739	(Judge Noel L. Hillman)
28. <i>Byers v. Menu Foods</i>	C.A. No. 1:07-1747	(Judge Noel L. Hillman)
29. <i>Carestio v. Menu Foods</i>	C.A. No. 1:07-1762	(Judge Noel L. Hillman)
31. <i>Guercioni v. Menu Foods</i>	C.A. No. 1:07-2202	(Judge Noel L. Hillman)
32. <i>McGuriman v. Menu Foods</i>	C.A. No. 1:07-2205	(Judge Noel L. Hillman)
33. <i>Holt v. Menu Foods</i>	C.A. No. 1:07-3029	(Judge Noel L. Hillman)
34. <i>Widen v. Menu Foods</i>	C.A. No. 1:07-3157	(Judge Noel L. Hillman)
35. <i>Sims v. Menu Foods</i>	C.A. No. 1:07-3156	(Judge Noel L. Hillman)
36. <i>Osborne v. Menu Foods</i>	C.A. No. 1:07-3242	(Judge Noel L. Hillman)
37. <i>Whaley v. Menu Foods</i>	C.A. No. 1:07-3251	(Judge Noel L. Hillman)
38. <i>Heller v. Menu Foods</i>	C.A. No. 1:07-3252	(Judge Noel L. Hillman)
39. <i>Kornelius v. Menu Foods</i>	C.A. No. 1:07-3253	(Judge Noel L. Hillman)
40. <i>Johnson v. Menu Foods</i>	C.A. No. 1:07-3254	(Judge Noel L. Hillman)

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41. <i>Suggett v. Menu Foods</i>	C.A. No. 1:07-3255	(Judge Noel L. Hillman)
42. <i>Majerczyk v. Menu Foods</i>	C.A. No. 1:07-3296	(Judge Noel L. Hillman)
43. <i>Keller v. Menu Foods</i>	C.A. No. 1:07-3392	(Judge Noel L. Hillman)
44. <i>Brown v. Menu Foods</i>	C.A. No. 1:07-3423	(Judge Noel L. Hillman)
45. <i>Cavin v. Menu Foods</i>	C.A. No. 1:07-3436	(Judge Noel L. Hillman)
46. <i>Schwinger v. Menu Foods</i>	C.A. No. 1:07-3435	(Judge Noel L. Hillman)
47. <i>Light v. Menu Foods</i>	C.A. No. 1:07-3472	(Judge Noel L. Hillman)
48. <i>Roberts v. Menu Foods</i>	C.A. No. 1:07-3503	(Judge Noel L. Hillman)
49. <i>Johnson v. Menu Foods</i>	C.A. No. 1:07-3504	(Judge Noel L. Hillman)
50. <i>Brazilian v. Menu Foods</i>	C.A. No. 1:07-3515	(Judge Noel L. Hillman)
51. <i>Lowery v. Menu Foods</i>	C.A. No. 1:07-3578	(Judge Noel L. Hillman)
52. <i>Ingles v. Menu Foods</i>	C.A. No. 1:07-3580	(Judge Noel L. Hillman)
53. <i>Troiano v. Menu Foods</i>	C.A. No. 1:07-3627	(Judge Noel L. Hillman)
54. <i>Donnelly v. Menu Foods</i>	C.A. No. 1:07-3628	(Judge Noel L. Hillman)
55. <i>Boehm v. Menu Foods</i>	C.A. No. 1:07-3629	(Judge Noel L. Hillman)
56. <i>Payne v. Menu Foods</i>	C.A. No. 1:07-3667	(Judge Noel L. Hillman)
57. <i>Swarberg v. Menu Foods</i>	C.A. No. 1:07-3668	(Judge Noel L. Hillman)
58. <i>Ford v. Menu Foods</i>	C.A. No. 1:07-3669	(Judge Noel L. Hillman)
59. <i>Colliard v. Menu Foods</i>	C.A. No. 1:07-3670	(Judge Noel L. Hillman)
60. <i>Tompkins v. Menu Foods</i>	C.A. No. 1:07-3699	(Judge Noel L. Hillman)
61. <i>Cashman v. Menu Foods</i>	C.A. No. 1:07-3817	(Judge Noel L. Hillman)

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