

NOLAN, STAYED, TERMED, TRANSFER

**United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 3.0 (Chicago)
CIVIL DOCKET FOR CASE #: 1:07-cv-01543**

Majerczyk v. Menu Foods, Inc.
Assigned to: Honorable Wayne R. Andersen
Demand: \$75,000
Cause: 28:1332 Diversity-Product Liability

Date Filed: 03/20/2007
Date Terminated: 07/11/2007
Jury Demand: Both
Nature of Suit: 385 Prop. Damage Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Dawn Majerczyk
*individually and on behalf of a class of
similarity situated individuals*

represented by **Gino L DiVito**
Tabet DiVito & Rothstein LLC
209 South LaSalle Street
7th Floor
Chicago, IL 60604
(312) 762-9460
Email: gdivito@tdrlawfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jay Edelson
Blim & Edelson, LLC
53 West Jackson Boulevard
Suite 1642
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(312) 913-9400
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Fax: (312) 913-9401
Email: john@blimlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff**Heather Amro**

represented by **Heather Amro**
PRO SE

Plaintiff**Heather Amro**

represented by **Heather Amro**
(See above for address)
PRO SE

Plaintiff**Raymond Demith**

represented by **Raymond Demith**
Bolingbrook, IL 60440

PRO SE

V.

Defendant

Menu Foods, Inc.
a New Jersey Corporation

represented by **Edward B. Ruff, III**
Pretzel & Stouffer, Chtd.
One South Wacker Drive
Suite 2200
Chicago, IL 60606-4673
(312) 346-1973
Email: eruff@pretzel-stouffer.com
TERMINATED: 06/15/2007
LEAD ATTORNEY
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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

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203 North LaSalle Street
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Chicago, IL 60601
(312) 368-4000
Email: william.martin@dlapiper.com
ATTORNEY TO BE NOTICED

Defendant

Menu Foods Income Fund

represented by **Edward B. Ruff, III**
(See above for address)
TERMINATED: 06/15/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Patrick Turiello
(See above for address)
ATTORNEY TO BE NOTICED

Priya K. Jesani
(See above for address)
ATTORNEY TO BE NOTICED

William Christopher Martin

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Menu Foods Operating Trust

represented by **Edward B. Ruff, III**
(See above for address)
TERMINATED: 06/15/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Patrick Turiello
(See above for address)
ATTORNEY TO BE NOTICED

Priya K. Jesani
(See above for address)
ATTORNEY TO BE NOTICED

William Christopher Martin
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Menu Foods Limited Partnership

represented by **Edward B. Ruff, III**
(See above for address)
TERMINATED: 06/15/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Patrick Turiello
(See above for address)
ATTORNEY TO BE NOTICED

Priya K. Jesani
(See above for address)
ATTORNEY TO BE NOTICED

William Christopher Martin
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Menu Foods Acquisition Inc.

represented by **Edward B. Ruff, III**
(See above for address)
TERMINATED: 06/15/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Patrick Turiello
(See above for address)
ATTORNEY TO BE NOTICED

Priya K. Jesani
(See above for address)
ATTORNEY TO BE NOTICED

William Christopher Martin
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Menu Foods Limited

represented by **Edward B. Ruff, III**
(See above for address)
TERMINATED: 06/15/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Patrick Turiello
(See above for address)
ATTORNEY TO BE NOTICED

Priya K. Jesani
(See above for address)
ATTORNEY TO BE NOTICED

William Christopher Martin
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Menu Foods Holdings, Inc.

represented by **Edward B. Ruff, III**
(See above for address)
TERMINATED: 06/15/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Patrick Turiello
(See above for address)
ATTORNEY TO BE NOTICED

Priya K. Jesani
(See above for address)
ATTORNEY TO BE NOTICED

William Christopher Martin
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Menu Foods Midwest Corporation

represented by **Edward B. Ruff, III**
(See above for address)
TERMINATED: 06/15/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Patrick Turiello
(See above for address)
ATTORNEY TO BE NOTICED

