

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  
Fax: 303-322-4354  
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**

**Lemecia 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-Roof**

**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**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
04/11/2007	<a href="#"> <u>1</u></a>	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: # <a href="#"><u>1</u></a> Civil Cover Sheet # <a href="#"><u>2</u></a> Receipt)(lfr, ) (Entered: 04/12/2007)
04/20/2007	<a href="#"> <u>2</u></a>	MOTION to Stay re <a href="#"><u>1</u></a> 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: # <a href="#">1</a> Exhibit A-E# <a href="#">2</a> Exhibit F# <a href="#">3</a> Proposed Order (PDF Only) Order Granting Motion to Stay All Proceedings)(Carnaggio, Rachel) (Entered: 04/20/2007)
04/25/2007	<a href="#">3</a>	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	<a href="#">4</a>	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		(Court only) ***Motions terminated: <a href="#">4</a> 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 document is actually an Order not a Motion. (jjh, ) (Entered: 05/01/2007)
05/01/2007	<a href="#">10</a>	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: # <a href="#">1</a> Memorandum in Support)(llr, ) (Entered: 05/08/2007)
05/01/2007	<a href="#">11</a>	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	<a href="#">5</a>	MOTION for Joinder re <a href="#">2</a> MOTION to Stay re <a href="#">1</a> Complaint, <i>All Proceedings</i> MOTION to Stay re <a href="#">1</a> Complaint, <i>All Proceedings</i> by Defendants Iams Company, The, Proctor & Gamble Company, The. (Merker, Steven) (Entered: 05/02/2007)
05/04/2007	<a href="#">6</a>	CORPORATE DISCLOSURE STATEMENT by Defendants Iams Company, The, Proctor & Gamble Company, The. (Merker, Steven) (Entered: 05/04/2007)
05/07/2007	<a href="#">7</a>	NOTICE of Entry of Appearance by Paul Gordon on behalf of all plaintiffs (Gordon, Paul) (Entered: 05/07/2007)
05/07/2007	<a href="#">8</a>	RESPONSE to Motion re <a href="#">2</a> MOTION to Stay re <a href="#">1</a> Complaint, <i>All Proceedings</i> MOTION to Stay re <a href="#">1</a> Complaint, <i>All Proceedings</i> , <a href="#">4</a> 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	<a href="#">12</a>	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	<a href="#">13</a>	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	<a href="#">9</a>	ORDER granting Defendants' <a href="#">2</a> Motion to Stay all Proceedings. Signed by Judge John L. Kane on 05/08/07.(jjh, ) (Entered: 05/08/2007)
05/08/2007	<a href="#">14</a>	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	<a href="#">15</a>	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	<a href="#">16</a>	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	<a href="#">17</a>	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	<a href="#">18</a>	NOTICE - PENDING BEFORE THE MDL PANEL - MDL 1850 - Courtesy Copy of Brief in Support of Plaintiff's <a href="#">17</a> Notice (Motion for Transfer) by attorney Dennis E. Murray Sr. for Plaintiff Boehm. (llr, ) (Entered: 05/18/2007)
05/14/2007	<a href="#">19</a>	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	<a href="#">20</a>	NOTICE - Courtesy copy of Notice (to MDL Panel) of Presentation of Oral Argument by Nicole Dorsky. (llr, ) (Entered: 06/01/2007)
05/29/2007	<a href="#">21</a>	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	<a href="#">22</a>	AMENDED COMPLAINT against all defendants, filed by Emily Tompkins. (Attachments: # <a href="#">1</a> Pages First Amended Complaint) (Thomaidis, Jennifer) (Entered: 07/13/2007)
07/13/2007	<a href="#">23</a>	(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-Roolf, and Lisa Nichols, and Jo Ann Oaklief, 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	 <a href="#">23</a>	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)