

**A CERTIFIED TRUE COPY**

JUL 16 2007

ATTEST *Thomas Little*  
**FOR THE JUDICIAL PANEL ON  
 MULTIDISTRICT LITIGATION**

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

JUN 28 2007

2007 JUL 23 PM 2:51

FILED  
CLERK'S OFFICE

DOCKET NO. 1850

U.S. DISTRICT COURT  
CLEVELAND

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**IN RE PET FOOD PRODUCTS LIABILITY LITIGATION**

**(SEE ATTACHED SCHEDULE)**

**CONDITIONAL TRANSFER ORDER (CTO-1)**

On June 19, 2007, the Panel transferred 12 civil actions to the United States District Court for the District of New Jersey for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See F.Supp.2d\_ (J.P.M.L. 2007). With the consent of that court, all such actions have been assigned to the Honorable Noel L. Hillman.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the District of New Jersey and assigned to Judge Hillman.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of New Jersey for the reasons stated in the order of June 19, 2007, and, with the consent of that court, assigned to the Honorable Noel L. Hillman.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of New Jersey. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

*Jeffery N. Lüthi*

Jeffery N. Lüthi  
 Clerk of the Panel

Inasmuch as no objection is pending at this time, the stay is lifted.

JUL 16 2007

CLERK'S OFFICE  
 JUDICIAL PANEL ON  
 MULTIDISTRICT LITIGATION

**SCHEDULE CTO-1 - TAG-ALONG ACTIONS  
DOCKET NO. 1850  
IN RE PET FOOD PRODUCTS LIABILITY LITIGATION**

| <u>DIST. DIV. C.A. #</u>   | <u>CASE CAPTION</u>   |
|--|---|
| <b>ARKANSAS EASTERN</b><br>ARE 4 07-376  | Scott Stacey, et al. v. Nestle SA, et al.   |
| <b>ARKANSAS WESTERN</b><br>ARW 4 07-4036<br>ARW 5 07-5065  | Kirby Cooper v. Menu Foods Income Fund, et al.<br>Sandra L. Gray, et al. v. Menu Foods, et al.  |
| <b>CALIFORNIA CENTRAL</b><br>CAC 2 07-1987<br>CAC 2 07-2060<br>CAC 2 07-2253<br>CAC 2 07-2338<br>CAC 2 07-2476<br>CAC 2 07-2779<br>CAC 2 07-2964<br>CAC 5 07-398 | Paul Randolph Johnson, et al. v. Menu Foods, Inc., et al.<br>Dawn Howe v. Menu Foods Ltd., et al.<br>Lois Grady, et al. v. Menu Foods Income Fund, et al.<br>Kelly Finestone v. Menu Foods, Inc., et al.<br>Richard Chamberlain v. Nestle SA, et al.<br>Ken Wahl, et al. v. Menu Foods Income Fund, et al.<br>Jayne Englander, et al. v. Menu Foods Income Fund, et al.<br>Dennis Lee Townsend, et al. v. Menu Foods Ltd., et al. |
| <b>CALIFORNIA EASTERN</b><br>CAE 2 07-654  | Cheryl Carver v. Del Monte Foods Co., et al.  |
| <b>CALIFORNIA NORTHERN</b><br>CAN 3 07-1809<br>CAN 3 07-2665   | Sherry Ingles v. Menu Foods, Inc., et al.<br>Diane Lowery v. Menu Foods Income Fund, et al.   |
| <b>CALIFORNIA SOUTHERN</b><br>CAS 3 07-705<br>CAS 3 07-706<br>CAS 3 07-734<br>CAS 3 07-951   | Robert Payne, et al. v. Menu Foods, Inc., et al.<br>Diane Swarberg v. Menu Foods Holding, Inc., et al.<br>Hayley Ford, et al. v. Menu Foods Income Fund, et al.<br>John Colliard v. Menu Foods, Inc., et al.  |
| <b>COLORADO</b><br>CO 1 07-736   | Emily Tompkins v. Menu Foods Midwest Corp., et al.  |
| <b>FLORIDA MIDDLE</b><br>FLM 2 07-235<br>FLM 6 07-803  | Maria Teresa Ferrarese v. Menu Foods, Inc., et al.<br>George Birney, et al. v. Menu Foods, Inc.   |
| <b>FLORIDA SOUTHERN</b><br>FLS 1 07-20955  | Stephen Donnelly, et al. v. Menu Foods, Inc., et al.  |
| <b>IDAHO</b><br>ID 1 07-160  | Larry Klimes, et al. v. Menu Foods  |
| <b>ILLINOIS NORTHERN</b><br>ILN 1 07-2162<br>ILN 1 07-2183<br>ILN 1 07-2211<br>ILN 1 07-2237   | Heather Amro v. Menu Foods Income Fund, et al.<br>Gary Bruski v. Menu Foods, Inc., et al.<br>Raymond Demith, et al. v. Nestle Purina Petcare Co., et al.<br>Sonja Foxe v. Menu Foods, Inc., et al.  |

