

**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 Joel L. Hillman

STIPULATION AND [PROPOSED]  
CONSENT ORDER TO DESTROY  
CHEMNUTRA'S RETAINED  
WHEAT GLUTEN STORED IN  
THE BLOOMSBURG,  
PENNSYLVANIA WAREHOUSE

**WHEREAS**, defendant ChemNutra, Inc. ("ChemNutra") brought this matter before the Court in ChemNutra's Motion to Destroy Retained Wheat Gluten (Sept. 11, 2008)(Dkt. No. 203)("Motion");

**WHEREAS**, in the Motion and related submissions, ChemNutra represented to the Court and to interested parties that among the wheat gluten it has retained is wheat gluten stored at the Steven Shannon Warehouse in Bloomsburg, Pennsylvania and that all of the wheat gluten at this location comes from the XuZhou Anying Biologic Technology Development Co. Ltd. Batch Number 20070106, Motion at 8;

**WHEREAS**, in the Motion and related submissions, ChemNutra further represented to the Court and to interested parties that ChemNutra did not sell, distribute or supply any portion of the wheat gluten from Batch Number 20070106 to any person

or entity and that, therefore, no pets would have been exposed to food containing ChemNutra supplied wheat gluten from this batch number, Motion at 8-9;

**WHEREAS**, the Court held a telephonic hearing with the parties on October 16, 2008 and ChemNutra has confirmed the representations made in its Motion;

**IT IS HEREBY STIPULATED** by the Settlement Class, by and through Plaintiffs' co-lead counsel and ChemNutra, by and through its counsel of record, that ChemNutra may immediately destroy all retained wheat gluten from Batch Number 20070106 stored at the Steven Shannon Warehouse located at 920 Millville Road, Bloomsburg, Pennsylvania 17815 upon entry by the Court of this Consent Order.

**IT IS FURTHER STIPULATED** that the destruction of this wheat gluten shall be take place in accordance with and under the supervision of the FDA.

DATED: October ~~16~~<sup>22<sup>nd</sup></sup>, 2008

HAGENS BERMAN SOBOL SHAPIRO, LLP

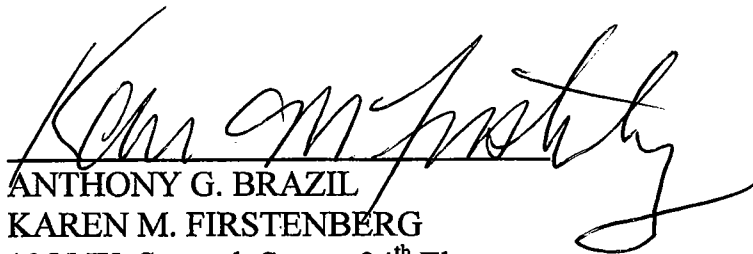


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Co – Lead Counsel For Settlement Class

DATED: October 22, 2008

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Counsel for Defendant CHEMNUTRA INC.

SO ORDERED:

Dated: October \_\_\_\_\_, 2008

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UNITED STATES DISTRICT JUDGE  
**HONORABLE JUDGE NOEL LAWRENCE  
HILLMAN**