Priya K. Jesani
(See above for address)
ATTORNEY TO BE NOTICED

William Christopher Martin
(See above for address)
ATTORNEY TO BE NOTICED

Movant

Shirley Sexton

| Date Filed | # | Docket Text |
|------------|-----------|---|
| 03/20/2007 | <u>1</u> | COMPLAINT filed by Dawn Majerczyk; Jury Demand.(gej,) (Entered: 03/21/2007) |
| 03/20/2007 | <u>2</u> | CIVIL Cover Sheet (gej,) (Entered: 03/21/2007) |
| 03/20/2007 | <u>3</u> | ATTORNEY Appearance for Plaintiff Dawn Majerczyk by Jay Edelson. (gej,) (Entered: 03/21/2007) |
| 03/20/2007 | <u>5</u> | SUMMONS Issued as to Defendant Menu Foods, Inc. (gej,) (Entered: 03/21/2007) |
| 03/30/2007 | <u>6</u> | MOTION for Transfer and Coordination or Consolidation Under 28 U.S.C. Section 1407 by Shirley Sexton; (Exhibits). (gej,) (Entered: 04/02/2007) |
| 04/02/2007 | <u>7</u> | MOTION by Plaintiffs for Transfer and Consolidation of Related Actions to the Western District of Washington Under 28 U.S.C. section 1407. (gej,) (Entered: 04/03/2007) |
| 04/02/2007 | <u>8</u> | LETTER from Steve W. Berman dated 3/28/2007. (gej,) (Entered: 04/03/2007) |
| 04/02/2007 | <u>9</u> | MOTION by Florida Plaintiff Christina Troiano to Transfer and Coordinate or Consolidate Actions Under 28 U.S.C. section 1407. (gej,) (Entered: 04/03/2007) |
| 04/02/2007 | <u>10</u> | CERTIFICATE of Service regarding Motion <u>9</u> . (gej,) (Entered: 04/03/2007) |
| 04/02/2007 | <u>11</u> | MEMORANDUM of Law by Plaintiff in support of their motion for Transfer and Consolidation of Related actions to the Western District of Washington Under 28 U.S.C. section 1407; (Exhibits). (DOCUMENT NOT SCANNED) (gej,) (Entered: 04/03/2007) |
| 04/02/2007 | <u>12</u> | SCHEDULE of Actions Related to Plaintiffs Motion for Centralization and Coordination of Pretrial Proceedings Pursuant to 28 U.S.C. section 1407; (Exhibits). (DOCUMENT NOT SCANNED) (gej,) (Entered: 04/03/2007) |
| 04/03/2007 | <u>13</u> | ATTORNEY Appearance for Plaintiff Dawn Majerczyk by John Blim (Blim, John) (Entered: 04/03/2007) |
| 04/04/2007 | <u>14</u> | <i>First</i> AMENDED complaint by Dawn Majerczyk against Menu Foods, Inc. (Edelson, Jay) (Entered: 04/04/2007) |
| 04/06/2007 | <u>15</u> | MOTION for Transfer and Coordination Pursuant to 28 U.S.C. section 1407 by Plaintiffs Jayme Pittsonberger, David Carter and Jim Bullock. (gej,) (Entered: 04/11/2007) |
| 04/06/2007 | <u>16</u> | JOINT MEMORANDUM of Law in Support of Motion for Transfer and Coordination Pursuant to 28 U.S.C. section 1407 by Plaintiffs Jayme Pittsonberger, David Carter and Jim Bullock <u>15</u> . (gej,) (Entered: 04/11/2007) |
| 04/10/2007 | <u>17</u> | LETTER from Christine M. Fox dated 4/9/2007. (gej,) (Entered: 04/13/2007) |
| 04/17/2007 | <u>24</u> | MEMORANDUM of Law by Plaintiffs Jared Workman, Mark and Mona Cohen, and Peggy Schneider in Response to 3 Motions for Transfer and Coordination, and for the Transfer and Centralization of all Pet Food Products Liability Litigation in the District New Jersey. (gej,) (Entered: 04/23/2007) |
| 04/17/2007 | <u>25</u> | RESPONSE of Plaintiffs Jared Workman, Mark and Mona Cohen, and Peggy Schneider in Response to 3 Motions for Transfer and Centralization of all Pet Food Products Liability Litigation. (gej,) (Entered: 04/23/2007) |
| 04/19/2007 | <u>18</u> | Motion for a Finding of Relatedness by Heather Amro (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Wexler, Kenneth) (Entered: 04/19/2007) |
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| 04/19/2007 | <u>19</u> | MOTION by Plaintiff Heather Amro for a Finding of Relatedness (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Wexler, Kenneth) (Entered: 04/19/2007) |
