

ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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TODD SOKOLOWSKI,

PLAINTIFF,

-VS-

IAMS COMPANY, ET AL,

DEFENDANTS

CIVIL ACTION NUMBER:

07-1709 (NLH)

UNITED STATES
DISTRICT COURT

TELEPHONE CONFERENCE CALL

FRIDAY, JULY 6, 2007

MITCHELL H. COHEN UNITED STATES COURTHOUSE
1 JOHN F. GERRY PLAZA,
CAMDEN, NEW JERSEY, 08101

B E F O R E:

THE HONORABLE NOEL L. HILLMAN, UNITED STATES
DISTRICT COURT JUDGE, DISTRICT OF NEW JERSEY,
SITTING AT CAMDEN, NEW JERSEY.

A P P E A R A N C E S:

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WEXLER, TORISEVA, WALLACE, L.L.P.,
BY: MARK J. TAMBLYN, ESQUIRE
ATTORNEY FOR PLAINTIFF MENU FOODS

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BY: FRANCIS M. HADDEN, ESQUIRE,
7 ATTORNEY FOR DEFENDANT IAMS CORPORATION

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BY: D. JEFFREY IRELAND, ESQUIRE,
9 AND
BRIAN D. WRIGHT, ESQUIRE,
10 ATTORNEY FOR DEFENDANT IAMS CORPORATION

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14 STEPHEN J. DANER, C.C.R., RPR
OFFICIAL COURT REPORTER

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1 (The following takes place telephonically before the
2 Honorable Noel L. Hillman, United States District
3 Court, District of New Jersey, sitting at Camden,
4 New Jersey, July 6, 2007)

5 THE COURT: This is Judge Hillman.

6 Could I get appearances, please?

7 MR. HADDEN: Frank Hadden, from the Gibbons
8 firm, on behalf of Iams.

9 MR. IRELAND: Jeff Ireland and Brian Wright,
10 from Faruki, Ireland and Cox, on behalf of the
11 defendant, the Iams Company.

12 MR. PAUL: Russell Paul, from Berger and
13 Montague, on behalf of plaintiff.

14 MR. TAMBLYN: Your Honor, Mark Tamblyn,
15 Wexler, Toriseva and Wallace, in Sacramento, on
16 behalf of plaintiffs.

17 MR. KAMBER: Scott Kamber, Kamber and
18 Associates, on behalf of plaintiffs.

19 MR. CREED: Kevin Creed, Newman, Creed and
20 Associates, on behalf of plaintiffs.

21 MS. RODRIGUEZ: Also Lisa Rodriguez on
22 behalf of plaintiffs.

23 THE COURT: We have heard of her, right?

24 If you could for Mr. Daner's purposes and
25 everyone else involved in the process here, to state

1 your name before you speak so that we can get the
2 accurate, an accurate transcript and record here.

3 Let me see, I received a letter from the,
4 joint letter from Mr. Hadden and Mr. Paul, which
5 lists, I think all of you on here, or most of you on
6 here are cc's.

7 There are just two issues that I had.

8 First of all, let me thank all of you for
9 your efforts to reach a resolution. This helps
10 advance the ball substantially, and it's appreciated
11 by me personally, and I think for the efficient
12 adjudication of these various matters that this is
13 as I said a significant advance, so thank all of
14 you.

15 Thanks to all of you.

16 My question, first question had to do with
17 the second letter which I realized is probably the
18 most complicated set of circumstances, but I,
19 frankly, felt a little muddle-headed at the end of
20 it. There's a lot in there.

21 I wanted to suggest to you that perhaps it
22 would benefit from some headings. I know it's
23 delineated with first, second, and third, and
24 finally, but perhaps a way to kind of lay out the
25 options, if you will, to a recipient in an outline

1 kind of form through the use of just a simple
2 heading.

3 MR. PAUL: We completely agree, and I will
4 say it's definitely in one of our drafts that the
5 defendants would not --

6 THE COURT: We don't have the best
7 equipment here so speak as slowly and not too loudly.
8 Let me turn the volume -- it came across a little
9 distorted. Repeat it.

10 MR. PAUL: I will say that we strongly agree
11 that there should be headings that were definitely
12 in one of our earlier drafts. The defendants did
13 not agree at the time so that got dropped in the
14 course of the negotiations.

15 THE COURT: Perhaps I can hear from Iams
16 about whether they would reconsider some simple
17 headings to make it a little more comprehensible to
18 a lay person.

