

STAYED

**U.S. District Court**  
**United States District Court for the Western District of Washington (Seattle)**  
**CIVIL DOCKET FOR CASE #: 2:07-cv-00411-RSM**  
**Internal Use Only**

Whaley v. Menu Foods et al  
Assigned to: Hon. Ricardo S Martinez  
Cause: 28:1332 Diversity-Product Liability

Date Filed: 03/19/2007  
Jury Demand: None  
Nature of Suit: 195 Contract Product  
Liability  
Jurisdiction: Diversity

**Plaintiff**

**Tom Whaley**  
*individually and on behalf of all others  
similarly situated*

represented by **Adam Karp**  
ANIMAL LAW OFFICES  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Menu Foods**  
*a foreign corporation*

represented by **Jeffrey T Kestle**  
GARDNER BOND TRABOLSI ST  
LOUIS & CLEMENT  
2200 6TH AVE  
STE 600  
SEATTLE, WA 98121  
206-256-6309  
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**ATTORNEY TO BE NOTICED**

**Defendant**

**The Iams Company**  
*a foreign corporation*

represented by **Evan L Schwab**  
DORSEY & WHITNEY LLP  
1420 5TH AVE  
STE 3400  
SEATTLE, WA 98101  
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**LEAD ATTORNEY**  
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206-903-2390  
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**ATTORNEY TO BE NOTICED**

**Defendant**

**Dog Food Producers Numbers 1-50**

**Defendant**

**Cat Food Producers 1-40**

Date Filed	#	Docket Text
03/19/2007	➊1	CLASS ACTION COMPLAINT against defendant(s) Menu Foods, The Iams Company, Dog Food Producers Numbers 1-50, Cat Food Producers 1-40 (Summons(es) issued)(Receipt #: SEA8079), filed by Tom Whaley. (Attachments: # 1 Civil Cover Sheet)(DJ) Modified on 3/21/2007 (DJ). (Entered: 03/21/2007)
03/21/2007	➊	(Court only) <b>NON-PUBLIC</b> ***Staff notes: Preassignment of Judge Theiler in the event of consent. (DJ) (Entered: 03/21/2007)
03/28/2007	➋2	NOTICE/MOTION for transfer and coordination or consolidation before MDL Panel ; filed by Plaintiff Tom Whaley. (Attachments: # 1 2nd part of motion/notice)(RS, ) (Entered: 03/29/2007)
03/29/2007	➋3	NOTICE of Association of Attorney by Michael David Myers on behalf of Plaintiff Tom Whaley. (Myers, Michael) (Entered: 03/29/2007)
03/30/2007	➊	(Court only) ***Attorney Adam Karp for Tom Whaley added. (KN, ) (Entered: 03/30/2007)
04/03/2007	➋4	NOTICE OF MOTION FILED WITH THE MDL PANEL RE FLORIDA PLAINTIFF CHRISTINA TROIANO'S MOTION TO

		TRANSFER AND COORDINATE OR CONSOLIDATE ACTIONS (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit) (RS, ) (Entered: 04/04/2007)
04/06/2007	<u>5</u>	NOTICE/Joint MOTION of plaintiffs Jayme Pittsonberger, David Carter and Jim Bullock for transfer and coordination re MDL 1850 in re Pet Foods Product. Motion filed before MDL Panel.(RS, ) (Entered: 04/10/2007)
04/09/2007	<u>7</u>	FIRST NOTICE of potential tag along actions in re Pet Food Products MDL 1850 filed by movant Sexton (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit)(RS, ) (Entered: 04/12/2007)
04/10/2007	<u>6</u>	Letter from Christine Fox addressed to Mr. Luthi requesting that their motion papers be filed as an interested party response re MDL 1850. (RS, ) (Entered: 04/11/2007)
04/13/2007	<u>8</u>	NOTICE/RESPONSE TO MDL PANEL of plaintiffs Jared Workman, Mark and Mona Cohen, and Peggy Schneider in response to all 3 motions for transfer and centralization of all Pet Food Products Liability Litigation(RS, ) (Entered: 04/17/2007)
04/18/2007	<u>9</u>	MOTION to Stay <i>All Proceedings</i> by Defendant Menu Foods. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit # <u>6</u> Exhibit # <u>7</u> Exhibit # <u>8</u> Exhibit # <u>9</u> Exhibit # <u>10</u> Exhibit # <u>11</u> Exhibit # <u>12</u> Exhibit # <u>13</u> Exhibit)(Kestle, Jeffrey) (Entered: 04/18/2007)
04/18/2007	<u>10</u>	PROPOSED ORDER (Unsigned) re <u>9</u> MOTION to Stay <i>All Proceedings</i> . (Kestle, Jeffrey) (Entered: 04/18/2007)
04/18/2007	<u>11</u>	CERTIFICATE OF SERVICE by Defendant Menu Foods re <u>9</u> MOTION to Stay <i>All Proceedings</i> . (Kestle, Jeffrey) (Entered: 04/18/2007)
04/19/2007	<u>12</u>	NOTICE/memorandum of plaintiffs whaley et al in opposition to motions for transfer and consolidation of related actions submitted by plaintiffs sexton and troiano (RS, ) (Entered: 04/20/2007)
04/23/2007	<u>13</u>	NOTICE\RESPONSE TO MDL PANEL REGARDING MDL 1850 OF PLAINTIFF SHIRLEY SEXTON TO PLAINTIFF TROIANO AND WASHINGTON PLAINTIFFS" MOTIONS FOR TRANSFER AND COORDINATION OR CONSOLIDATION(RS, ) (Entered: 04/24/2007)
04/27/2007	<u>14</u>	NOTICE/RESPONSE TO MDL PANEL REGARDING MDL 1850 OF PLAINTIFFS TO MOTION FOR TRANSFER AND CONSOLIDATION AND REQUEST FOR TRANSFER AND CONSOLIDATION OF RELATED ACTIONS TO THE WESTERN DISTRICT OF ARKANSAS (RS, ) (Entered: 05/01/2007)
04/30/2007	<u>15</u>	NOTICE to MDL Panel by Attorney Bruce Newman Re: Service List (TS, ) (Entered: 05/01/2007)
05/03/2007	<u>16</u>	NOTICE OF APPEARANCE/MOTION OF PLAINTIFFS FOR TRANSFER OF ACTIONS TO THE CENTRAL DISTRICT OF CALIFORNIA AND FOR CONSOLIDATED OR COORDINATED

