

CLOSED, GZSRECUSED, STANDARD

**U.S. District Court
District of Maine (Portland)
CIVIL DOCKET FOR CASE #: 2:07-cv-00054-DBH**

BRAZILIAN v. MENU FOODS INCOME FUND et al
Assigned to: JUDGE D. BROCK HORNBY
Referred to: MAG. JUDGE DAVID M. COHEN
Demand: \$5,000,000
Cause: 28:1332 Diversity-Product Liability

Date Filed: 03/30/2007
Date Terminated: 07/23/2007
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Diversity

Plaintiff**MARA BRAZILIAN**

represented by **DANIEL J. MITCHELL**
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ATTEST: Linda L. Jacobson, Clerk

By: 
Deputy Clerk

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V.

Defendant

MENU FOODS INCOME FUND

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Defendant

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Defendant

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MICHAEL P TURIELLO
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PAUL C. CATSOS
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Defendant

MENU FOODS MIDWEST CORPORATION

represented by **EDWARD B RUFF, III**
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Defendant

IAMS COMPANY

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| Date Filed | # | Docket Text |
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| 03/30/2007 | 1 | <p>COMPLAINT against MENU FOODS INCOME FUND, MENU FOODS LIMITED, MENU FOODS INC, MENU FOODS MIDWEST CORPORATION, IAMS COMPANY with Jury Demand</p> <p>IF FILING FEE IS BEING PAID WITH A CREDIT CARD, COUNSEL ARE INSTRUCTED TO IMMEDIATELY LOGIN TO CM/ECF AND DOCKET Case Opening Filing Fee Paid FOUND IN THE <i>Complaints and Other Initiating Documents</i> CATEGORY.</p> <p>IF FILING FEE IS BEING PAID WITH A CHECK, THE COURT REQUIRES RECEIPT OF PAYMENT WITHIN 48 HOURS OF THIS FILING., filed by MARA BRAZILIAN.(Service of Process Deadline 7/30/2007)(ckb,) (Entered: 03/30/2007)</p> |
| 03/30/2007 | 2 | <p>Summons Issued as to MENU FOODS INCOME FUND, MENU FOODS LIMITED, MENU FOODS INC, IAMS COMPANY.</p> <p>Counsel shall print the embossed summons and effect service in the manner in accordance with Fed.R.Civ.P.4.</p> <p>Note-If you are using Version 6 of Adobe Acrobat, be sure the PRINT WHAT field is set to DOCUMENTS AND COMMENTS (Click File, then Print to check this setting).</p> <p>(Attachments: # 1 Summons to Menu Foods Limited# 2 Summons to Menu Foods Income Fund# 3 Summons to Menu Foods Inc)(ckb,) (Entered: 03/30/2007)</p> |
| 03/30/2007 | 3 | <p>NOTICE of Appearance by MICHAEL R. BOSSE, DANIEL MITCHELL, and THEODORE A. SMALL on behalf of MARA BRAZILIAN (BOSSE, MICHAEL) Modified on 4/2/2007 to reflect this docket entry also reflect an appearance by Theodore Small and Danile Mitchell (mjlt,). (Entered: 03/30/2007)</p> |
| 03/30/2007 | 3 | <p>NOTICE of Docket Entry Modification regarding 3 Notice of Appearance : This docket entry was modified by the Clerk's Office to</p> |