19 MR. IRELAND: Certainly to the extent you
20 are asking us to reconsider that, we will absolutely
21 do so. In the course of discussing the letter not
22 only with the plaintiff's counsel but also with the
23 customer service people who are ultimately
24 responsible for sending out the letter and
25 responding to questions about it, they thought it

1 was more consistent with the way they have done
2 things in the past to not have headings. It's as
3 simple as that.

4 If the Court would like us to consider, you
5 know, interjecting some headings, we will certainly
6 do so.

7 THE COURT: I think it might be worthwhile
8 and I appreciate you having another discussion with
9 them. It may be easier for someone on the --
10 discussing this with the recipient of the letter to
11 say, oh, so you want to go with option 3, or you're
12 in the circumstances of option 3. Have you
13 considered that paragraph, or you're invoking the
14 options described in option 1, or whatever it may
15 be? It may actually be a simple roadmap for them to
16 have more meaningful discussions.

17 So I would, I appreciate you raising it
18 with them again, and if you could discuss that again
19 with the plaintiffs, I would appreciate it.

20 MR. IRELAND: We will do that.

21 THE COURT: The other issue is, since we
22 are still in the early stages of the MDL and I have
23 not designated liaison counsel or otherwise sorted
24 through those issues, and while I recognize that
25 there are a number of plaintiff's counsel involved

1 in this process, and are on this phone call, I don't
2 want to be in a situation of finding out that
3 there's a plaintiff's lawyer who has a case that I
4 clearly have jurisdiction over against Iams, who has
5 not had an opportunity to at least review this and
6 interpose any objections.

7 Are there individual lawyers who now have a
8 case pending before me against Iams who were not
9 involved in this, and if so, would you object to me
10 filing under the MDL number the letter and the final
11 four versions, and giving notice through that
12 mechanism to those lawyers so that they might have a
13 week to raise any objections?

14 MR. PAUL: I think I would like to ask Mark
15 Tamblin to respond because he knows a lot of cases
16 involved.

17 MR. TAMBLIN: We would certainly have no
18 objections to that at all. And I think that's why
19 counsel -- I am aware of other firms that have one
20 or more cases against Iams and/or Proctor & Gamble,
21 and I can provide the names of those firms to Your
22 Honor.

23 My firm also has a case against Proctor &
24 Gamble, and I have been involved in this process.
25 So we can figure out the best way to -- I guess Your

1 Honor's idea is to communicate that through the ECF.

2 THE COURT: At a minimum. In a perfect
3 world we would try to assemble a list and also send
4 them hard copies.

5 MR. TAMBLYN: I'm happy to assemble the list
6 with the information I have and go and update it
7 through pacer. But I'm also happy to call the
8 lawyers involved as well.

9 THE COURT: That's very helpful and much
10 appreciated.

11 Part of that involves asking Iams, despite
12 their substantial efforts here to delay until the
13 16th to recommence the reimbursement program.

14 I just want to put this on the record, give
15 people an opportunity to comment, if at all, and
16 then, then, then issue the go.

17 Would -- Mr. Hadden, do you see any
18 problems with asking you to delay a week to make
19 sure that everyone who is a stakeholder here had a
20 chance to comment?

21 MR. HADDEN: It's not such a problem, but a
22 concern. Iams had agreed to stand down from its
23 settlement portion of the reimbursement program
24 voluntarily while we attempted to work this out with
25 plaintiff's counsel.

1 We have been involved in extensive
2 negotiations in a compressed period of time, but it
3 was with the reassurance that we received, that a
4 majority of cases were represented by the attorneys
5 that were involved in this process. My concern is
6 that, and I understand the Court's desires to look
7 down the road and prevent any future issues that it
8 may feel it doesn't want to deal with, but it places
9 us in a position perhaps where -- as new attorneys
10 come in, are these issues going to be reopened for
11 Iams, where we will be asked to once again change
12 our process and enter new negotiations? It feels
13 like more than just multiple bites at the apple, and
14 feels as if plaintiffs are being offered the
15 opportunity to come at us with multiple
16 perspectives, multiple times and get multiple
17 maximum effects. I'm not sure that that places Iams
18 in a fair position.

19 THE COURT: Well, I'm supposed to be fair
20 to both sides, and certainly within my ability to
21 say this achieves the result that I wanted to
22 achieve, and unless the objection is substantial and
23 truly meaningful, and I'm not suggesting I'm going
24 through the process just to go through the process,
25 but I just want to make sure that everybody who

1 should have a chance, has a chance. But ultimately
2 I have to make a call about the substance of the
3 communication. At some point it would become
4 trivial or not worth the effort, and indeed
5 burdensome.