		PRETRIAL PROCEEDINGS PURSUANT TO 28 USC 1407 filed by Plaintiffs(TS, ) Additional attachment(s) added on 5/4/2007 (TS, ). (Entered: 05/04/2007)
05/04/2007	• <u>17</u>	STIPULATION AND PROPOSED ORDER STAYING ALL PROCEEDINGS AND FOR PRESERVATION OF EVIDENCE by parties. (Attachments: # <u>1</u> Certificate of Service)(Kestle, Jeffrey) (Entered: 05/04/2007)
05/04/2007	• <u>18</u>	MINUTR ORDER STAYING CASE pending a decision by the MDL Panel by Judge Ricardo S Martinez. (RS, ) (Entered: 05/07/2007)
05/07/2007	• <u>22</u>	LETTER RE MOTION FOR TRANSFER/ NOTICE OF APPEARANCE /PLAINTIFFS" NOTICE OF JOINDER AND JOINDER IN MOTION FOR TRANSFER OF ACTIONS TO THE CENTRAL DISTRICT OF CALIFORNIA AND FOR CONSOLIDATED OR COORDINATED PRETRIAL PROCEEDINGS PURSUANT TO 28 U. S. C. 1407(TS, ) (Entered: 05/09/2007)
05/08/2007	• <u>19</u>	NOTICE of Appearance by attorney James E Howard on behalf of Defendant The Iams Company. (Howard, James) (Entered: 05/08/2007)
05/08/2007	• <u>20</u>	NOTICE of Joinder JOINING <u>9</u> MOTION to Stay <i>All Proceedings</i> , by Defendant The Iams Company. (Howard, James) (Entered: 05/08/2007)
05/08/2007	• <u>21</u>	CORPORATE DISCLOSURE STATEMENT pursuant to FRCP 7.1. (Howard, James) (Entered: 05/08/2007)
05/08/2007	•	(Court only) ***Attorney Evan L Schwab for The Iams Company added. (ECS, ) (Entered: 05/09/2007)
05/09/2007	• <u>23</u>	STIPULATION AND ORDER STAYING ALL PROCEEDINGS AND FOR PRESERVATION OF EVIDENCE by Judge Ricardo S Martinez. (RS, ) (Entered: 05/10/2007)
05/09/2007	•	(Court only) ***Motion terminated: <u>9</u> MOTION to Stay <i>All Proceedings</i> filed by Menu Foods per dkt. <u>23</u> . (MKB) (Entered: 05/18/2007)
05/14/2007	• <u>24</u>	NOTICE OF PRESENTATION OR WAIVER OF ORAL ARGUMENT re MDL 1850(RS, ) (Entered: 05/15/2007)
05/16/2007	• <u>25</u>	NOTICE OF APPEARANCE AND NOTICE OF PRESENTATION OF ORAL ARGUMENT/MOTION OF PLAINTIFFS FOR TRANSFER OF ACTIONS TO THE NORTHERN DISTRICT OF OHIO PURSUANT TO 28 USC 1407 FOR COORDINATED OR CONSOLIDATED PRETRIAL PROCEEDINGS AND BRIEF IN SUPPORT OF PLAINTIFFS' MOTION, filed by Plaintiffs'(TS, ) (Entered: 05/17/2007)
05/21/2007	• <u>26</u>	NOTICE OF PRESENTATION OR WAIVER OF ORAL ARGUMENT re MDL 1850 (TS, ) (Entered: 05/22/2007)
06/25/2007	• <u>27</u>	NOTICE from MDL Panel with copy of Transfer Order(RS, ) (Entered: 06/27/2007)
07/02/2007	• <u>28</u>	NOTICE from MDL Panel with copy of order re in re Pet Food Products

	MDL 1850(RS, ) (Entered: 07/03/2007)
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