

C07-411  
C07-453  
C07-454  
C07-455  
C07-457

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CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

**BEFORE THE JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION**

IN RE PET FOODS PRODUCTS LIABILITY  
LITIGATION

No. MDL DOCKET NO. 1850

**NOTICE OF APPEARANCE**

In compliance with Rule 5.2(c), the following attorney is designated to receive service of all pleadings, notices, orders and other papers relating to practice before the Judicial Panel on Multidistrict Litigation on behalf of the plaintiffs listed above.

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07-CV-00411-NTC

DATED: April 27, 2007

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DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, employed in the County of Los Angeles, over the age of 18 years, and not a party to or interest in the within action; that declarant's business address is One California Plaza, 300 South Grand Avenue, Suite 3900, Los Angeles, California 90071-3149.

2. That on April 27, 2007, declarant served the NOTICE OF APPEARANCE by depositing a true copy thereof in a United States mailbox at Los Angeles, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 27th day of April, 2007, at Los Angeles, California.

  
ANN MARIE GENOVESE

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**MDL Docket No. 1850**  
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*Sims v. Menu Foods*  
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*Payne v. Menu Foods*  
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2:07-cv-02060-SJO-PLA  
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*Townsend v. Menu Foods*  
5:07-cv-00398-GHK-AJW  
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*07-cv-00469-RNC*  
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*1:07-cv-20955-JAL*  
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*Klimes v. Menu Foods*  
*1:07-cv-00160-MHW*  
*D. Idaho*

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*Majerczyk v. Menu Foods*  
*1:07-cv-01543*  
*N.D. Illinois*

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*Rodrigues v. Menu Foods*  
*1:07-cv-10745-EFH*  
*D. Massachusetts*



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*Brazilian v. Menu Foods Income Fund*  
*2:07-cv-00054-GZS*  
*D. Maine*

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*Streczyn v. Menu Foods*  
*3:07-cv-00159-LRH-VPC*  
*D. Nevada*

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*Richard & Kohler v. Menu Foods*  
*1:07-cv-01457-NLH-AMD*  
*D. New Jersey*

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*Workman v. Menu Foods*  
*1:07-cv-01338-NLH-AMD*  
*D. New Jersey*

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*Thomson v. Menu Foods*  
*1:07-cv-01360-PGS-RJH*  
*D. New Jersey*

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*Tinker v. Menu Foods*  
*1:07-cv-01468-NLH-AMD*  
*D. New Jersey*

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*Richard v. Menu Foods*  
*1:07-cv-01457-NLH-AMD*  
*D. New Jersey*

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*Wilson v. Menu Foods*  
*1:07-cv-01456-NLH-AMD*  
*D. New Jersey*

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*Bonier v. Menu Foods*  
*1:07-cv-01477-NLH-AMD*  
*D. New Jersey*

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*Hidalgo v. Menu Foods*  
*1:07-cv-01488-NLH-AMD*  
*D. New Jersey*

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*Nunez v. Menu Foods*  
*1:07-cv-1490-NLH*  
*D. New Jersey*

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*Gagliardi v. Menu Foods*  
*1:07-cv-01522-NLH-AMD*  
*D. New Jersey*

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*Golding v. Menu Foods*  
*1:07-cv-01521-NLH-AMD*  
*D. New Jersey*

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*Turturro v. Menu Foods*  
*1:07-cv-01523-NLH-AMD*  
*D. New Jersey*

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*Schneider v. Menu Foods*  
*1:07-cv-01533-NLH-AMD*  
*D. New Jersey*

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*Berndl v. Menu Foods*  
*1:07-cv-01553-NLH-AMD*  
*D. New Jersey*

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*Pittsonberger v. Menu Foods*  
*07-cv-01561-NLH-AMD*  
*D. New Jersey*

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*Carter v. Menu Foods*  
*1:07-cv-01562-NLH-AMD*  
*D. New Jersey*

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*Bullock v. Menu Foods*  
*1:07-cv-01579-NLH-AMD*  
*D. New Jersey*

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*Christina Johnson v. Menu Foods*  
*1:07-cv-01610-NLH-AMD*  
*D. New Jersey*

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*Conner v. Menu Foods*  
*1:07-cv-01623-NLH-AMD*  
*D. New Jersey*

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*Long v. Menu Foods*  
*1:07-01624-NLH-AMD*  
*D. New Jersey*