6 I'm not suggesting opening up the whole
7 process or starting from scratch, or even making
8 wholesale changes that are unwarranted. Only fair
9 notice, and only the most important issues that
10 ultimately would be important to you to be
11 considered.

12 MR. HADDEN: I appreciate the Court's
13 concern. The particular, the competing interest is
14 the fact that us changing our process, changes our
15 communications with our customers in the lifeblood
16 of our business is our relationship with customers,
17 our ability to respond to their needs and concerns,
18 and communicate freely with them, and we have put a
19 stop to that and did it voluntarily.

20 I guess Iams believes, and have some
21 confidence in the system it has in place.

22 The communication it generated over time,
23 and the efforts that we have made to not only comply
24 with what we think our legal requirements are to the
25 cases's that address these issues, but Your Honor's

1 concerns and all of the plaintiff's attorneys that
2 we have been negotiating with. I'm just concerned,
3 number 1, I appreciate Your Honor's request that
4 we'll stand down and extend that further. I would
5 ask Your Honor to reconsider that request and allow
6 us to go ahead with what we have accomplished in a
7 very short period of time, making what I believe are
8 substantial concessions, perhaps. I know
9 plaintiff's counsel feel the same way. But in light
10 of the effort made, in light of what we have
11 accomplished, if Your Honor could allow Iams to go
12 forward with its program, get things back where they
13 were in the sense with the new communications in
14 place and allow us to continue to do business and to
15 communicate with our customers. I think that would
16 be helpful. And is important to the company.

17 That's why, Your Honor, we did ask for
18 permission to go ahead with the Court's approval to
19 go ahead and recommence the program.

20 I understand Your Honor's interest in
21 placing this perhaps on the electronic system, and I
22 think there's no disagreements with that, but we
23 would ask for Your Honor's permission to go ahead
24 and move forward with our program in light of
25 everything that's been accomplished to date.

1 MR. CREED: Your Honor, if the Court is
2 asking until the 16th, how long will it take for the
3 letter go out? I don't think we should consider
4 that no program should be reinstated until after
5 people received those letters. The vast majority of
6 the people won't receive the letter until the 11th
7 or 12th or the 13th, then that would be prudent they
8 could begin the program again on the 16th. The
9 whole reason we are going through this exercise is
10 to make sure people are aware of their rights and
11 they -- I would suspect it would be, defeat that
12 purpose and the defendants are calling people
13 starting Monday or Tuesday, and they haven't gotten
14 the letter, yet.

15 THE COURT: Well --

16 MR. HADDEN: The following Monday would be
17 the appropriate time.

18 THE COURT: My sense is it's not actually
19 how it works. These are, that the customer service
20 representative have these various options available
21 to them and they're used in almost a reactive way
22 when they get the calls into the call center. They
23 identify which category they fall into. Some are
24 proactive in the sense that they had prior
25 communications and would reach out, but it's

1 actually the sending of the letter prior to full
2 opportunity to comment, that's the problem I'm
3 trying to avoid because this may very well be the
4 solution to the larger problem. But once I endorse
5 it, it becomes a benchmark for not only
6 communications between Iams and its customers, but
7 Menu Foods and its customers, and the class as a
8 whole.

9 So I have an independent institutional
10 interest, and I believe a fiduciary obligation under
11 the cases to insure that this communication, these
12 communications, although agreed to by the parties in
13 this particular case, are the right thing to do for
14 all of the cases. And the best way for me to do
15 that, or to raise my comfort level, is to maximize
16 the various stake holders' exposure to this
17 proposal, and to use it as an opportunity for
18 someone to bring any defects to my attention.

19 This is just one of a bunch of cases, and
20 only one defendant among many defendants.

21 MR. HADDEN: It may help Your Honor's
22 comfort level if you heard what we had heard over
23 the past week and-a-half from plaintiff's counsel
24 identifying how broad their client base is and what
25 proportion of this class they think they already

1 represent. That may give Your Honor a greater
2 comfort level than you currently have.

3 THE COURT: Well, let me -- was it Mr.
4 Tamblyn who offered to identify other potential
5 plaintiff's lawyers in cases against Iams?