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| | | reflect this docket entry also reflects an appearance by Theodore Small and Daniel Mitchell on behalf of MARA BRAZILIAN (mjlt,) (Entered: 04/02/2007) |
| 04/02/2007 | 4 | Summons Issued as to MENU FOODS MIDWEST CORPORATION. Counsel shall print the embossed summons and effect service in the manner in accordance with Fed.R.Civ.P.4. Note-If you are using Version 6 of Adobe Acrobat, be sure the PRINT WHAT field is set to DOCUMENTS AND COMMENTS (Click File, then Print to check this setting). (bfa,) (Entered: 04/02/2007) |
| 04/04/2007 | 5 | Filing Fee Received from MARA BRAZILIAN: Amount Paid: \$350. Receipt Number: 365177. Method of Payment: credit card. Purpose of Payment: civil filing fee. Date Paid: 4/2/2007 re 1 Complaint. (bfa,) (Entered: 04/04/2007) |
| 04/09/2007 | 5 | Copies - Notice of Potential Tag-along actions, First Amended Rule 7.2 (a)(ii) Schedule of Actions and Certificate of Service. (smd,) (Entered: 04/09/2007) |
| 04/11/2007 | 6 | DEMAND for Trial by Jury by MARA BRAZILIAN. (MITCHELL, DANIEL) (Entered: 04/11/2007) |
| 04/20/2007 | 7 | MOTION to Stay <i>All Proceedings</i> by MENU FOODS INCOME FUND, MENU FOODS LIMITED, MENU FOODS INC, MENU FOODS MIDWEST CORPORATION.Responses due by 5/11/2007. (Attachments: # 1 Exhibit Sexton Motion pp 1-40# 2 Exhibit Sexton Motion pp 41-80# 3 Exhibit Sexton Motion pp 81-134# 4 Exhibit Troiano Motion pp 1-50# 5 Exhibit Troiano Motion 51-100# 6 Exhibit Troiano Motion pp 101-155# 7 Exhibit Whaley Motion pp 1-75# 8 Exhibit Whaley Motion pp 76-150# 9 Exhibit Whaley Motion pp 151-215# 10 Exhibit Pittsonberger Motion# 11 Exhibit Hearing Order# 12 Exhibit Brazilian Complaint)(CATSOS, PAUL) (Entered: 04/20/2007) |
| 04/20/2007 | 8 | Set Deadlines/Hearings : Defendants' Corporate Disclosure Statement due by 4/26/2007.(mjlt,) (Entered: 04/20/2007) |
| 04/26/2007 | 8 | CORPORATE DISCLOSURE STATEMENT by MENU FOODS INCOME FUND, MENU FOODS LIMITED, MENU FOODS INC, MENU FOODS MIDWEST CORPORATION. (CATSOS, PAUL) (Entered: 04/26/2007) |
| 05/08/2007 | 9 | CORPORATE DISCLOSURE STATEMENT by IAMS COMPANY. (WHITE, JEFFREY) (Entered: 05/08/2007) |
| 05/08/2007 | 10 | Motion(s) joined by IAMS COMPANY : 7 MOTION to Stay <i>All Proceedings</i> filed by MENU FOODS INCOME FUND, MENU FOODS INC, MENU FOODS MIDWEST CORPORATION, MENU FOODS LIMITED. (WHITE, JEFFREY) (Entered: 05/08/2007) |

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| 05/08/2007 | 11 | AMENDED Motion(s) joined by IAMS COMPANY : 7 MOTION to Stay <i>All Proceedings</i> filed by MENU FOODS INCOME FUND, MENU FOODS INC, MENU FOODS MIDWEST CORPORATION, MENU FOODS LIMITED <i>AMENDED NOTICE OF JOINDER</i> . (WHITE, JEFFREY) Modified on 5/9/2007 to add Amended to the beginning of the docket entry (mjlt,). (Entered: 05/08/2007) |
| 05/09/2007 | 12 | ORDER OF RECUSAL. Judge GEORGE Z. SINGAL recused. Case reassigned to Judge D. BROCK IORNBY for all further proceedings By Judge GEORGE Z. SINGAL. (mjlt,) Additional attachment(s) added on 5/9/2007 (mjlt,). (Entered: 05/09/2007) |
| 05/09/2007 | 13 | NOTICE OF APPEARANCE Pro Hac Vice by MENU FOODS INCOME FUND, MENU FOODS LIMITED, MENU FOODS INC, MENU FOODS MIDWEST CORPORATION. (Attachments: # 1 Affidavit Michael P. Turiello, Esq.# 2 Affidavit Edward B. Ruff, III, Esq.# 3 Affidavit Priya K. Jesani, Esq.)(CATSOS, PAUL) Modified on 5/9/2007 to modify text to reflect document is a notice of appearance pro hac vice (mnw,). (Entered: 05/09/2007) |
| 05/09/2007 | | NOTICE of Docket Entry Modification regarding 12 Order of Recusal :This docket entry was modified to attach the Order of Recusal in PDF format to the docket entry. (mjlt,) (Entered: 05/09/2007) |
| 05/11/2007 | 14 | RESPONSE in Opposition re 7 MOTION to Stay <i>All Proceedings</i> filed by MARA BRAZILIAN.Reply due by 5/22/2007. (Attachments: # 1 Exhibit 05/02/07 Order in Sims Denying Motion to Stay)(BOSSE, MICHAEL) (Entered: 05/11/2007) |
| 05/15/2007 | 15 | CERTIFICATE OF SERVICE by MARA BRAZILIAN re 14 Response in Opposition to Motion (BOSSE, MICHAEL) (Entered: 05/15/2007) |
| 05/15/2007 | 16 | SUMMONS Returned Executed IAMS COMPANY served on 5/11/2007. (BOSSE, MICHAEL) (Entered: 05/15/2007) |
| 05/16/2007 | | SET Answer Deadline for IAMS COMPANY - PER SUMMONS RETURNED EXECUTED #16: Answer due by 5/31/2007.(mnw,) (Entered: 05/16/2007) |
| 05/18/2007 | 17 | SUMMONS Returned Executed MENU FOODS MIDWEST CORPORATION served on 5/11/2007. (BOSSE, MICHAEL) (Entered: 05/18/2007) |
| 05/18/2007 | 18 | REPLY TO RESPONSE TO MOTION re 7 MOTION to Stay <i>All Proceedings</i> filed by IAMS COMPANY.(Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3)(WHITE, JEFFREY) Modified on 5/21/2007 to edit text to reflect that the document attached is a reply to motion #7 to stay, not a response (mnw,). (Entered: 05/18/2007) |
| 05/18/2007 | | SET Answer Deadline for MENU FOODS MIDWEST CORPORATION - PER SUMMONS RETURNED EXECUTED #17: Answer due by 5/31/2007.(mnw,) (Entered: 05/18/2007) |
| 05/21/2007 | | NOTICE of Docket Entry Modification regarding 18 Response in |

