

MDL, TERMED

U.S. District Court
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:07-cv-00736-JLK
Internal Use Only

Tompkins v. Menu Foods Midwest Corporation et al
Assigned to: Judge John L. Kane
Demand: \$5,000,000
Cause: 28:1332 Diversity-Product Liability

Date Filed: 04/11/2007
Date Terminated: 07/24/2007
Jury Demand: Plaintiff
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Emily Tompkins
*individually and on behalf of all others
similarly situated*

represented by **Jennifer Reba Thomaidis**
Thomaidis Law, LLC
1866 Vine Street
Denver, CO 80206
303-322-4355
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Email: jennifer@thomaidislaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul Gordon
Paul Gordon, LLC
650 South Cherry Street
#835
Denver, CO 80246
303-756-0800
Fax: 303-756-9315
Email: pgordon@gorlaw.com
ATTORNEY TO BE NOTICED

Plaintiff

Harmony Adams

Plaintiff

Kira Andres

Plaintiff

Tamara Arendt

Plaintiff

Emory Ariano

Plaintiff

Carol Baker

Plaintiff

Stephen M. Barone

Plaintiff

Melissa Becko

Plaintiff

Kristen Beneck

Plaintiff

Ramona Berry

Plaintiff

David Bondarchurch

Plaintiff

Brandon C. Bourret

Plaintiff

Denise Bourret

Plaintiff

Lou Ann Cameron

Plaintiff

Cindy Camp

Plaintiff

Mike Clark

Plaintiff

Tracy Cole

Plaintiff

Todd Cole

Plaintiff

Sandra Craft

Plaintiff

Miranda Daniele

Plaintiff

Diann Decker

Plaintiff

Toni Denham

Plaintiff

Carla Detwiler

Plaintiff

Carl Dickson

Plaintiff

Beth Dombroski

Plaintiff

Sara Dosch

Plaintiff

Katernine Feight

Plaintiff

Richard Feight

Plaintiff

Susan Foresman

Plaintiff

Denise Forsyth

Plaintiff

Bruce Foster

Plaintiff

Michelle Gode

Plaintiff

Rhonda Good

Plaintiff

Janet Goodwin

Plaintiff

Kim Gorgens

Plaintiff

Linda Gorrell

Plaintiff

Victoria Gosteva

Plaintiff

Carol Gretz

Plaintiff

William Gretz

Plaintiff

Todd Hanson

Plaintiff

Rene Hanson

Plaintiff

Carol Haugh

Plaintiff

Mark Heaton

Plaintiff

Kami Huff

Plaintiff

Allison Jernigan

Plaintiff

Lorraine Johnson

Plaintiff

Jason Katz

Plaintiff

Jessica Katz

Plaintiff

Richard Kay

Plaintiff

Patricia Kay

Plaintiff

Donna Kean

Plaintiff

Clarissa King

Plaintiff

Virginia Koslow

Plaintiff

Candace Larose

Plaintiff

Lemecea landrum

Plaintiff

John Logan

Plaintiff

Theresa Luna

Plaintiff

Deborah Masso

Plaintiff

Connie McKinney

Plaintiff

Danny Mickey

Plaintiff

Lois Mitchell

Plaintiff

Eryn Mulloy

Plaintiff

Stacy Newman-Roolf

Plaintiff

Lisa Nichols

Plaintiff

Jo Ann Oaklief

Plaintiff

Rick Obernolte

Plaintiff

Jen Olbricht

Plaintiff

Lorrie Paradiso

Plaintiff

Geraldine Pauley

Plaintiff

Crystal Pickett

Plaintiff

Cynthia Poole

Plaintiff

Lynn Pusilio

Plaintiff

Erica Rambus

Plaintiff

Justin Revene

Plaintiff

Brook Revstock

Plaintiff

Tracy Richardson

Plaintiff

Jon Roberts

Plaintiff

Evelyn Seeman

Plaintiff

Michael Sena

Plaintiff

Stephenie Sheme

Plaintiff

Judy Shope

Plaintiff

Sandra Smith

Plaintiff

Randy St. Onge

Plaintiff

Stephen Terrell

Plaintiff

Mary Jo Thomas

Plaintiff

Mary Kay Urban

Plaintiff

Claire Walter

Plaintiff

Prudence Walters

Plaintiff

Jethro Wagner

Plaintiff

Don Warn

Plaintiff

Robert Weiss

Plaintiff

Ian White

Plaintiff

Kurt Whitt

Plaintiff

Kenneth Whitten

Plaintiff

Laurie Woodman

Plaintiff

Teresa Zankiewicz

Plaintiff

Debbie Zeigler

V.