6 MR. TAMBLYN: Yes, Your Honor. I have had
7 conversations very recently with a group of
8 attorneys that have, I believe a case in Wisconsin
9 against Proctor and Gamble and Iams that is moving
10 very rapidly in the Southern District of New York
11 before Judge Rakoff.

12 THE COURT: Right.

13 MR. TAMBLYN: That's the Wolf Holderstein
14 firm. Larry Drewry in Chicago, and Progressive, Log
15 Rhythm in Chicago. I am not aware, although I will
16 look at my chart, but I'm not aware of other
17 plaintiff's counsel who has cases against Iams and
18 Proctor and Gamble, other than that group of
19 attorneys working together.

20 We are all communicating with each other,
21 but I learned very recently that given the
22 proceedings moving very rapidly in the Southern
23 District of New York and the pace there, that the
24 Wolf Holderstein firm would like to, I think they
25 would appreciate input, if Your Honor is inviting

1 that. So I would be remiss to say that, you know,
2 that there are other counsel out there that, that I
3 would speak for before Your Honor that would not
4 want to have that input. And, so it's not a broad
5 universe of firms, but I am aware of a couple firms
6 that have those cases, and particularly the case
7 that's moving in New York.

8 MR. KAMBER: I can confirm with what Mr.
9 Tamblyn has said that it is consistent with Your
10 Honor, should give you some comfort. And certainly
11 is the plaintiff's who have been involved in this
12 process, have been in consultation with many other
13 cases around the country, both with attorneys
14 formally with cases against Iams, and many attorneys
15 who have clients who purchased products from Iams,
16 but have not amended their complaints bringing in
17 Proctor and Gamble and Iams.

18 It is fair to say both through this process
19 and the other processes which we engaged in before
20 Your Honor, that between Mr. Paul's group and my
21 self, and the other attorneys on the line, there
22 certainly is a very broad cross-section, but I do
23 agree with Mr. Tamblyn's sentiments that given, you
24 know, only putting on ECF only a week here, and
25 given Iams should have some comfort knowing the vast

1 majority of the cases and clients in the country
2 have been represented in the discussions with them,
3 that I think that it would certainly be better safe
4 than sorry to allow some additional times so that
5 any other cases might be able to be heard from, and
6 in particular, I think the Southern District of New
7 York situation, because I think that, they probably
8 have a slightly, because of Judge Rakoff's most
9 recent scheduling order, that they have a slightly
10 different prospective, possibly, than those people
11 who are on the phone and who are before Your Honor.

12 THE COURT: Well, let me take that last
13 part, last.

14 Mr. Hadden, certainly Iams knows by whom
15 its been sued.

16 MR. IRELAND: On behalf of Iams, and of
17 course we do, Your Honor. I don't have the list in
18 front of me. I'm not in my office in Dayton, but I
19 think there's 17 or so cases in which Iams has been
20 identified as, or Proctor and Gamble has been
21 identified as a defendant. We are certainly under
22 the impression, as was Hadden in the discussions
23 over the last week when talking to plaintiff's
24 lawyers who represented the vast majority of the
25 putative class in the cases before you.

1 THE COURT: I'm just -- I'm just, the gap
2 I'm trying to close is just the gap involving Iams
3 and Proctor and Gamble. Between the -- closing the
4 gap between the vast majority and all.

5 Is there a way that counsel for
6 Iams/Proctor and Gamble could work with Mr. Tamblyn
7 to identify all of the lawyers in those 17 cases?

8 MR. IRELAND: The answer to that, Your
9 Honor, is, yes, and the only thing we would ask for,
10 as Mr. Hadden alluded to, we would like to move this
11 process along as swiftly as possible. I think the
12 plaintiff's lawyers would tell you that, given that
13 we were in Camden on Wednesday, due to the storm it
14 took us an entire day to get back to Dayton, that we
15 negotiated, we negotiated over the weekend, and
16 didn't meet your timetable of Tuesday, but we did
17 get something to you on Thursday, working around the
18 4th of July holiday, and we did voluntarily agree to
19 do what you had asked, and we just would like a
20 procedure to move along as quickly as possible so
21 that we don't get tied down to objections and briefs
22 and things that will delay our going forward with
23 this aspect of our program, which I think everyone
24 agrees at its heart is a pretty good program.

25 MR. HADDEN: To just add a point. We've

1 heard in the past that the plaintiff's counsel are
2 fairly well connected to -- that there is free
3 communication. I know in the Workman case there was
4 an offer to put together a list of plaintiff's
5 counsel and things like that, and a list of who is
6 representing people and who they are. So it sounds
7 like a pretty good network that is available to
8 counsel.

