

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE PET FOODS PRODUCTS
LIABILITY LITIGATION

MDL DOCKET NO. 1850
Case No. 07-2867 (NLH)
Judge Noel L. Hillman

DECLARATION OF ANTHONY G.
BRAZIL IN SUPPORT OF
CHEMNUTRA’S MOTION TO
DESTROY ITS REMAINING
RECALLED WHEAT GLUTEN

STATE OF CALIFORNIA)
)
) SS:
COUNTY OF LOS ANGELES)

DECLARATION OF ANTHONY G. BRAZIL

1. I am an attorney at Morris Polich & Purdy LLP, attorneys of record
herein for ChemNutra Inc. The following facts are within my personal knowledge
and if called upon to do so I could and would competently testify thereto.

2. For over 6 months I have been working with co-defendants, plaintiffs
counsel and the FDA’s office of chief counsel in efforts to comply with the FDA’s
request to ChemNutra to destroy its inventory of XuZhou Anying Wheat Gluten.

3. Previously this court has heard and granted motions by Menu Foods
and Del Monte regarding a sampling, testing and destruction plan for the retained
inventory of pet food products recalled and retained by those companies. Attached

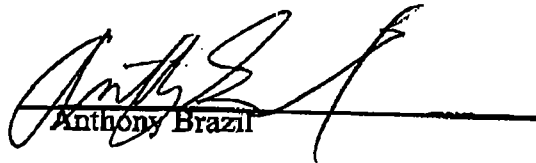
hereto as Exhibit "A" and "B" are the previously filed Motions, referenced on the Court Docket Numbers 87 and 103.

4. In accordance with the orders issued by this Court in connection with those motions, representative samples of the alleged contaminated pet foods to which pets were exposed are already being retained. It is the contents of those finished products that will determine whether or not a specific pet consumed contaminated food.

5. I have been working with the FDA's Office of Chief Counsel in trying to comply with the FDA request to ChemNutra to destroy the XuZhou Anying wheat gluten. Attached hereto as Exhibit "C" is a true and correct copy of the FDA letter requesting that ChemNutra destroy its recalled wheat gluten from XuZhou Anying. Prior to the filing of this Motion, I spoke to the FDA's Office of Chief Counsel on several occasions regarding the scope and content of this Motion. The FDA is agreeable to ChemNutra's request to destroy its recalled wheat gluten and is in agreement to conduct this destruction in accordance with and under the supervision of the FDA.

6. In addition, the US Attorney who has been investigating this incident has approved of this request. If this Court grants the requested relief, ChemNutra will implement the destruction in accordance with and under the supervision of the FDA. Attached hereto as Exhibit "D" is a true and correct copy of correspondences from the U.S. Attorney's office confirming their approval of ChemNutra's request.

I declare under penalty of perjury that the foregoing is true and correct.


Anthony Brazil