## SCHEDULE CTO-1 - TAG-ALONG ACTIONS (MDL-1850)

PAGE 2 OF 3

| <u>DIST. DIV. C.A. #</u>    | <u>CASE CAPTION</u>   |                 |
|-----------------------------|---|-----------------|
| <b>MASSACHUSETTS</b>        |   |                 |
| MA 1 07-10745               | Lidia Rodrigues v. Menu Foods, Inc., et al.                 |                 |
| MA 1 07-10797               | Megan Connerton, et al. v. Menu Foods Midwest Corp., et al. |                 |
| <b>MAINE</b>                |   |                 |
| ME 2 07-54                  | Mara Brazilian v. Menu Foods Income Fund, et al.            |                 |
| <b>MINNESOTA</b>            |   |                 |
| MN 0 07-1808                | Stephanie Rozman v. Menu Foods Midwest Corp., et al.        |                 |
| MN 0 07-2108                | Wendy Krosschell v. Menu Foods Income Fund, et al.          |                 |
| <b>MISSOURI WESTERN</b>     |   |                 |
| MOW 3 07-5041               | Richard Schwinger v. Menu Foods, et al.                     |                 |
| <b>MISSISSIPPI SOUTHERN</b> |   |                 |
| MSS 5 07-105                | Sarah Cavin v. Menu Foods, et al.                           |                 |
| <b>NEVADA</b>               |   |                 |
| <del>NV 2 07-686</del>      | <del>Maragaret Picus v. Wal-Mart Stores, Inc., et al.</del> | Opposed 7-16-07 |
| NV 3 07-159                 | Marion Streczyn v. Menu Foods, Inc., et al.                 |                 |
| <b>NEW YORK SOUTHERN</b>    |   |                 |
| NYS 1 07-3236               | Mark Cashman, et al. v. Menu Foods Midwest Corp., et al.    |                 |
| <b>OHIO NORTHERN</b>        |   |                 |
| OHN 1 07-1018               | Gregory Boehm v. Menu Foods, Inc., et al.                   |                 |
| <b>PENNSYLVANIA MIDDLE</b>  |   |                 |
| PAM 1 07-929                | Dixie Keller v. Menu Foods Ltd., et al.                     |                 |
| <b>RHODE ISLAND</b>         |   |                 |
| RI 1 07-115                 | Carol Brown v. Menu Foods, Inc., et al.                     |                 |
| <b>TENNESSEE EASTERN</b>    |   |                 |
| TNE 3 07-98                 | Barbara Light v. Menu Foods Income Fund                     |                 |
| <b>WASHINGTON WESTERN</b>   |   |                 |
| WAW 2 07-575                | Laura Migliore v. Menu Foods                                |                 |
| WAW 2 07-576                | Gail Moran v. Menu Foods                                    |                 |
| WAW 2 07-577                | Sheryl Puett v. Menu Foods                                  |                 |
| WAW 2 07-634                | Daniel Ray Reeves v. Menu Foods                             |                 |
| WAW 2 07-666                | Sheree A. Robinson v. Menu Foods                            |                 |
| WAW 2 07-667                | Phyllis A. Ullman v. Menu Foods                             |                 |
| WAW 2 07-668                | Elizabeth Palmer v. Menu Foods                              |                 |
| WAW 2 07-669                | Jason Labbate v. Menu Foods                                 |                 |
| WAW 2 07-670                | Megan Whitt v. Menu Foods                                   |                 |
| WAW 2 07-684                | Linda Weitz v. Menu Foods                                   |                 |
| WAW 2 07-685                | Michelle Adams v. Menu Foods                                |                 |

SCHEDULE CTO-1 - TAG-ALONG ACTIONS (MDL-1850)

**DIST. DIV. C.A. #**

**CASE CAPTION**

|               |                                 |
|---------------|---------------------------------|
| WAW 2 07-686  | Lerae Dineen v. Menu Foods      |
| WAW 2 07-687  | Sandra Shingle v. Menu Foods    |
| WAW 2 07-688  | Gary Thomas v. Menu Foods       |
| WAW 2 07-689  | Deborah A. Mullen v. Menu Foods |
| WAW 2 07-690  | Helen Percy v. Menu Foods       |
| WAW 2 07-745  | Paula Monk v. Menu Foods        |
| WAW 2 07-746  | Tony Boyer v. Menu Foods        |
| WAW 2 07-747  | Norman Brenton v. Menu Foods    |
| WAW 2 07-748  | Lynda Nagel v. Menu Foods       |
| WAW 2 07-749  | Teresa Eilers v. Menu Foods     |
| WAW 3 07-5204 | Jeff Rusiecki v. Menu Foods     |
| WAW 3 07-5205 | Nancy Guthrie v. Menu Foods     |

**WISCONSIN WESTERN**

|              |  |
|--------------|--|
| WIW 3 07-159 | Jacqueline Johnson v. The Procter & Gamble Co., et al.     |
| WIW 3 07-248 | Penny J. Roberts, et al. v. Menu Foods Income Fund, et al. |