

CLOSED, STAYED

**U.S. District Court**  
**United States District Court for the Western District of Washington (Seattle)**  
**CIVIL DOCKET FOR CASE #: 2:07-cv-00453-JCC**  
**Internal Use Only**

Heller et al v. Menu Foods  
Assigned to: John C Coughenour  
Cause: 28:1332 Diversity-Product Liability

Date Filed: 03/27/2007  
Date Terminated: 07/02/2007  
Jury Demand: None  
Nature of Suit: 195 Contract Product  
Liability  
Jurisdiction: Diversity

**Plaintiff**

**Stacey Heller**

represented by **Michael David Myers**  
MYERS & COMPANY  
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SEATTLE, WA 98101  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Steve W. Berman**  
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*LEAD ATTORNEY*  
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**Jeniphr A.E. Breckenridge**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Toinette Robinson**

represented by **Michael David Myers**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Steve W. Berman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jeniphr A.E. Breckenridge**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**David Rapp**

represented by **Michael David Myers**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Steve W. Berman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jeniphr A.E. Breckenridge**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Cecily Mitchell**

represented by **Michael David Myers**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Steve W. Berman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jeniphr A.E. Breckenridge**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Terrence Mitchell**  
*individually and on behalf of all others*  
*similarly situated*

represented by **Michael David Myers**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Steve W. Berman**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jeniphr A.E. Breckenridge**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Menu Foods**  
*a foreign corporation*