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*Conti v. Menu Foods*  
*1:07-cv-01638-NLH-AMD*  
*D. New Jersey*

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*Freeman v. Menu Foods*  
*1:07-cv-01646-NLH-AMD*  
*D. New Jersey*

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*Pirches v. Menu Foods*  
*1:07-cv-01685-NLH-AMD*  
*D. New Jersey*

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*Diedrich v. Menu Foods*  
*1:07-cv-01700-NLH-AMD*  
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*Sokolwski v. Menu Foods*  
*1:07-cv-01709-NLH-AMD*  
*D. New Jersey*

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*McCullouch v. Menu Foods*  
*1:07-cv-01710-NLH-AMD*  
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*Colquitt v. Menu Foods*  
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*Debarthy v. Menu Foods*  
*1:07-cv-01739-NLH-AMD*  
*D. New Jersey*

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*Byers v. Menu Foods*  
*1:07-cv-01747-NLH-AMD*  
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*Carestio v. Menu Foods*  
*1:07-cv-01762-NLH-AMD*  
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*Boehm v. Menu Foods*  
*1:07-cv-01018-PCE*  
*D. Ohio*

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*Brown v. Menu Foods*  
*1:07-cv-00115-ML-LDA*  
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*Rozman v. Menu Foods Midwest Corp.*  
*0:07-cv-01808-ADM-AJB*  
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*Holt v. Menu Foods*  
3:07-cv-00094  
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*Light v. Menu Foods*  
3:07-cv-00098  
E.D. Tennessee

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*Whaley v. Menu Foods*  
2:07-cv-00411-RSM  
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*Heller v. Menu Foods*  
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*Kornelius v. Menu Foods*  
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*Johnson v. Menu Foods*  
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*Suggett v. Menu Foods*  
 2:07-cv-00457-RSM  
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*Tompkins v. Menu Foods*  
 1:07-cv-00736-JLK  
 D. Colorado

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Clerk of the Court U.S. District Court, Western District of Arkansas 35 E. Mountain Street, Suite 510 Fayetteville, AR 72701-5354	Clerk of the Court U.S. District Court, Central District of California 312 N. Spring Street, Rm G-8 Los Angeles, CA 90012
Clerk of the Court U.S. District Court, Northern District of California Phillip Burton United States Courthouse 450 Golden Gate Avenue, 16th Floor San Francisco, CA 94102-3434	Clerk of the Court U.S. District Court, Southern District of California 4290 Edward J. Schwartz United States Courthouse 940 Front Street San Diego, CA 92101
Clerk of the Court U.S. District Court, District of Colorado Alfred A. Arraj United States Courthouse 901 19th Street, 2nd Floor Denver, CO 80294	Clerk of the Court U.S. District Court, District of Connecticut 450 Main Hartford, CT 06103
Clerk of the Court U.S. District Court, Middle District of Florida George C. Young United States Courthouse 80 North Hughey Avenue, Suite 300 Orlando, FL 32801	Clerk of the Court U.S. District Court, Northern District of Florida United States Courthouse Annex 111 North Adams Street, 3rd Floor Tallahassee, FL 32301

<p>Clerk of the Court  U.S. District Court, Southern District of Florida  299 E. Broward Blvd., Suite 108  Fort Lauderdale, FL 33301</p>	<p>Clerk of the Court  U.S. District Court, District Court of Idaho  400 James A. McClure Federal Bldg and  United States Courthouse  550 West Fort Street  Boise, ID 83724-0101</p>
<p>Clerk of the Court  U.S. District Court, Northern District of Illinois  209 S. Dearborn Street  Chicago, IL 60604</p>	<p>Clerk of the Court  U.S. District Court, District Court of Maine  Edward T. Gignoux Federal Courthouse  156 Federal Street  Portland, ME 04101-4152</p>
<p>Clerk of the Court  U.S. District Court, District of Massachusetts  John Joseph Moakley United States  Courthouse  One Courthouse Way, Suite 2300  Boston, MA 02210-3002</p>	<p>Clerk of the Court  U.S. District Court, District Court of  Minnesota  United States Courthouse  300 South Fourth Street, Suite 202  Minneapolis, MN 55415</p>
<p>Clerk of the Court  U.S. District Court, District Court of Nevada  Lloyd D. George United States Courthouse  333 Las Vegas Blvd. South, 1st Floor  Las Vegas, NV 89101-7065</p>	<p>Clerk of the Court  U.S. District Court, Northern District of Ohio  Carl B. Stokes United States Courthouse  801 West Superior Avenue  Cleveland, OH 44113</p>
<p>Clerk of the Court  U.S. District Court, District of Rhode Island  Federal Building and Courthouse  One Exchange Terrace  Providence, RI 02903</p>	<p>Clerk of the Court  U.S. District Court, Eastern District of  Tennessee  Howard H. Baker Jr. United States Courthouse  800 Market Street, Suite 130  Knoxville, TN 37902-7902</p>
<p>Clerk of the Court  U.S. District Court, Western District of  Washington  700 Stewart Street  Seattle, WA 98101</p>	



