

HARTZ MOUNTAIN CORPORATION,  
SERGEANT'S PET CARE PRODUCTS,  
INC., SUMMIT VETPHARM, LLC,

Defendants

CIVIL ACTION # 10-1050 (WJM)

IT IS HEREBY STIPULATED by and between the parties as follows:

1. The respective named Plaintiffs in the following civil actions who have asserted claims against Defendants Hartz Mountain Corporation, Sergeant's Pet Care Products, Inc. and/or Summit VetPharm LLC in the following civil actions, *Vexler v. Summit Vetpharm et al.*, Civil Action 10-440(WJM), *Cruz v. Hartz Mountain Corp.*, Civil Action No. 10-447 (WJM), *Murphy v. Sergeant's Pet Care Products*, Civil Action No. 10-1265(WJM), *Kyrros v. Hartz Mountain Corp., et al.*, Civil Action No. 10-1715(WJM); *Tuyes v. Hartz Mountain Corp., et al.*, Civil Action No. 10-1743(WJM), and *Powell v. Hartz Mountain Corp., et al.*, Civil Action No. 10-1745(WJM) (together the "Other Actions") shall on or before July 31, 2010, file voluntary dismissals without prejudice of their claims in the Other Actions pursuant to Fed.R.Civ.P. 41(a)(1)(A). Each of these named Plaintiffs has been included as named Plaintiffs in the instant action.

2. In the event that any named Plaintiff from the Other Actions voluntarily dismisses their claims in this action, such voluntary dismissal will be without prejudice. Notwithstanding the foregoing, Defendants reserve the right to contend that any such voluntary dismissal taken by a named plaintiff in this action was taken in bad faith and, as a result, the voluntary dismissal in this action should be with prejudice. In such an event, Defendants shall raise the issue with the Court by motion.

[signatures on following page]

CARELLA, BYRNE, CECCHI, OLSTEIN,  
BRODY & AGNELLO  
Attorneys for Plaintiffs

WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER  
Attorneys for Defendant  
SUMMIT VETPHARM LLC

By: /s/ Lindsey H. Taylor  
LINDSEY H. TAYLOR

By: /s/ Kelly A. Waters  
KELLY A. WATERS

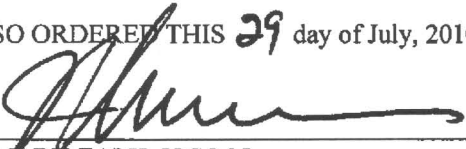
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HARTZ MOUNTAIN CORPORATION

By: /s/ James O'Gara  
JAMES O'GARA

BLOOM, KARINJA & DILLON  
Attorneys for Defendant  
SERGEANT'S PET CARE PRODUCTS,  
INC.

By: /s/ Paul J. Dillon  
PAUL J. DILLON

SO ORDERED THIS 29 day of July, 2010

  
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MARK FALK, U.S.M.J.