

CLOSED, STAY

U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:07-cv-00706-JAH-CAB
Internal Use Only

Swarberg v. Menu Foods Holding Inc et al
Assigned to: Judge John A. Houston
Referred to: Magistrate Judge Cathy Ann
Bencivengo
Demand: \$5,000,000
Case in other court: San Diego Superior Court, 37-
02007-00064066

Date Filed: 04/18/2007
Date Terminated: 08/06/2007
Jury Demand: Both
Nature of Suit: 385 Prop. Damage
Prod. Liability
Jurisdiction: Diversity

Cause: 28:1441 Petition for Removal- Product
Liability

Plaintiff

Diane Swarberg
*individually and on behalf of all
others similarly situated*

represented by **Dennis E. Murray, Sr**
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Defendant

DOES

1 through 100, inclusive

Date Filed	#	Docket Text
04/18/2007	●1	NOTICE OF REMOVAL as to Diane Swarberg from San Diego Superior Court, case number 37-2007-00064066-CU-MT-CTL.(Filing fee paid \$350.00, Receipt#137271) filed by Menu Foods Holding Inc.t/w Jury Demand.(lao,)(mam). (Entered: 04/19/2007)
04/18/2007	●2	NOTICE of Lodgment of State Court File by Menu Foods Holding, Inc. (vet,) (Entered: 04/20/2007)
04/18/2007	●3	NOTICE: Demand for Jury Trial by Menu Foods Holding, Inc. (vet,) (Entered: 04/20/2007)
04/20/2007	●4	NOTICE by Menu Foods Holding Inc of related case(s) 07-00705 (Attachments: # 1 Proof of Service)(Hack, Susan) Modified on 4/23/2007 low-number order prepared(vet,). (Entered: 04/20/2007)
04/23/2007	●5	CERTIFICATE OF SERVICE by Menu Foods Holding Inc re 4 Notice (Other) (Hack, Susan) (Entered: 04/23/2007)
04/23/2007	●6	MOTION to Stay by Menu Foods Holding Inc. (Attachments:

		# 1 Notice of Motion to Stay# 2 Notice of Lodgment of Exhibits# 3 Exhibit A (1 of 3)# 4 Exhibit A-1 (2 of 3)# 5 Exhibit A2# 6 Exhibit B (4 parts)# 7 Exhibit B-1# 8 Exhibit B-2# 9 Exhibit B-3# 10 Exhibit C (5 parts)# 11 Exhibit C-1# 12 Exhibit C-2# 13 Exhibit C-3# 14 Exhibit C-4# 15 Exhibit D (2 parts)# 16 Exhibit D-1# 17 Exhibit E# 18 Proof of Service (Hack, Susan) (Entered: 04/23/2007)
04/23/2007		(Court only) Set/Reset Deadlines as to 6 MOTION to Stay. Motion Hearing set for 6/15/2007 11:00 AM in Courtroom 15 before Judge Barry Ted Moskowitz. No oral argument unless requested by Court. (vet,) (Entered: 04/26/2007)
04/25/2007	●7	Joint MOTION for Extension of Time to File Answer <i>Or Other Responsive Pleading</i> by The Iams Company. (Howarth, Don) (Entered: 04/25/2007)
04/25/2007	●8	NOTICE of Joinder by The Iams Company <i>In Notice of Removal of Action</i> (Howarth, Don) (Entered: 04/25/2007)
04/27/2007	●9	Joint MOTION for Extension of Time to File Response/Reply to File Responsive Pleading and Proof of Service by Menu Foods Holding Inc. (Hack, Susan) (Entered: 04/27/2007)
05/01/2007	●10	ORDER of transfer pursuant to Low-Number Rule. Case reassigned to Judge John A. Houston and Cathy Ann Bencivengo for all further proceedings. Judge Barry Ted Moskowitz no longer assigned to case. New case number is 07CV0706-JAH(CAB). Signed by Judge Barry Ted Moskowitz on 04/30/07. (jpp,) (Entered: 05/02/2007)
05/02/2007	●11	NOTICE of Appearance re MDL 1850 before the Judicial Panel. (Attachments: # 1 Notice Motion re transfer of action re MDL 1850# 2 Memo of Points and Authorities)(bar,) (Entered: 05/02/2007)
05/02/2007	●12	ORDER granting 9 Joint Motion for Extension of Time to File Response. Menu Foods Holdings, Inc. answer due 06/11/07. Signed by Judge John A. Houston on 05/01/07. (jpp,) (Entered: 05/02/2007)
05/02/2007	●13	ORDER granting 7 Joint Motion for extension of time to file responsive pleading. The Iams Company answer due on or before 05/29/07. Signed by Judge John A. Houston on 05/01/07. (jpp,) (Entered: 05/02/2007)
05/07/2007	●14	ORDER rescheduling motion hearing. On Court's own motion,

