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FILED VIA ECF
VIA FACSIMILE (856-757-5070)

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:

This letter responds to the Friday, March 13, 2009 letter from Nora Constance Marino to the Court seeking an extension of time to respond to the Court's Show Cause Order [Doc. No. 307]. Counsel for Menu Foods, Inc. ("Menu Foods") and The Iams Company ("Iams") object to the request for an extension for several reasons.

First, as this Court may recall, the Show Cause Order was issued after Menu Foods and Iams filed an Expedited Motion for Show Cause Order [Doc. No. 305]. This Court exercised its authority, pursuant to L. Civ. P. 7.1(d)(2), to establish an expedited briefing schedule. We object to Ms. Marino's request for extension, and respectfully request that this Court retain the briefing schedule established by this Court on March 6, 2009.

As we explained in the Expedited Motion for Show Cause [Doc. No. 305] and my March 5, 2009 letter to this Court [Doc. No. 306], the related case, Lois Slembecker v. Menu Foods, Inc. and The Iams Company, United States District Court for the Southern District of New York, 08-CV-10217, is moving forward at the direction of Ms. Marino, as counsel for Ms. Slembecker. Menu Foods and Iams filed a Motion to Dismiss or Alternatively to Stay in the Slembecker case, seeking to dismiss or stay that action pending the interpretation of the Settlement by this Court. Last week Ms. Slembecker obtained an extension to respond to the Motion to Dismiss or, in the Alternative Stay with the Southern District of New York (requiring a response in opposition by March 30, 2009, our reply by April 8, 2009, and oral argument by April 27, 2009). She is simply seeking to delay resolution of the issue by this Court, the only one with jurisdiction to do so.

Second, the proper interpretation of the Settlement, which is the issue raised in the Slembecker case should be decided by this Court. In the Final Approval Order and Final



The Honorable Noel L. Hillman
March 16, 2009
Page Two

Judgment, this Court dismissed all claims against Menu Foods and Iams with prejudice, and expressly retained jurisdiction over this action and all Settlement Class Members "for purposes of supervising, administering, implementing, enforcing, and interpreting the Settlement . . . and over enforcement of the Final Approval Order and [Final] Judgment, including but not limited to the injunctions [prohibiting Settlement Class members from prosecuting Released Claims against Released Entities]." Id. at ¶ 22. Any matters pertaining to the Settlement and the Orders issued by this Court, including the bar order that prohibits Ms. Marino from litigating her case in New York, should be decided by this Court.

Understanding the above, we asked this Court to exercise its authority under L. Civ. P. 7.1(d)(2) to modify the briefing schedule by order because the United States District Court for the Southern District of New York had scheduled a hearing and pre-trial conference in the Slembecker matter for April 6, 2009 (this hearing has now been extended at Ms. Marino's request until April 27, 2009). Specifically, Menu Foods and Iams respectfully suggested a hearing on or about April 3, 2009, so that this Court could consider this matter in advance of the hearing and pre-trial conference in the Slembecker case. Based on this schedule, Menu Foods and Iams also requested 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, with a response by Menu Foods and Iams on or before March 25, 2009, and a reply by Ms. Slembecker, Ms. Dotoli and their counsel on or before April 1, 2009. This Court granted the request and set an expedited briefing schedule for the Expedited Motion to Show Cause.

We object to Ms. Marino's request for extension, and ask that this Court retain the briefing schedule established by this Court on March 6, 2009 [Doc. No. 307]. We are responding by letter to Ms. Marino's request since she initiated the request in a letter to you.

Very truly yours,

A handwritten signature in blue ink that reads 'Mary E. Gately'.

Mary E. Gately

MEG/lrc

cc: Nora C. Marino (Counsel for Lois Slembecker, served via email, facsimile and first class mail)
William Anastasio (Counsel for Cynthia Dotoli, served via email, facsimile and first class mail)
D. Jeffrey Ireland (Counsel for The Iams Company and Defendants Liaison Counsel)