MAY 03 2007

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

**BEFORE THE JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION**

IN RE PET FOODS PRODUCTS LIABILITY LITIGATION | No. MDL DOCKET NO. 1850

**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**

Plaintiff Dawn Howe in the Central District of California action, *Howe v. Menu Foods Limited, et al*, No. CV07-02060 GHK (AJWx), plaintiffs Dennis Lee Townsend and Glenna Townsend in the Central District of California action, *Townsend v. Menu Foods Limited, et al*, No. ED CV07-398 GHK (AJWx), plaintiff Alexander Nunez in the District of New Jersey action, *Nunez v. Menu Foods Limited*, No. 07CV1490 (NLH), plaintiff Richard Chamberlain in the Central District of California action, *Chamberlain v. Nestle S.A.*, No. CV07-2476 FMG (SSx), and plaintiff Mark Golding in the District of New Jersey action, *Golding v. Menu Foods Limited, et al*, No. 07CV01521 (NLH), (collectively, "Plaintiffs"), respectfully move the Panel for an Order pursuant to 28 U.S.C. §1407, to transfer the pending cases identified in the schedule of actions filed concurrently herewith, as well as any cases subsequently filed involving similar facts or claims, to the United States District Court for the Central District of California, and to consolidate or coordinate the cases for pretrial proceedings before the Honorable George H. King, to whom the low numbered case is assigned in the Central District of California.

In support of their Motion for Transfer and Consolidation or Coordination to the Central District of California, Plaintiffs state as follows:

1. Movants are plaintiffs in the following cases:

*Dawn Howe v. Menu Foods Limited, et al*, No. CV07-02060 GHK (AJWx). C.D. Ca.

*Dennis Lee Townsend and Glenna Townsend v. Menu Foods Limited, et al*, No. ED CV07-398 GHK (AJWx). C.D. Ca.

*Alexander Nunez v. Menu Foods Limited*, No. 07CV1490 (NLH). D.N.J.

*Richard Chamberlain v. Nestle S.A.*, No. CV07-2476 FMG (SSx). C.D. Ca.

*Mark Golding v. Menu Foods Limited, et al*, No. 07CV01521 (NLH). D.N.J.

2. The *Howe*, *Townsend*, *Nunez*, *Chamberlain*, and *Golding* actions are nationwide class actions that allege Menu Foods and/or Nestle Purina manufactured and sold contaminated dog and cat food that could and has caused severe illness or death to pets that consumed the food. Each of the actions listed in the schedule of actions (the "Actions") are also nationwide class actions against Menu Foods, Nestle Purina, and/or other pet food companies (the "Pet Food Manufacturers") alleged to have manufactured and sold contaminated dog and cat food to the public that has caused severe illness or death to pets that consumed the food.

3. Each of the Actions seeks relief for the same class of persons: all persons in the United States who purchased contaminated pet food manufactured by Menu Foods, Nestle Purina, and other pet food companies.

4. Each of the Actions and Related Actions arise out of the same or similar nucleus of operative facts, all arising out of the Pet Food Manufacturers' wrongful conduct.

5. Each of the Actions assert similar claims for compensatory damages and common law claims, all arising out of the Pet Food Manufacturers' wrongful conduct.