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| | | Opposition to Motion: DOCKET ENTRY TEXT MODIFIED BY THE CLERK'S OFFICE TO REFLECT THAT THE DOCUMENT ATTACHED IS A REPLY TO THE MOTION TO STAY ALL PROCEEDINGS, NOT A RESPONSE IN OPPOSITION. (mnw,) (Entered: 05/21/2007) |
| 05/22/2007 | 19 | NOTICE OF JOINDER OF DEFENDANT IAMS COMPANY'S REPLY IN SUPPORT OF <u>7</u> MOTION to Stay <i>All Proceedings filed by MENU FOODS INCOME FUND, MENU FOODS LIMITED, MENU FOODS INC, MENU FOODS MIDWEST CORPORATION. (CATSOS, PAUL)</i> Modified on 5/23/2007 to clean up docket text (mnw,). (Entered: 05/22/2007) |
| 05/23/2007 | 20 | ORDER granting, over objection, <u>7</u> Motion to Stay By Judge DAVID M. COHEN. All proceedings in this matter are stayed pending decision of the MDL panel whether this case should be joined with others before a single judge for uniform treatment or further order of this court. Counsel shall report to this court monthly, beginning July 2, 2007, on the status of the MDL transfer proceedings and shall promptly advise the court of any order issued by the MDL panel regarding this case. This order assumes that the MDL panel has already been advised of the pendency of this case and its relationship to the pending MDL motions in MDL 1850 or that it will be so advised forthwith. (COHEN, DAVID) (Entered: 05/23/2007) |
| 05/23/2007 | 20 | SET Deadlines - PER ORDER #20: Status Report re: status of MDL transfer proceedings due by 7/2/2007.(mnw,) (Entered: 05/23/2007) |
| 05/31/2007 | 21 | SUMMONS Returned Executed MENU FOODS INC served on 5/14/2007. (BOSSE, MICHAEL) (Entered: 05/31/2007) |
| 06/28/2007 | 22 | NOTICE/CORRESPONDENCE Re: Multidistrict Consolidation Pursuant to 28 U.S.C. Sect. 1407 and Request to Maintain Stay by MENU FOODS INCOME FUND, MENU FOODS LIMITED, MENU FOODS INC, MENU FOODS MIDWEST CORPORATION (Attachments: # <u>1</u> Exhibit Ex. A MDL Transfer Order# <u>2</u> Exhibit Ex. B Movant Sexton's First Notice of Potential Tag-Along Actions)(CATSOS, PAUL) (Entered: 06/28/2007) |
| 07/02/2007 | 23 | NOTICE/CORRESPONDENCE Re: Conditional Transfer and Monthly Report by MENU FOODS INCOME FUND, MENU FOODS LIMITED, MENU FOODS INC, MENU FOODS MIDWEST CORPORATION (Attachments: # <u>1</u> Exhibit A - Conditional Transfer Order)(CATSOS, PAUL) (Entered: 07/02/2007) |
| 07/02/2007 | 23 | Reset Deadlines Per Order #20, Counsel are to file Monthly Status Reports re Status of MDL Transfer Proceedings: Status Report due by 8/6/2007.(lng) (Entered: 07/02/2007) |
| 07/20/2007 | 24 | MDL CONDITIONAL TRANSFER ORDER (mnw,) (Entered: 07/20/2007) |
| 07/23/2007 | 25 | Multidistrict Litigation Panel Order transferring case to District of New Jersey. (mnw,) (Entered: 07/24/2007) |