| 04/19/2007 | <u>20</u> | NOTICE of Motion by Kenneth A. Wexler for presentment of motion for miscellaneous relief <u>19</u> before Honorable Wayne R. Andersen on 4/26/2007 at 09:00 AM. (Wexler, Kenneth) (Entered: 04/19/2007) |
| 04/20/2007 | <u>21</u> | ATTORNEY Appearance for Defendant Menu Foods, Inc. by Edward B. Ruff, III (Ruff, Edward) (Entered: 04/20/2007) |
| 04/20/2007 | <u>22</u> | ATTORNEY Appearance for Defendants Menu Foods, Inc., Menu Foods Income Fund, Menu Foods Operating Trust, Menu Foods Limited Partnership, Menu Foods Acquisition Inc., Menu Foods Limited, Menu Foods Holdings, Inc., Menu Foods Midwest Corporation by Michael Patrick Turiello (Turiello, Michael) (Entered: 04/20/2007) |
| 04/20/2007 | <u>23</u> | ATTORNEY Appearance for Defendants Menu Foods, Inc., Menu Foods Income Fund, Menu Foods Operating Trust, Menu Foods Limited Partnership, Menu Foods Acquisition Inc., Menu Foods Limited, Menu Foods Holdings, Inc., Menu Foods Midwest Corporation by Priya K. Jesani (Jesani, Priya) (Entered: 04/20/2007) |
| 04/23/2007 | <u>26</u> | ATTORNEY Appearance for Plaintiff Dawn Majerczyk by Gino L DiVito (DiVito, Gino) (Entered: 04/23/2007) |
| 04/23/2007 | <u>27</u> | DECLARATION of Bonney S. McCormack. (gej,) (Entered: 04/25/2007) |
| 04/23/2007 | <u>28</u> | MEMORANDUM of Plaintiffs Whaley et al. in Opposition to Motions for Transfer and Consolidation of Related Actions Submitted by Plaintiffs Sexton and Troiano. (gej,) (Entered: 04/25/2007) |
| 04/25/2007 | <u>29</u> | MOTION Reassignment of Related Case (Attachments: # <u>1</u> Exhibit Exhibit A - Demith Complaint# <u>2</u> Exhibit Exhibit B - Majerczyk Amended Complaint# <u>3</u> Exhibit Exhibit C - MDL Hearing Order)(Schwarz, Steven) (Entered: 04/25/2007) |
| 04/25/2007 | <u>30</u> | NOTICE of Motion by Steven F Schwarz for presentment of motion for miscellaneous relief <u>29</u> before Honorable Wayne R. Andersen on 5/3/2007 at 09:00 AM. (Schwarz, Steven) (Entered: 04/25/2007) |
| 04/25/2007 | <u>31</u> | RESPONSE by Dawn Majerczykin Opposition to MOTION by Plaintiff Heather Amro for a Finding of Relatedness <u>19</u> (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u>)(DiVito, Gino) (Entered: 04/25/2007) |
| 04/26/2007 | <u>32</u> | MINUTE entry before Judge Wayne R. Andersen :Plaintiff's motions <u>29</u> , <u>19</u> for relatedness are taken under advisement. Any additional written memorandum are due by 5/3/2007. Advised in open court notice (tsa,) (Entered: 04/27/2007) |
| 05/01/2007 | <u>33</u> | MEMORANDUM by Heather Amro in support of motion for miscellaneous relief <u>19</u> <i>Supplemental Memorandum in Support of Motion for a Finding of Relatedness</i> (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Wallace, Edward) (Entered: 05/01/2007) |
| 05/02/2007 | <u>34</u> | SUPPLEMENT by Raymond Demith to motion for miscellaneous relief <u>29</u> <i>Supplemental Memorandum</i> (Schwarz, Steven) (Entered: 05/02/2007) |
| 05/03/2007 | <u>35</u> | MOTION by Defendants Menu Foods, Inc., Menu Foods Income Fund, Menu Foods Operating Trust, Menu Foods Limited Partnership, Menu Foods Acquisition Inc., Menu Foods Limited, Menu Foods Holdings, Inc., Menu Foods Midwest Corporation to stay <i>all proceedings</i> (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u> # <u>8</u> # <u>9</u> # <u>10</u> # <u>11</u> # <u>12</u> # <u>13</u> # <u>14</u> # <u>15</u> # <u>16</u> # <u>17</u> # <u>18</u> # <u>19</u> # <u>20</u> # <u>21</u>)(Ruff, Edward) (Entered: 05/03/2007) |
| 05/03/2007 | <u>36</u> | NOTICE of Motion by Edward B. Ruff, III for presentment of motion to stay, <u>35</u> before Honorable Wayne R. Andersen on 5/10/2007 at 09:00 AM. (Ruff, Edward) (Entered: 05/03/2007) |

