

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE: PET FOOD PRODUCTS
LIABILITY LITIGATION

MDL Docket No. 1850 (All Cases)

Civil Action No. 07-2867 (NLH)

Judge Noel L. Hillman

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

Pursuant to Fed. R. Civ. P. 7 and L. Civ. P. 7.1, Defendants The Iams Company ("Iams") and the Menu Foods Defendants ("Menu Foods") move this Court to enjoin Settlement Class Members Kyung Oh and Michelle Barrett from pursuing their pending litigation against Iams and against Menu Foods, respectively, 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. Iams and Menu Foods also move this Court to issue an order to show cause requiring Mr. Oh and Ms. Barrett to show why they should not be held in contempt for refusing to discontinue prosecution of Released Claims against Iams and Menu Foods 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.

This Court should grant this Motion because: (1) Mr. Oh and Ms. Barrett are Settlement Class Members who have not opted out of the Settlement Agreement; and (2) the

claims in their respective state court actions 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, Mr. Oh and Ms. Barrett are enjoined from prosecuting his pending litigation.

Further, because the Superior Court of Los Angeles County (Pomona, CA) has scheduled a hearing on June 2, 2009, in Mr. Oh's action, Iams respectfully asks 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).

A Proposed Order is attached to this Motion.

Respectfully submitted,

/s/ Mary E. Gately
Mary E. Gately
Cristen Sikes Rose
DLA PIPER U.S. LLP
500 8th Street, N.W.
Washington, D.C. 20004
Telephone: (202) 799-4507
Telecopier: (202) 799-5507
Email: mary.gately@dlapiper.com

Liaison Counsel for Defendants and
Attorneys for Menu Foods Defendants

/s/ D. Jeffrey Ireland
D. Jeffrey Ireland
Laura A. Sanom
Brian D. Wright
FARUKI IRELAND & COX P.L.L.
500 Courthouse Plaza, S.W.
10 North Ludlow Street
Dayton, OH 45402
Telephone: (937) 227-3710
Telecopier: (937) 227-3717
Email: djireland@ficlaw.com

Liaison Counsel for Defendants and
Attorneys for Defendant
The Iams Company