

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

Civil Action No. 07-2867 (NLH)

MDL Docket No. 1850

ORDER**ALL CASES**

This matter having been brought before the Court by Defendants' Motion for Issuance of Order to Show Cause for an Order Allowing for the Destruction of Recalled Wheat Gluten, Recalled Rice Protein Concentrate and Other Ingredients Allegedly Containing Melamine Being Stored by Defendants in the Possession of Such Ingredients (the "Motion") [317]; and

This Court having found that good cause has been shown as to the need to destroy the recalled wheat gluten, recalled rice protein concentrate and other ingredients allegedly containing melamine for the safety and welfare of the general public; and

This Court having entered an Order on June 17, 2009 [347] granting the Motion, but having stayed such order for 90 days or pending further order of the Court; and

This Court's June 17, 2009 Order [347] having permitted Defendants to destroy the recalled wheat gluten, recalled rice protein concentrate and other ingredients allegedly containing melamine on or after September 17, 2009; and

Class Counsel for Plaintiffs having advised this Court by letter dated July 17, 2009 [356] that they do not object to destruction of the recalled wheat gluten, recalled rice protein concentrate and other ingredients allegedly containing melamine, but having raised concern related to notice of the destruction to the opt outs from the Settlement; and

In light of the foregoing, counsel for Defendants having requested that individuals who excluded themselves from the Settlement of this matter be provided with notice that the recalled wheat gluten, recalled rice protein concentrate and other ingredients allegedly containing melamine will be destroyed on or after September 17, 2009.

Accordingly,

IT IS HEREBY on the 3rd day of August

ORDERED that any individual who objects to the destruction of the recalled wheat gluten, recalled rice protein concentrate or other ingredients allegedly containing melamine in accordance with this Court's June 17, 2009 Order [347] must provide written notice to this Court and to Defendants no later than August 31, 2009. Written objections, if any, should be sent to this Court with copies to Liaison Counsel for Plaintiffs and Co-Liaison Counsel for Defendants Mary E. Gately at the following addresses:

Clerk of the Court
United States District Court for the District of New Jersey
Mitchell H. Cohen U.S. Courthouse
1 John F. Gerry Plaza
Camden, NJ 08101

with a copy to:

Lisa J. Rodriguez
Liaison Counsel for Plaintiffs
Trujillo Rodriguez & Richards, LLC
258 Kings Highway East
Haddonfield, NJ 08033

with a copy to:

Mary E. Gately
Co-Liaison Counsel for Defendants
DLA Piper US LLP
500 8th Street, NW
Washington, DC 20004

All objections must:

- (a) Identify that they are in reference to *In re Pet Food Products Liability Litig.*, MDL No. 1850, Case No. 07-cv-02867 (NHL);
- (b) State the name and address of the person objecting;
- (c) State in full and complete detail the legal and factual basis for the objection;
- (d) Identify in detail the specific testing the objector wishes to perform and the process for sampling the recalled wheat gluten, recalled rice protein concentrate or other ingredients allegedly containing melamine;
- (e) Identify the testing procedures proposed; and
- (f) Identify the procedures for ensuring that any recalled wheat gluten, recalled rice protein concentrate or other ingredients allegedly containing melamine obtained for testing are maintained so as not to create risks to the safety and welfare of the general public.

And it is further

ORDERED that any individual seeking to undertake such testing must assume all costs associated with such testing or file with the objection a brief stating why such costs should be borne, either wholly or in part, by another party. A copy of this brief must be received by this Court, Liaison Counsel for Plaintiffs, and Co-Liaison Counsel for Defendants at the addresses above no later than August 21, 2009.

And it is further

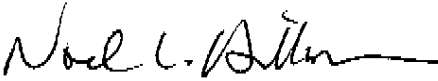
ORDERED that a response to objections and briefs related to costs, if any, may be filed by August 28, 2009.

And it is further

ORDERED that the Claims Administrator for the Settlement shall serve a copy of this Order on each of the individuals who opted out of the Settlement by First Class mail within five (5) business days of the entry of this Order.

SO ORDERED.

At Camden, New Jersey



Noel L. Hillman, U.S.D.J.