		date of 06/15/07 set for hearing defendant Menu Foods Holding, Inc's motion to stay all proceedings is vacated and rescheduled for 05/31/07 at 3:00pm in Courtroom 11. Signed by Judge John A. Houston on 05/07/07. (jpp,) (Entered: 05/07/2007)
05/07/2007	●15	NOTICE before the Judicial Panel of Multidistrict Litigation re MDL 1850- Plaintiffs' notice of joinder and joinder in motion for transfer of actions to the Central District of CA and for consolidated or coordinated pretrial proceedings pursuant to 28USC1407 (bar,) (Entered: 05/08/2007)
05/07/2007	●16	Letter from atty Milberg Weiss re MDL 1850 (bar,) (Entered: 05/08/2007)
05/09/2007	●17	Corporate Disclosure Statement by The Iams Company. (Howarth, Don) (Entered: 05/09/2007)
05/10/2007	●18	NOTICE by Menu Foods Holding Inc re <u>1</u> Notice of Removal <i>NOTICE OF ERRATA</i> (Hack, Susan) (Entered: 05/10/2007)
05/14/2007	●19	NOTICE by Menu Foods Holding Inc <i>DISCLOSURE STATEMENT OF NOTICE OF INTERESTED PARTIES</i> (Hack, Susan) (Entered: 05/14/2007)
05/15/2007	●20	PRO HAC VICE APPOINTED: Edward B Ruff, III appearing for Defendant Menu Foods Holding Inc (jpp,) (Entered: 05/15/2007)
05/15/2007	●21	PRO HAC VICE APPOINTED: Michael P Turiello appearing for Defendant Menu Foods Holding Inc (jpp,) (Entered: 05/15/2007)
05/15/2007	●22	PRO HAC VICE APPOINTED: Priya Jesani appearing for Defendant Menu Foods Holding Inc (jpp,) (Entered: 05/15/2007)
05/15/2007	●23	NOTICE of Appearance by Nicole Dorsky, Jeremy Gilman, Leslie O. Murray, John T. Murray, Dennis E. Murray on behalf of Diane Swarberg t/w Certificates of Service and List of MDL Docket No. 1850 Cases. (vet,) (Entered: 05/17/2007)
05/23/2007	●24	Joint MOTION for Extension of Time to File Answer <i>Or Other Responsive Pleading</i> by The Iams Company. (Howarth, Don) (Entered: 05/23/2007)
05/23/2007	●25	PRO HAC VICE APPOINTED: D Jeffrey Ireland appearing for Defendant The Iams Company. Signed by Judge John A.

		Houston. (jpp,) (Entered: 05/23/2007)
05/23/2007	●26	ORDER vacating hearing date of 05/31/07 for defendant's motion to stay. Signed by Judge John A. Houston on 05/23/07. (jpp,) (Entered: 05/23/2007)
05/23/2007	●27	ORDER granting 24 Joint Motion for Extension of Time to File Responsive Pleading. Defendant The Iams Company First Responsive pleading is due on or before 6/11/2007 . Signed by Judge John A. Houston on 05/23/07. (jpp,) (Entered: 05/24/2007)
06/01/2007	●28	PRO HAC VICE APPOINTED: Brian D Wright appearing for Defendant The Iams Company (jpp,) (Entered: 06/04/2007)
06/08/2007	●29	Joint MOTION for Extension of Time to File Answer <i>Or Other Responsive Pleading</i> by The Iams Company. (Howarth, Don) (Entered: 06/08/2007)
06/08/2007	●30	ORDER granting 6 Defendant Menu Foods Holding Inc's Motion to Stay . Signed by Judge John A. Houston on 06/08/07. (jpp,) (Entered: 06/08/2007)
06/11/2007	●31	Joint MOTION for Extension of Time to File Response/Reply by Menu Foods Holding Inc. (Hack, Susan) (Entered: 06/11/2007)
06/11/2007	●32	ORDER denying [29} Joint Motion for Extension of Time to file responsive pleading without prejudice as moot. Signed by Judge John A. Houston on 06/08/07. (jpp,) (Entered: 06/11/2007)
06/22/2007	●33	ORDER denying 31 Joint Motion for Extension of Time to file responsive pleading without prejudice without prejudice as moot.Signed by Judge John A. Houston on 06/22/07. (jpp) (Entered: 06/22/2007)
07/02/2007	●34	NOTICE by Menu Foods Holding Inc re 30 Order on Motion to Stay <i>NOTICE OF MULTIDISTRICT CONSOLIDATION PURSUANT TO 28 USC 1407 AND REQUEST TO MAINTAIN STAY</i> (Hack, Susan) (Entered: 07/02/2007)
08/06/2007	●35	Case transferred to District of New Jersey pursuant to MDL 1850. (bar) (Entered: 08/06/2007)