9 I would think if the papers were filed
10 electronically on the system the word could go out
11 through plaintiff's counsel that they are there, and
12 let us move forward, and the papers have been filed.
13 They are available. And whatever results from the
14 network, results.

15 MR. KAMBER: I think the most efficient part
16 of the way to deal with the problem would be to put
17 on ECF. I think it's fairly certain based on the --
18 putting it on ECF is, based upon the phone
19 conversation and all of us reporting to the various
20 firms with which we are working, I would agree with
21 defendants that I think in a relatively short order
22 everybody would, who had not yet commented, would
23 certainly be able to comment. And I think we should
24 be able to, you know, in a week to 10 days be able
25 to have the certainty that the gap that Your Honor

1 is concerned about, is closed, and in fact that all
2 firms have been heard from.

3 MR. HADDEN: The concern is, if we allow the
4 period to pass, if Iams is prevented from
5 recommencing the program it voluntarily stepped away
6 from, that if any objection is raised, or any
7 comment or different prospective is brought to bear,
8 that that is going to delay the process further, and
9 to be in an extended period of time before it can be
10 raised, assessed, responded to, and/or negotiated.

11 So, and I appreciate the Court's concern.
12 I appreciate the Court's interest in trying to avoid
13 a problem down the line, but I think the competing
14 balance here, and competing interest is Iams'
15 ability to communicate freely with its customers
16 with notice, and it seems that we worked that out
17 with people who represent the majority of cases
18 directed against this company, and they are
19 satisfied with the outcome. They have agreed to it.

20 Let me rephrase that. Both parties having
21 agreed to it. We would like to move forward on that
22 basis.

23 THE COURT: Well, I'm caught between a rock
24 and a hard place. I, my authority is limited to
25 cases in controversy. I had an application to

1 enjoin the Iams Company, and they were consistent
2 with their other efforts, which I think were
3 undertaken in good faith, voluntarily agreed to
4 suspend their conduct, and to engage in a dialog
5 with the individual plaintiff's counsel who filed
6 the application with me, who are working very
7 closely with other interested stake holders on the
8 plaintiff's side. And they have reached an
9 agreement.

10 One view of this is that I no longer have
11 before me -- Mr. Paul, you correct me if I'm wrong,
12 but I don't have a pending matter, application with
13 regard to the Iams Company.

14 I appreciate you reporting back to me, but
15 my sense of this is that, consistent with the
16 restraint that I need to exercise when it comes to
17 the rights of the defendants to settle their
18 differences with others, that it would probably be
19 wrong for me to try to put a halt to this simply
20 because there are larger issues at stake. I say
21 that, mindful that if, and I think Iams should take
22 this into consideration, if it turns out an
23 objection is made later that something about this is
24 not completely accurate, or that it is, again,
25 misleading in some way, that we will be back where

1 we were, and I will have another application, and I
2 may agree with whoever makes that application.

3 I thought we would be in a better position
4 to front those issues now, and better able to
5 consider those applications if they came later
6 having done more of the work up front. But maybe
7 I'm worrying about something that will never happen.
8 So -- I can't stop you from sending this out, or
9 certainly shouldn't, sua sponte. So I'm not going
10 to -- I'll order it be filed on the ECF. I'm going
11 to allow you to proceed as you indicated you want
12 to. But I want you to know that if I get an angry
13 letter or angry phone call on Monday or Tuesday,
14 maybe all I'll be able to say is, I told you so.
15 But maybe it won't happen at all. But I want you to
16 know if it does, then I would, obviously, entertain
17 any application that I received that would raise the
18 issue which I believe is an important principle
19 here, that those who are in the putative class have
20 as much information as possible about their legal
21 options.

22 If you are confident that this gets it
23 done, and if those representatives of the individual
24 plaintiffs who have cases against Iams believe this
25 gets it done, then I think it would be wise for me

1 just at this point to let it go.

2 So, I'm going to have this filed on ECF.
3 There being no pending motion before me to preclude
4 Iams in engaging in its settlement portions of its
5 reimbursement program, they are free to withdraw
6 their voluntary restraints and go forward. I don't
7 know what else to do.

