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November 14, 2007

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VIA ELECTRONIC FILING

Hon. Ann Marie Donio
United States Magistrate Judge
U.S. District Court for the District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Camden, NJ 08101

Re: In re: Pet Food Products Liability Litigation, MDL Docket No. 1850 (All Cases)

Dear Judge Donio:

Pursuant to Local Civil Rule 37.1(a)(1), I am writing on behalf of my client, Del Monte Foods Company ("Del Monte"), advising this Court that Del Monte intends to file an Order to Show Cause, pursuant to Fed. R. Civ. P. 26(b)(2)(c)(iii), 26(c)(2) and 26(c)(4), why an Order should not be issued permitting Del Monte to destroy all pet food related products it is currently maintaining as evidence in this litigation after preserving a statistically significant sample of same in accordance with its expert's sampling plan.

Del Monte, along with other Defendants, has been actively attempting to reach an agreement with Plaintiffs in this litigation on a sampling plan that would resolve this issue for over two months. As it stands this perishable evidence is infested, and moreover, the Food and Drug Administration has recently directed Del Monte to destroy all of said evidence in order to prevent accidental reintroduction into the stream of commerce.

Hon. Ann Marie Donio
November 14, 2007

As such, with the permission of this Honorable Court, Del Monte intends to move for judicial intervention by the end of this week.

Sincerely,

COZEN O'CONNOR
Attorneys for Defendant Del Monte Foods, Inc,

/s

By: Richard Fama

AS