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May 29, 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:

I am counsel for Menu Foods and Co-Liaison Counsel for the Defendants. I am writing to advise the Court that one of the two Settlement Class Members subject to this Court's Order to Show Cause dated May 20, 2009 [D.E. 340] has dismissed her action. Specifically, Michelle Barrett has dismissed her action captioned Barrett v. Wal-Mart Stores, Inc. and Menu Foods Midwest Corporation (Shelby Circuit Court, Indiana, Case No. 73C01-0903-CT-7). A copy of the dismissal order is attached. Menu Foods does not seek any further relief related to Ms. Barrett.

Please note that Menu Foods understands that the other action that is a subject of this Court's Order to Show Cause dated May 20, 2009 remains pending. This action was filed by Settlement Class Member Kyung Oh and is captioned Oh v. Iams (Superior Court of California, Case No. 09S500321). Accordingly, the motion and request for relief related to Settlement Class Member Oh and the Oh action is not withdrawn.

Respectfully,

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

Mary E. Gately

cc.: Jerry Lux (counsel for Michelle Barrett, served via e-mail)

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STATE OF INDIANA)
)SS:
COUNTY OF SHELBY)

IN THE SHELBY CIRCUIT COURT
CAUSE NO. 73C01-0903-CT-007

MICHELLE A. BARRETT,)
)
Plaintiff,)
)
vs.)
)
WAL-MART STORES, INC. and)
MENU FOODS MIDWEST)
CORPORATION,)
)
Defendants.)

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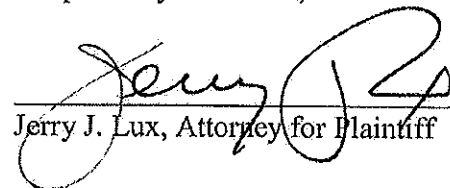
MAY 21 2009

Charles A. O'Connor
JUDGE SHELBY CIRCUIT COURT

MOTION TO DISMISS

Comes now Plaintiff, Michelle A. Barrett, by counsel, Jerry J. Lux, and moves the Court to dismiss the cause of action herein pursuant to the United States District Court for the District of New Jersey, rulings in the cause of action entitled In Re: Pet Food Products Liability Litigation, mdl Docket No. 1850, Civil Action No. 07-2867.

Respectfully submitted,


Jerry J. Lux, Attorney for Plaintiff

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