Defendant

Menu Foods Midwest Corporation

represented by **Rachel Laine Carnaggio**
Godfrey & Lapuyade, P.C.
9557 South Kingston Court
Englewood, CO 80112-5952
303-228-0700
Fax: 303-228-0701
Email: carnaggio@godlap.com

Defendant

Menu Foods Income Fund

represented by **Rachel Laine Carnaggio**

(See above for address)

Defendant

Menu Foods Limited

represented by **Rachel Laine Carnaggio**
(See above for address)

Defendant

Menu Foods Inc.

represented by **Rachel Laine Carnaggio**
(See above for address)

Defendant

Menu Foods Holdings, Inc.

represented by **Rachel Laine Carnaggio**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Proctor & Gamble Company, The

represented by **Steven J. Merker**
Dorsey & Whitney, LLP-Denver
370 17th Street
Republic Plaza Building
#4700
Denver, CO 80202-5647
303-629-3400
Fax: 303-629-3450
Email: merker.steve@dorsey.com
ATTORNEY TO BE NOTICED

Defendant

Iams Company, The

represented by **Steven J. Merker**
(See above for address)

Defendant

Safeway Inc.

Defendant

Kroger Company, The
(actually named as *The Kroger Co.*)

Defendant

Petco Animal Supplies, Inc.

Defendant

Petco Animal Supplies Stores, Inc.
and John Does 1 through 100

Defendant

**Xuzhou Anying Biologic Technology
Development Company Ltd**
a foreign company

Defendant**Chemnutra, Inc.****Defendant****PetsMart, Inc.****Defendant****Hill's Pet Nutrition, Inc.****Defendant****Hill's Pet Nutrition Sales, Inc.****Defendant****Colgate-Palmolive Company****Defendant****Walmart, Inc.****Defendant****Binzhou Futian Biology Technology
Co. Ltd.****Defendant****Wilbur-Ellis Company****Defendant****Nestle Purina Petcare Company****Defendant****Sunshine Mills, Inc.****Defendant****American Nutrition, Inc.****Defendant****Blue Buffalo Company****Defendant****Natural Balance, Inc.****Defendant****Diamond Pet Foods****Defendant****Sierra Pet Products, LLC****Defendant****Ceral Byproducts**

Defendant**Royal Canin****Defendant****Smart Pak****Defendant****CJ Foods****Defendant****Foster and Smith, Inc***doing business as*

d/b/a Doctors Foster and Smith

Defendant**Del Monte Foods Company****Defendant****Del Monte Corporation****Defendant****M&M Mars Incorporated****Defendant****Masterfoods U.S.A.****Defendant****Waltham****Defendant****Diamond Pet Foods****Defendant****Chenango Valley Pet Foods**

Date Filed	#	Docket Text
04/11/2007	#1	Class Action COMPLAINT and Jury Demand against Iams Company, The, Safeway Inc., Kroger Company, The, Petco Animal Supplies, Inc., Petco Animal Supplies Stores, Inc., Menu Foods Midwest Corporation, Menu Foods Income Fund, Menu Foods Limited, Menu Foods Inc., Menu Foods Holdings, Inc., Proctor & Gamble Company, The (Filing fee \$ 350, Receipt Number COX000621) Summons issued, filed by Emily Tompkins. (Attachments: # 1 Civil Cover Sheet # 2 Receipt)(llr,) (Entered: 04/12/2007)
04/20/2007	#2	MOTION to Stay re 1 Complaint, <i>All Proceedings</i> by Defendants Menu Foods Midwest Corporation, Menu Foods Income Fund, Menu Foods