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| 05/04/2007 | <u>40</u> | NOTICE of Appearance by Cheryl A. Williams. (gej,) (Entered: 05/24/2007) |
| 05/04/2007 | <u>41</u> | MOTION of Plaintiffs for Transfer of Actions to the Central District of California and for Consolidated or Coordinated Pretrial Proceedings Pursuant to 28 U.S.C. section 1407. (gej,) (Entered: 05/24/2007) |
| 05/04/2007 | <u>42</u> | MEMORANDUM of Law in support of their Motion for Transfer of Actions to the Central District of California and for Consolidated or Coordinated Pretrial Proceedings Pursuant to 28 U.S.C. section 1407 by Plaintiffs. (gej,) (Entered: 05/24/2007) |
| 05/04/2007 | <u>43</u> | RESPONSE by Plaintiff to Motion for Transfer and Consolidation and Request for Transfer and Consolidation of Related Actions to the Western District of Arkansas under 28 Section 1407. (gej,) (Entered: 05/24/2007) |
| 05/07/2007 | <u>37</u> | LETTER from Cheryl A. Williams, Esq. dated 5/2/2007. (gej,) (Entered: 05/10/2007) |
| 05/09/2007 | <u>38</u> | NOTICE of Appearance by Daniel L. Rottinghaus in compliance with Rule 5.2(c). (gej,) (Entered: 05/11/2007) |
| 05/10/2007 | <u>39</u> | MINUTE entry before Judge Wayne R. Andersen :Defendants motion to stay <u>35</u> is granted.Status hearing set for 6/21/2007 at 09:00 AM. Motion for reassignment of related case <u>29</u> is granted. Case number 07cv2211 (J. Darrah) shall be reassigned to the calender of J. Andersen.Mailed notice (gej,) (Entered: 05/16/2007) |
| 06/08/2007 | <u>44</u> | MINUTE entry before Judge Wayne R. Andersen :Enter order regarding defendant's motion to stay all proceedings. Status hearing set for 6/15/2007 at 09:30 AM.Mailed notice (gej,) (Entered: 06/12/2007) |
| 06/08/2007 | <u>45</u> | ORDER Signed by Judge Wayne R. Andersen on 6/8/2007.(gej,) (Entered: 06/12/2007) |
| 06/15/2007 | <u>46</u> | MINUTE entry before Judge Wayne R. Andersen :All cases are stayed pending MDI transfer. Status hearing set for 8/1/2007 @ 9:00 a.m. Defendant is given to file the appearance of William C. Martin. Oral motion by Edward Ruff to withdraw is granted. Draft order to follow. Mailed notice (gej,) (Entered: 06/20/2007) |
| 06/19/2007 | <u>47</u> | ATTORNEY Appearance for Defendant Menu Foods, Inc. by William Christopher Martin. (gej,) (Entered: 06/21/2007) |
| 06/29/2007 | <u>48</u> | NOTICE by Menu Foods, Inc., Menu Foods Income Fund, Menu Foods Operating Trust, Menu Foods Limited Partnership, Menu Foods Acquisition Inc., Menu Foods Limited, Menu Foods Holdings, Inc., Menu Foods Midwest Corporation (<i>NOTICE OF MULTIDISTRICT CONSOLIDATION PURSUANT TO 28 U.S.C. 1407</i>) (Attachments: # <u>1</u> Transfer Order)(Martin, William) (Entered: 06/29/2007) |
| 06/29/2007 | <u>49</u> | MOTION by Defendants Menu Foods, Inc., Menu Foods Income Fund, Menu Foods Operating Trust, Menu Foods Limited Partnership, Menu Foods Acquisition Inc., Menu Foods Limited, Menu Foods Holdings, Inc., Menu Foods Midwest Corporation to reassign case (<i>SECOND MOTION FOR REASSIGNMENT OF RELATED CASES</i>) (Martin, William) (Entered: 06/29/2007) |
| 06/29/2007 | <u>50</u> | ATTORNEY Appearance for Defendants Menu Foods Income Fund, Menu Foods Operating Trust, Menu Foods Limited Partnership, Menu Foods Acquisition Inc., Menu Foods Limited, Menu Foods Holdings, Inc., Menu Foods Midwest Corporation by William Christopher Martin (Martin, William) (Entered: 06/29/2007) |
| 06/29/2007 | <u>53</u> | CONDITIONAL Transfer Order from MDI, Panel Transferring case to USDC District of New Jersey.(gej,) (Entered: 07/12/2007) |
| 07/11/2007 | <u>51</u> | MINUTE entry before Judge Wayne R. Andersen :Defendant's motion to reassign case 49 as related is granted pursuant to the order entered on 6/8/2007. Plaintiff's motion 19 to reassign case 7 c 2162 is granted. Motions terminated: Mailed notice (tsa,) (Entered: 07/11/2007) |
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| 07/11/2007 | <u>52</u> | MINUTE entry before Judge Wayne R. Andersen :Pursuant to the transfer order [48-2], this case is transferred to the Multidistrict Litigation Panel, to the Honorable Noel L. Hillman in the District of New Jersey. Civil case terminated. Mailed notice (gej,) (Entered: 07/12/2007) |
| 07/12/2007 | 54 | TRANSFERRED to the USDC District of New Jersey the original electronic file, certified copy of MDL transfer order, and docket sheet via certified mail number 7706 0100 0001 7312 7988. (gej,) (Entered: 07/12/2007) |

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