

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: PET FOOD PRODUCTS LIABILITY LITIGATION	Hon. Noel L. Hillman Civil No. 07-2867 (NLH/AMD) MDL Docket No. 1850 <u>ALL CASES</u>
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**BRIEF IN SUPPORT OF JOINT MOTION FOR STAY OF
MDL PROCEEDINGS TO ALLOW FOR MEDIATION**

The Judicial Panel on Multidistrict Litigation has already transferred to this Court over eighty purported class actions filed all over the United States, and several more cases have been designated as “tag along” cases by the MDL Panel and are on the way. Over sixty entities are named as defendants, including most of the major manufacturers and retailers of pet food sold in the United States. Litigating a case of this magnitude is likely to impose a very high burden on plaintiffs, defendants and this Court. In an attempt to avoid the expenditures of time and resources that will be required to litigate these cases, and the uncertainties of such litigation, the undersigned parties recently agreed, in good faith, to engage in non-binding mediation. The parties have already jointly agreed upon a mediator, and the mediation proceedings have been scheduled and are expected to conclude within the next ninety (90) days. This mediation presents an opportunity to attempt to reach a global resolution of this complex litigation.

The parties further believe that the complexity and magnitude of the controversy mean that the mediation will have the best chance of succeeding if the parties are able to devote all their efforts and resources to the mediation process. Furthermore, responding to pleadings, engaging in discovery and preparing class certification briefing at this time will not only draw

substantial resources away from the mediation proceedings but will prove to have been unnecessary should the mediation succeed.

The parties thus respectfully and jointly request a stay of all proceedings in this action for 90 days, with the exception of the following: (1) defendants' application regarding preservation of samples of recalled product ; (2) appointment of lead and liaison counsel; and (3) plaintiffs' filing of a consolidated complaint. With the exception of these activities, the case will be stayed and the parties shall maintain whatever rights and arguments they had at the time the stay was entered. Specifically, the defendants shall not be required to file any responsive pleading to a consolidated complaint and do not waive any argument that they could make upon the filing of a consolidated complaint. The requested stay will serve the interests of judicial economy and the parties, while having little impact on scheduling in this matter. The initial pretrial conference is scheduled for September 26, 2007, and there are currently no other Court-ordered deadlines in the case. Since the Court has not yet set a schedule, a stay at this time will not disrupt discovery or other proposed deadlines. The parties will promptly advise the Court of the progress and results of the mediation.

WHEREFORE, the parties respectfully request that the Court stay all proceedings in the MDL cases, subject to the above-mentioned exceptions, for 90 days to allow the parties a full opportunity to engage in mediation.

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of September 2007 a true and correct copy of the foregoing was served on all parties via the UNITED STATES DISTRICT COURT ELECTRONIC FILING SERVICE.

/s/ Mark C. Goodman

Mark C. Goodman

SQUIRE, SANDERS & DEMPSEY L.L.P.