

DICAPRIO v. MENU FOODS INCOME FUND et al

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6 Attorneys for Defendants,  
 MENU FOODS, INC., MENU FOODS  
 7 LIMITED, MENU FOODS INCOME  
 FUND, MENU FOODS MIDWEST  
 8 CORPORATION, MENU FOODS  
 SOUTH DAKOTA, INC., MENU FOODS  
 9 HOLDINGS, INC., and MENU FOODS  
 OPERATING TRUST

FILED  
 CLERK, U.S. DISTRICT COURT  
 MAY 22 2007  
 CENTRAL DISTRICT OF CALIFORNIA  
 DEPUTY

LOGGED

MAY 14 11:49 AM  
 U.S. DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA  
 LOS ANGELES  
 BY

11 UNITED STATES DISTRICT COURT  
 12 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

14 DAWN HOWE, on behalf of herself and  
 all other similarly situated

CASE NO. CV-07-02060 GHK (AJWx)

15 Plaintiffs,

**PROPOSED ORDER STAYING  
 ALL PROCEEDINGS AND FOR  
 PRESERVATION OF EVIDENCE**

16 vs.

17 MENU FOODS INC., MENU FOODS  
 18 LIMITED, MENU FOODS INCOME  
 FUND, MENU FOODS MIDWEST  
 19 CORPORATION, MENU FOODS  
 SOUTH DAKOTA, INC., MENU  
 20 FOODS HOLDINGS, INC., MENU  
 FOODS OPERATING TRUST, and  
 21 DOES 1 through 100 Inclusive, et al.,

Date: June 11, 2007  
 Time: 9:30 a.m.  
 Ctrm: 650

Judge: Hon. George H. King

22 Defendants.

NOTE CHANGES MADE BY THE COURT.

DOCKETED ON CM  
 MAY 24 2007  
 BY [Signature] 005

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1 On ~~June 11~~<sup>July 22</sup>, 2007, defendants, MENU FOODS, INC., MENU FOODS LIMITED,  
2 MENU FOODS INCOME FUND, MENU FOODS MIDWEST CORPORATION, MENU  
3 FOODS SOUTH DAKOTA, INC., MENU FOODS HOLDINGS, INC., and MENU  
4 FOODS OPERATING TRUST's Motion to Stay All Proceedings came on regularly for  
5 hearing before the Honorable George H. King, Judge presiding in the above-entitled  
6 action.

7 Having considered the motion, the papers filed in support thereof and in opposition  
8 thereto, all relevant authorities, ~~the oral argument of counsel~~ and the case file, the Court *K*  
9 hereby,

10 **IT IS ORDERED AND ADJUDGED** that this matter, including the deadlines for  
11 the parties to participate in class certification and other pretrial proceedings, be stayed  
12 pending the establishment of *decision by the Panel on Multi-District Litigation on the pending*  
*motions to transfer & consolidate / coordinate pending actions.* MDL Docket  
13 No. 1850, and the ~~potential subsequent transfer of this case for coordinated pretrial~~

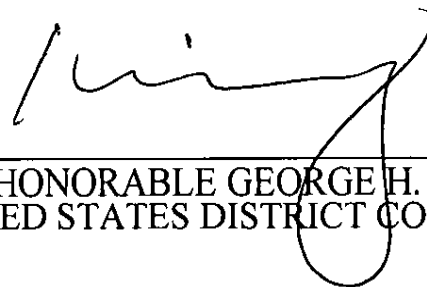
*K* 14 ~~proceedings with other actions pending throughout the country.~~ *Counsel shall*  
*file a joint status report within 30 days of such decision by the MDL Panel*

15 **IT IS FURTHER ORDERED** that all parties shall, during the pendency of the  
16 stay of this matter, comply with their duty to preserve all evidence that may be relevant to  
17 this action. This duty extends to documents, electronic data, and tangible things in the  
18 possession, custody and control of the parties to this action, and any employees, agents,  
19 contractors, or carriers who possess materials reasonably anticipated to be the subject of  
20 discovery in this action. "Preservation" is to be interpreted broadly to accomplish the goal  
21 of maintaining the integrity of all documents, data and tangible things reasonably  
22 anticipated to be the subject of discovery under Federal Rules of Civil Procedure 26, 45  
23 and 56(e) in this action. Preservation includes taking reasonable steps to prevent the  
24 partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping,  
25 relocation, migration, theft, or mutation of such material, as well as negligent or  
26 intentional handling that would make material incomplete or inaccessible. If the business  
27 practices of any party involve the routine destruction, recycling, relocation, or mutation of  
28 materials, the party must, to the extent practicable for the pendency of this order, either:

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- i) halt such business practices;
- ii) sequester or remove such material from the business process; or
- iii) arrange for the preservation of complete and accurate duplicates or copies of such material, suitable for later discovery if requested.

Dated: 5/22/07



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THE HONORABLE GEORGE H. KING  
UNITED STATES DISTRICT COURT JUDGE

**PROOF OF SERVICE**

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**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 801 South Grand Avenue, 9th Floor, Los Angeles, California 90017-4613.

On May 11, 2007, I served true copies of the following document described as **[PROPOSED] ORDER** on the interested parties in this action as follows:

**BY MAIL:** I enclosed the document in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Murchison & Cumming's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on May 11, 2007, at Los Angeles, California.

  
MARJORIE K. DE JOHNETTE

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Plaintiff, Dennis Lee Townsend

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