

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEYIN RE PET FOOD PRODUCTS
LIABILITY LITIGATION

MDL Docket No. 1850 (All Cases)

Case No. 07-2867 (NLH)

The Honorable Noel L. Hillman

**EXPEDITED MOTION OF
DEFENDANTS MENU FOODS
CORPORATION AND THE
IAMS COMPANY FOR A
SHOW CAUSE ORDER**

Pursuant to Fed. R. Civ. P. 7 and L. Civ. P. 7.1, Defendants Menu Foods ("Menu Foods") and The Iams Company ("Iams") (collectively "Defendants") move this Court to enjoin Settlement Class Members Lois Slembecker and Cynthia Dotoli from pursuing their pending litigation against Defendants in violation of this Court's Order Approving Class Action Settlement, Certifying Settlement Class, Directing Entry of Final Judgment and Awarding Attorneys' Fees and Reimbursement Expenses ("Final Approval Order") entered on November 17, 2008, and its Judgment Dismissing All Defendants With Prejudice ("Final Judgment") entered on November 19, 2008.¹ Defendants also move this Court to issue an order to show cause requiring Lois Slembecker and Cynthia Dotoli, and their attorneys, to show why they should not be held in contempt for refusing to discontinue prosecution of Released Claims against Released Entities in other courts contrary to the Final Approval Order and Final Judgment. Lead Counsel for Plaintiffs in this action do not object to this Motion.

¹ Nora C. Marino (the attorney for Ms. Slembecker) and William Anastasio (the attorney for Ms. Dotoli) in the pending actions at issue have been served a copy of this Motion.

This Court should grant this Motion because: (1) Ms. Slembecker and Ms. Dotoli are Settlement Class Members who have not opted out of the Settlement Agreement; and (2) the claims in each action are "Released Claims" as defined in paragraph 6 of the Final Approval Order. Thus, pursuant to paragraphs 9 and 10 of the Final Approval Order, Ms. Slembecker and Ms. Dotoli are enjoined from prosecuting their respective actions.

Further, because the United States District Court for the Southern District of New York has scheduled a hearing and pre-trial conference on April 6, 2009, in Ms. Slembecker's action, Defendants respectfully ask for expedited consideration of this Motion and for briefing on the Order to Show Cause, pursuant to this Court's authority under L. Civ. P. 7.1(d)(2). Defendants respectfully suggest a hearing on on or about April 3, 2009, so that this Court may consider this matter in advance of the hearing and pre-trial conference in the Slembecker case on April 6, 2009. Accordingly, Defendants also respectfully suggest that Ms. Slembecker, Ms. Dotoli and their counsel be required to respond to the requested Order to Show Cause on or before March 20, 2009, Defendants will respond on or before March 25, 2009, and Ms. Slembecker, Ms. Dotoli and their counsel may reply on or before April 1, 2009.

Defendants also respectfully request that this Court award them the costs associated with enforcing this Court's Final Approval Order and the Final Judgment.

A Memorandum in Support and a Proposed Order are submitted with this Motion.

Respectfully submitted,

/s/ Mary E. Gately

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