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August 27, 2007  
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The Honorable Noel L. Hillman  
United States District Court Judge, District of New Jersey  
Mitchell H. Cohen U.S. Courthouse, Room 6020  
1 John F. Gerry Plaza  
Camden, New Jersey 08101

**Re: MDL - 1850 - *In re Pet Food Products Liability Litigation*  
*Lauri Osborne v. Menu Foods, et al.***

Dear Judge Hillman:

I am National Counsel for Menu Foods, Inc. I am responding to the August 21, 2007 letter to Your Honor by Bruce Newman, counsel for a plaintiff in a case transferred to this Court in MDL-1850. Mr. Newman requests permission to serve Menu Foods with a motion to preserve evidence that had been filed in the transferor court or, alternatively, to address the motion at the September 26, 2007 initial pretrial conference.

As an initial matter, it is puzzling that Mr. Newman chose to write to the Court without calling us first, particularly insofar as we have been discussing preservation issues with what we understood to be a representative group of plaintiffs. Had Mr. Newman reached out, we would have been able to inform him that Menu Foods already is following broad preservation orders and stipulations entered in other cases transferred to MDL-1850. (See enclosed, e.g., Stipulation Staying All Proceedings and for Preservation of Evidence entered on June 5, 2007 in *Kroshell v. Menu Foods Income Fund, et al.*, pending in U.S. District Court for the District of Minnesota; Stipulation and Order for Stay of All Proceedings and for Preservation of Evidence entered on July 6, 2007 in *Lowery v. Menu Foods Income Fund, et al.*, pending in U.S. District Court for the Northern District of California.) We agree that preservation issues should be addressed at the initial pretrial conference. In fact, the evidence being preserved includes an enormous volume of recalled pet food that is being stored at significant costs, and a group of co-defendants affected by this issue and the plaintiffs have engaged in discussions to address the preservation of the recalled pet food. We are happy to address this issue in greater detail at our initial conference scheduled on September 26th or to address any questions the Court may have in advance of the conference.

Respectfully submitted,

Handwritten signature of Amy W. Schulman in cursive.  
Amy W. Schulman