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

Date Filed	#	Docket Text
03/27/2007	1	CLASS ACTION COMPLAINT against defendant(s) Menu Foods (Summons(es) NOT issued)(Receipt # SEA8252), filed by Cecily Mitchell, Terrence Mitchell, Stacey Heller, Toinette Robinson, David Rapp. (Attachments: # 1 Civil Cover Sheet)(DJ) (Entered: 03/28/2007)
03/29/2007	2	NOTICE OF FILING MOTION FOR TRANSFER AND CONSOLIDATION OF RELATED ACTIONS WITH THE MDL PANEL; filed by Plaintiffs Cecily Mitchell, Terrence Mitchell, Stacey Heller, Toinette Robinson, David Rapp. (Attachments: # 1 Exhibit # 2 Exhibit # 3 Exhibit)(RS, ) (Entered: 04/03/2007)
04/06/2007	3	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	5	FIRST NOTICE OF POTENTIAL TAG ALONG ACTIONS RE MDL 1850 FILED BY MOVANT SEXTON (Attachments: # 1 Exhibit # 2 Exhibit # 3 Exhibit # 4 Exhibit)(RS, ) (Entered: 04/12/2007)
04/10/2007	4	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	6	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	<a href="#">7</a>	MOTION to Stay <i>All Proceedings</i> by Defendant Menu Foods. (Attachments: # <a href="#">1</a> Exhibit # <a href="#">2</a> Exhibit # <a href="#">3</a> Exhibit # <a href="#">4</a> Exhibit # <a href="#">5</a> Exhibit # <a href="#">6</a> Exhibit # <a href="#">7</a> Exhibit # <a href="#">8</a> Exhibit # <a href="#">9</a> Exhibit # <a href="#">10</a> Exhibit # <a href="#">11</a> Exhibit # <a href="#">12</a> Exhibit # <a href="#">13</a> Exhibit)(Kestle, Jeffrey) (Entered: 04/18/2007)
04/18/2007	<a href="#">8</a>	PROPOSED ORDER (Unsigned) re <a href="#">7</a> MOTION to Stay <i>All Proceedings</i> . (Kestle, Jeffrey) (Entered: 04/18/2007)
04/18/2007	<a href="#">9</a>	CERTIFICATE OF SERVICE by Defendant Menu Foods re <a href="#">7</a> MOTION to Stay <i>All Proceedings</i> . (Kestle, Jeffrey) (Entered: 04/18/2007)
04/19/2007	<a href="#">10</a>	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)
04/20/2007	<a href="#">11</a>	Noting Date Set/Reset re <a href="#">7</a> MOTION to Stay <i>All Proceedings</i> : Noting Date 5/4/2007. (CL, ) (Entered: 04/20/2007)
04/23/2007	<a href="#">13</a>	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)
04/24/2007	<a href="#">11</a>	MINUTE ENTRY setting status conference:  The attorney who will be responsible for trying the case should attend the conference and be prepared to discuss the following matters at the conference: <b>1.</b> The nature of the case, <b>2.</b> The status of matters which are presently set before the Court, e.g., hearings, motions, etc., <b>3.</b> The status of discovery and a time schedule for its completion, <b>4.</b> A statement of any legal issues about which motions are contemplated and a possible briefing schedule, <b>5.</b> An estimate of the number of days needed for trial, <b>6.</b> Whether the case is jury or non-jury, <b>7.</b> The date by which the case will be ready for trial, and <b>8.</b> Settlement probabilities. Counsel for all parties are required to appear at the conference. If counsel office is outside of Seattle, arrangements can be made for telephonic participation in the conference. If counsel wish to make such arrangements, they should contact Julie Mahnke, Deputy Clerk at 206-370-8805. COUNSEL FOR THE PLAINTIFF IS DIRECTED TO NOTIFY ALL PARTIES OF THE DATE AND TIME OF THE SCHEDULED CONFERENCE. Status Conference set for 8/14/2007 at 09:00 AM before John C Coughenour. (JM, ) (Entered: 04/24/2007)
04/24/2007	<a href="#">12</a>	ORDER REGARDING DISCOVERY AND DEPOSITIONS by Judge John C Coughenour. (JM, ) (Entered: 04/24/2007)
04/27/2007	<a href="#">14</a>	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	<a href="#">15</a>	NOTICE to MDL Panel by Attorney Bruce Newman Re: Service List (TS, ) (Entered: 05/01/2007)
05/03/2007	<a href="#">16</a>	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 (Attachments: # <a href="#">1</a> Plaintiffs' Memorandum)(TS, ) (Entered: 05/04/2007)
05/04/2007	<a href="#">17</a>	STIPULATION AND PROPOSED ORDER <i>STAYING ALL PROCEEDINGS AND FOR PRESERVATION OF EVIDENCE</i> by parties. (Attachments: # <a href="#">1</a> Certificate of Service)(Kestle, Jeffrey) (Entered: 05/04/2007)
05/07/2007	<a href="#">22</a>	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 filed by Plaintiffs(TS, ) (Entered: 05/09/2007)
05/08/2007	<a href="#">18</a>	STIPULATION AND ORDER STAYING ALL PROCEEDINGS AND FOR PRESERVATION OF EVIDENCE, by Judge John C. Coughenour. (Entered: 05/08/2007)
05/08/2007	<a href="#">19</a>	MOTION to Consolidate Cases by Plaintiffs Cecily Mitchell, Terrence Mitchell, Stacey Heller, Toinette Robinson, David Rapp. (Attachments: # <a href="#">1</a> Proposed Order)Noting Date 6/1/2007.(Breckenridge, Jeniphr) (Entered: 05/08/2007)
05/08/2007	<a href="#">20</a>	DECLARATION of Jeniphr Breckenridge filed by Plaintiffs Cecily Mitchell, Terrence Mitchell, Stacey Heller, Toinette Robinson, David Rapp re <a href="#">19</a> MOTION to Consolidate Cases (Attachments: # <a href="#">1</a> Exhibit A-E# <a href="#">2</a> Exhibit E-H# <a href="#">3</a> Exhibit I-L# <a href="#">4</a> Exhibit M-P# <a href="#">5</a> Errata Q-T# <a href="#">6</a> Exhibit U-W)(Breckenridge, Jeniphr) (Entered: 05/08/2007)
05/08/2007	<a href="#">21</a>	CERTIFICATE OF SERVICE by Plaintiffs Cecily Mitchell, Terrence Mitchell, Stacey Heller, Toinette Robinson, David Rapp re <a href="#">20</a> Declaration, <a href="#">19</a> MOTION to Consolidate Cases. (Breckenridge, Jeniphr) (Entered: 05/08/2007)
05/09/2007	<a href="#">23</a>	PRAECIPE re <a href="#">19</a> MOTION to Consolidate Cases, <a href="#">21</a> Certificate of Service by Plaintiffs Cecily Mitchell, Terrence Mitchell, Stacey Heller, Toinette Robinson, David Rapp. (Breckenridge, Jeniphr) (Entered: 05/09/2007)
05/09/2007	<a href="#">24</a>	CERTIFICATE OF SERVICE by Plaintiffs Cecily Mitchell, Terrence Mitchell, Stacey Heller, Toinette Robinson, David Rapp re <a href="#">23</a> Praecipe-Other. (Breckenridge, Jeniphr) (Entered: 05/09/2007)

05/14/2007	● <u>25</u>	NOTICE OF PRESENTATION OR WAIVER OF ORAL ARGUMENT re MDL 1850(RS, ) (Entered: 05/15/2007)
05/16/2007	● <u>26</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>27</u>	NOTICE OF PRESENTATION OR WAIVER OF ORAL ARGUMENT re MDL 1850 (TS, ) (Entered: 05/22/2007)
06/25/2007	● <u>28</u>	NOTICE from MDL Panel with copy of Transfer Order(RS, ) (Entered: 06/27/2007)
07/02/2007	● <u>29</u>	NOTICE from MDL Panel with copy of order re in re Pet Food Products MDL 1850(RS, ) (Entered: 07/03/2007)