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March 5, 2009
FILED VIA ECF

The Honorable Noel L. Hillman
U.S. District Court, District of New Jersey
Mitchell H. Cohen U.S. Courthouse
Room 6020
One John F. Gerry Plaza
Camden, New Jersey 08101

Re: In re: Pet Foods Products Liability Litigation, MDL No. 1850

Dear Judge Hillman:

As we indicated to you during the status conference on February 23, 2009, Defendants Menu Foods, Inc. and The Iams Company are filing today an Expedited Motion for Show Cause Order as to lawsuits that are barred by the release provisions of the Settlement Agreement that you approved on November 18, 2008 [Doc. No. 271]. These cases are moving forward. For example, Judge Rakoff of the Southern District of New York has scheduled a pre-trial conference and a hearing on April 6, 2009 for a motion to dismiss filed by Menu Foods and The Iams Company. Accordingly, we are requesting expedited treatment of this matter.

Specifically, due to a hearing and pre-trial conference on April 6, 2009 in one of the cases that is the subject of the Motion, Defendants respectfully suggest that this Court schedule a hearing for Defendants' Expedited Motion on or about April 3, 2009. Accordingly, Defendants also respectfully suggest that the individuals subject to the requested show cause order, Ms. Slembecker, Ms. Dotoli and their counsel, be required to respond 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, 2009.¹

¹ Defendants are aware of one or more additional cases by individuals who failed to opt of settlement, but that are not a subject of Defendants Expedited Motion for an Order to Show Cause. The parties currently are trying to resolve these cases without the need for this Court's intervention, so it is not yet clear if Defendants will need to seek entry of an Order to Show Cause with regard to those cases. Defendants did not want to delay filing an Expedited Motion for an Order to Show Cause while they attempt to resolve other cases due to the hearing and pre-trial conference scheduled for April 6, 2009 in the Slembecker case, as discussed further in the Motion.



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Thank you for your consideration. If you have any questions, please let me know.

Respectfully,

A handwritten signature in black ink, appearing to read 'Mary E. Gately'.

Mary E. Gately

cc.: Nora C. Marino (counsel for Lois Slembecker, served via e-mail)
William Anastasio (counsel for Cynthia Dotoli, served via e-mail)