8 MR. KAMBER: In the beginning of the call
9 you referred to under exhibit D, the D letter to
10 wanting to put captions in that letter. The --

11 THE COURT: Hold on. Mr. Daner didn't
12 quite follow you there.

13 MR. KAMBER: I was referring in the
14 beginning of the call, Your Honor had mentioned you
15 thought that headings would be good to add to the
16 exhibit D letter.

17 THE COURT: Yes.

18 MR. KAMBER: I assume that will be done
19 before Iams is giving the opportunity to send the
20 letter out?

21 THE COURT: It was the suggestion. I still
22 believe that that would be helpful. I mean, if,
23 again, you all have agreed, had initially agreed not
24 to do it, and I raised it in the form of a request.
25 I still think that it's, it would be helpful to Iams

1 and everyone involved to do that, and I don't think
2 they have to be elaborate or long. I think as much
3 clarity as post is a good thing, and I think that's
4 potentially a weakness in this letter which is why I
5 raised it. I could see somebody saying, do you know
6 at the end of the letter I don't think anybody knows
7 what their rights are. It's confusing to me. And
8 maybe someone will say that Monday or Tuesday and
9 I'll have to deal with it.

10 So I encourage you to do it. I'm not
11 ordering it. I don't have anyone objecting to it.

12 MR. HADDEN: Just very briefly.

13 I appreciate Your Honor's concern about its
14 fiduciary obligation, and I appreciate Your Honor's
15 attempt to find an appropriate balance. I would
16 submit to Your Honor that working with plaintiff's
17 attorneys who are heavily involved in this
18 litigation, and who I believe speak of, strongly
19 from their position on behalf of many others, that
20 we did work hard and work together to reaching what
21 was submitted to the Court. At the same time I
22 think Iams does not want to put the Court in a
23 position where you said you feel you've been put
24 between a rock and a hard place. Iams cannot
25 guarantee Your Honor that there will not be an angry

1 letter or complaint raised. We can't guarantee that
2 an attorney somewhere or a party representative may
3 come forward with an individual instance where
4 something didn't go the way it was supposed to go.
5 We can't guarantee that.

6 I think what we have submitted to Your
7 Honor is the program that we have in place, the
8 intentions behind it, the efforts, written efforts
9 to express information, and provide folks so they
10 can make the right decisions with multiple
11 suggestions without talking to counsel. That's what
12 we can do. We can't offer the Court a guarantee,
13 and I appreciate Your Honor understands that. But I
14 am just concerned that if something, if someone does
15 raise their own problem or their own issue that Your
16 Honor's going to look to Tams and say, as you
17 mentioned, I told you so. I'm not sure we are in a
18 position to guarantee that someone won't find a
19 problem somewhere with some aspects of some letter
20 or some particular circumstance or something didn't
21 work the way it was supposed to.

22 THE COURT: I understand, and it would have
23 to be reasonable. I'm just trying to, if someone
24 knows about it and keeps their mouth shut, it makes
25 it difficult to come a week later or two weeks later

1 and say, do you know what, I don't like this. In my
2 perfect world we would try to figure out -- we would
3 send these copies to those lawyers who have brought
4 suit against Iams, who have not been involved in the
5 negotiations process, and say, this is happening and
6 it's happening soon. Speak now or not be heard
7 later.

8 And so, if Mr. Tamblyn and counsel for Iams
9 could compare notes and compare lists and send this
10 out to those other individuals, and I know you don't
11 want to upset an apple cart that has been carefully
12 loaded, but I just think we would be in a better
13 situation.

14 But, I'm just --

15 MR. HADDEN: I was just pointing out that
16 Iams has heard Your Honor's concern and take your
17 suggestion and your thoughts seriously, and will
18 move forward accordingly.

19 THE COURT: All right.

20 Anything else?

21 I'm going to direct that this submission
22 and the proposed letters to be used by Iams be filed
23 on the ECF file, the master MDJ, and as well as a
24 transcript of this phone conference.

25 I wish all of you well and good luck, and I

1 appreciate all the hard work that went in by both
2 sides, and we will hope for the best.

3 (At which time the matter was concluded)

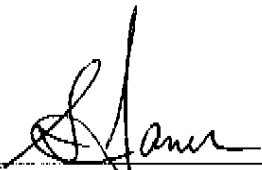
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C E R T I F I C A T E .

I, Stephen J. Daner, C.C.R., Official United States Court Reporter and Certified Court Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I do further certify that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel and that I am not financially interested in this action.


STEPHEN J. DANER, C.C.R..
Certificate No. 30X100151400
Date: July 9, 2007