		Limited, Menu Foods Inc., Menu Foods Holdings, Inc.. (Attachments: # 1 Exhibit A-E# 2 Exhibit F# 3 Proposed Order (PDF Only) Order Granting Motion to Stay All Proceedings)(Carnaggio, Rachel) (Entered: 04/20/2007)
04/25/2007	3	MINUTE ORDER Plaintiff shall respond to Defendants Motion to Stay All Proceedings (doc. #2), filed 04/20/07, on or before 05/07/07 by Judge John L. Kane on 04/25/07. (jjh,) (Entered: 04/25/2007)
05/01/2007	4	Amended MOTION for Order to <i>Grant Motion to Stay all Proceedings</i> by Defendants Menu Foods Midwest Corporation, Menu Foods Income Fund, Menu Foods Limited, Menu Foods Inc., Menu Foods Holdings, Inc.. (Carnaggio, Rachel) (Entered: 05/01/2007)
05/01/2007	5	(Court only) ***Motions terminated: 4 Amended MOTION for Order to Grant Motion to Stay all Proceedings filed by Menu Foods Limited, Menu Foods Inc., Menu Foods Income Fund, Menu Foods Midwest Corporation, Menu Foods Holdings, Inc. Terminated due to ducument is actually an Order not a Motion. (jjh,) (Entered: 05/01/2007)
05/01/2007	10	NOTICE - PENDING BEFORE THE MDL PANEL - MDL 1850 - Courtesy copy of 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. 1407 (Attachments: # 1 Memorandum in Support)(llr,) (Entered: 05/08/2007)
05/01/2007	11	NOTICE - PENDING BEFORE THE MDL PANEL - MDL 1850 - Courtesy copy of Notice of Appearance by Cheryl A. Williams. (llr,) (Entered: 05/08/2007)
05/02/2007	5	MOTION for Joinder re 2 MOTION to Stay re 1 Complaint, <i>All Proceedings</i> MOTION to Stay re 1 Complaint, <i>All Proceedings</i> by Defendants Iams Company, The, Proctor & Gamble Company, The. (Merker, Steven) (Entered: 05/02/2007)
05/04/2007	6	CORPORATE DISCLOSURE STATEMENT by Defendants Iams Company, The, Proctor & Gamble Company, The. (Merker, Steven) (Entered: 05/04/2007)
05/07/2007	7	NOTICE of Entry of Appearance by Paul Gordon on behalf of all plaintiffs (Gordon, Paul) (Entered: 05/07/2007)
05/07/2007	8	RESPONSE to Motion re 2 MOTION to Stay re 1 Complaint, <i>All Proceedings</i> MOTION to Stay re 1 Complaint, <i>All Proceedings</i> , 4 Amended MOTION for Order to <i>Grant Motion to Stay all Proceedings</i> filed by Plaintiff Emily Tompkins. (Gordon, Paul) (Entered: 05/07/2007)
05/07/2007	12	NOTICE - PENDING BEFORE THE MDL PANEL - MDL 1850 - Courtesy copy of Notice of Joinder in Motion for Transfer by Andrew H. Friedman, P.C. (llr,) (Entered: 05/08/2007)
05/07/2007	13	NOTICE - PENDING BEFORE THE MDL PANEL - MDL 1850 - Courtesy copy of letter to confirm counsel's request for motion for transfer to the Central District of California by Cheryl A. Williams, Esq.

		(llr,) (Entered: 05/08/2007)
05/08/2007	⑨	ORDER granting Defendants' 2 Motion to Stay all Proceedings. Signed by Judge John L. Kane on 05/08/07.(jjh,) (Entered: 05/08/2007)
05/08/2007	⑯	NOTICE - PENDING BEFORE THE MDL PANEL - MDL 1850 - Courtesy copy of Notice of Entry of Appearance by Daniel L. Rottinghaus. (llr,) (Entered: 05/08/2007)
05/14/2007	⑯	NOTICE - PENDING BEFORE THE MDL PANEL - MDL 1850 - Courtesy copy of Certificate of Service, dated 5/11/2007 by attorney for Plaintiff Gregory T. Boehm. (llr,) (Entered: 05/18/2007)
05/14/2007	⑯	NOTICE - PENDING BEFORE THE MDL PANEL - MDL 1850 - Notice of Appearance and Notice of Presentation of Oral Argument by attorney Dennis E. Murray, Sr. (llr,) (Entered: 05/18/2007)
05/14/2007	⑯	NOTICE - PENDING BEFORE THE MDL PANEL - MDL 1850 - Courtesy copy of Motion of Plaintiffs for Transfer of Actions to the Northern District of Ohio Pursuant to 28 U.S.C. 1407 for Coordinated or Consolidated Pretrial Proceedings by Dennis E. Murray Sr. (llr,) (Entered: 05/18/2007)
05/14/2007	⑯	NOTICE - PENDING BEFORE THE MDL PANEL - MDL 1850 - Courtesy Copy of Brief in Support of Plaintiff's ⑯ Notice (Motion for Transfer) by attorney Dennis E. Murray Sr. for Plaintiff Boehm. (llr,) (Entered: 05/18/2007)
05/14/2007	⑯	NOTICE - PENDING BEFORE THE MDL PANEL - MDL 1850 - Courtesy copy of Notice of Waiver of Oral Argument by Jeff Westerman. (llr,) (Entered: 05/18/2007)
05/21/2007	⑯	NOTICE - Courtesy copy of Notice (to MDL Panel) of Presentation of Oral Argument by Nicole Dorsky. (llr,) (Entered: 06/01/2007)
05/29/2007	⑯	NOTICE - PENDING BEFORE THE MDL PANEL - MDL 1850 - Courtesy copy of Response of Plaintiffs Cashman and Aiello to Mtn to Transfer. (llr,) (Entered: 06/01/2007)
07/13/2007	⑯	AMENDED COMPLAINT against all defendants, filed by Emily Tompkins. (Attachments: # 1 Pages First Amended Complaint) (Thomaidis, Jennifer) (Entered: 07/13/2007)
07/13/2007	⑯	(Court only) ***Party Xuzhou Anying Biologic Technology Development Company Ltd, and Chemnutra, Inc., and PetsMart, Inc., and Hill's Pet Nutrition, Inc., and Hill's Pet Nutrition Sales, Inc., and Colgate-Palmolive Company, and Walmart, Inc., and Binzhou Futian Biology Technology Co. Ltd., and Wilbur-Ellis Company, and Nestle Purina Petcare Company, and Sunshine Mills, Inc., and American Nutrition, Inc., and Blue Buffalo Company, and Natural Balance, Inc., and Diamond Pet Foods, and Sierra Pet Products, LLC, and Ceral Byproducts, and Royal Canin, and Smart Pak, and CJ Foods, and Foster and Smith, Inc, and Del Monte Foods Company, and Del Monte Corporation, and M&M Mars Incorporated, and Masterfoods U.S.A., and

