

**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
:
: **ORDER**
:
: **ALL CASES**

This matter having been brought before the Court by Defendant Del Monte Foods Company's "Emergency Motion to Limit its Retention of Recalled Pet Treats, Food, Raw Wheat Gluten and Mixtures Containing Recalled Wheat Gluten" [87]; and

A hearing date on Del Monte's emergency motion having been set for December 20, 2007 at 2:00pm; but

Defendants, including Del Monte, having filed an "Unopposed Motion to Limit the Retention of Organized Recalled Product, Raw Wheat Gluten and Unorganized Inventory" [103]; and

It appearing that Defendants' unopposed motion resolves the relief requested in Del Monte's emergency motion; but

The Court noting that execution of the sampling plan set forth in the unopposed motion remains unresolved; and

The Court further noting that even though Del Monte agrees that the unopposed motion addresses the relief it requested in its emergency motion, it still seeks guidance from the Court with regard to these issues;

Accordingly,

IT IS HEREBY on this 18th day of December, 2007

ORDERED that Del Monte's emergency motion [87] is **DENIED AS MOOT**; and it is further

ORDERED that the hearing scheduled for December 20, 2007 at 2:00pm is **CANCELLED**; and it is further

ORDERED that if Del Monte feels that it requires guidance from the Court on any issue prior to the January 8, 2007 status conference, it may bring the issues to the Court's attention by either motion or letter; and it is further

ORDERED that if Del Monte submits such a motion or letter, Plaintiffs shall have the opportunity to respond.

s/ Noel L. Hillman

At Camden, New Jersey

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