		Waltham, and Diamond Pet Foods, and Chenango Valley Pet Foods added. Pursuant to the Amended Complaint filed 7/13/07 (erv,) (Entered: 07/16/2007)
07/13/2007	•	(Court only) ***Party Harmony Adams, and Kira Andres, and Tamara Arendt, and Emory Ariano, and Carol Baker, and Stephen M. Barone, and Melissa Becko, and Kristen Beneck, and Ramona Berry, and David Bondarchurch, and Brandon C. Bourret, and Denise Bourret, and Lou Ann Cameron, and Cindy Camp, and Mike Clark, and Tracy Cole, and Todd Cole, and Sandra Craft, and Miranda Daniele, and Diann Decker, and Toni Denham, and Carla Detwiler, and Carl Dickson, and Beth Dombroski, and Sara Dosch, and Katernine Feight, and Richard Feight, and Susan Foresman, and Denise Forsyth, and Bruce Foster, and Michelle Gode, and Rhonda Good, and Janet Goodwin, and Kim Gorgens, and Linda Gorrell, and Victoria Gosteva, and Carol Gretz, and William Gretz, and Todd Hanson, and Rene Hanson, and Carol Haugh, and Mark Heaton, and Kami Huff, and Allison Jernigan, and Lorraine Johnson, and Jason Katz, and Jessica Katz, and Richard Kay, and Patricia Kay, and Donna Kean, and Clarissa King, and Virginia Koslow, and Candace Larose, and Lemecia landrum, and John Logan, and Theresa Luna, and Deborah Masso, and Connie McKinney, and Danny Mickey, and Lois Mitchell, and Eryn Mulloy, and Stacy Newman-Roof, and Lisa Nichols, and Jo Ann Oaklie, and Rick Obernolte, and Jen Olbricht, and Lorrie Paradiso, and Geraldine Pauley, and Crystal Pickett, and Cynthia Poole, and Lynn Pusilio, and Erica Rambus, and Justin Revene, and Brook Revstock, and Tracy Richardson, and Jon Roberts, and Evelyn Seeman, and Michael Sena, and Stephenie Sheme, and Judy Shope, and Sandra Smith, and Randy St. Onge, and Stephen Terrell, and Mary Jo Thomas, and Mary Kay Urban, and Claire Walter, and Prudence Walters, and Jethro Wagner, and Don Warn, and Robert Weiss, and Ian White, and Kurt Whitt, and Kenneth Whitten, and Laurie Woodman, and Teresa Zankiewicz, and Debbie Zeigler added, pursuant to the Amended Complaint (erv,) (Entered: 07/16/2007)
07/24/2007	• 23	Certified Copy of Conditional Transfer ORDER (CTO-1) by the Clerk of the MDL Panel filed on 7/16/2007, directing the transfer of this case (MDL 1850) to the Honorable Noel L. Hillman, District of New Jersey. Civil Case Terminated. (llr,) (Entered: 08/02/2007)