6. The transfer and consolidation or coordination of the Actions to a single judicial district for consolidated pretrial proceedings will promote just and efficient administration of these Actions, as they all involve common questions of fact and law, including:

(a) whether the contaminated pet foods manufactured by the Pet Food Manufacturers were materially defective in design and formulation;

(b) whether the Pet Food Manufacturers failed to properly test the contaminated pet food products prior to market entry;

(c) whether the Pet Food Manufacturers negligently, recklessly, or intentionally delayed initiating recalls of the contaminated pet foods;

(d) whether the Pet Food Manufacturers breached their duty of care to Plaintiffs and other Class members;

(e) whether the Pet Food Manufacturers breached any contract or warranty, express or implied, relating to their sale of contaminated pet food;

(f) whether the contaminated pet food manufactured by the Pet Food Manufacturers caused Plaintiffs' and other Class members' pets to fall ill or die;

(g) whether the Pet Food Manufacturers were unjustly enriched as a result of their wrongful conduct;

(h) whether Plaintiffs and other Class members are entitled to compensatory damages; and

(i) whether Plaintiffs and other Class members are entitled to punitive damages.



7. Discovery conducted in each of the Actions will be substantially similar, and will involve the same or similar documents and witnesses, since each action arises from the same or similar nucleus of operative facts.

8. Discovery has not yet commenced in any of the Actions. Thus, no prejudice or inconvenience will result from transfer, coordination, and/or consolidation.

9. For the reasons stated in this Motion and the Memorandum of Law submitted herewith, Movants Howe, the Townsends, Nunez, Chamberlain, and Golding respectfully request that the Actions, and any other action subsequently filed asserting similar or related claims arising out of the same or similar nucleus of facts, be transferred to the Central District of California for consolidated or coordinated proceedings before the Honorable George H. King.

DATED: April 27, 2007

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Nunez, Richard Chamberlain, and Mark  
Golding.

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, employed in the County of Los Angeles, over the age of 18 years, and not a party to or interest in the within action; that declarant's business address is One California Plaza, 300 South Grand Avenue, Suite 3900, Los Angeles, California 90071-3149.

2. That on April 27, 2007, declarant served the 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 by depositing a true copy thereof in a United States mailbox at Los Angeles, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 27th day of April, 2007, at Los Angeles, California.

  
ANN MARIE GENOVESE

**MENU FOODS**  
**MDL Docket No. 1850**  
**Service List**

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*Menu Foods Limited*  
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*Menu Foods, Inc.*

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*Menu Foods Operating Limited Partnership*  
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*Petco Animal Supplies Inc.*  
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*Nestle*

<b>Additional Defendants</b>	
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<p>Menu Foods Operating Partnership                  c/o The Corporation Trust Company                  Corporation Trust Center                  1209 Orange Street                  Wilmington, DE 19801</p>	<p>Wal-Mart Stores, Inc.                  c/o The Corporation Company                  425 W. Capitol Avenue, Suite 1700                  Little Rock, AR 72201</p>
<p>Eukanuba                  One Proctor &amp; Gamble Plaza C-2                  Cincinnati, OH 45202</p>	<p>Xuzhou Anying Biologic Technology                  Development Co. Ltd                  c/o Mr. Mao Lujun                  Wangdian Industrial Pei County Jiangsu                  Xuzhou, Jiangsu, P. R. China</p>
<p>Suzhou Textile Import and Export Company                  201 Zhuhui Road                  Suzhou, Jiangsu, China 215006</p>	<p>Nestle USA, Inc.                  Nestle Holdings, Inc.                  c/o The Corporation Trust Company                  Corporation Trust Center                  1209 Orange Street                  Wilmington, DE 19801</p>
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*Sims v. Menu Foods*  
*5:07-cv-05053-JLH*  
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*Widen v. Menu Foods*  
*5:07-cv-05055-RTD*  
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*Cooper v. Menu Foods*  
*4:07-cv-04036-HFB*  
*W.D. Arkansas*

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*Gray v. Menu Foods*  
*5:07-cv-05065-RTD*  
*W.D. Arkansas*

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*Swarberg v. Menu Foods*  
*3:07-cv-00706-BTM-POR*

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*Payne v. Menu Foods*  
3:07-cv-00705-JAH-CAB

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*Sexton v. Menu Foods*  
07-cv-01958-GHK-AJW  
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*Howe v. Menu Foods*  
2:07-cv-02060-SJO-PLA  
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*Townsend v. Menu Foods*  
5:07-cv-00398-GHK-AJW  
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*Chamberlain v. Nestle SA*  
*2:07-cv-02476-FMC-SS*  
*C.D. California*

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*Ingles v. Menu Foods*  
*3:07-cv-01809-MMC*  
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*Paul Randolph Johnson v. Menu Foods*  
*2:07-cv-01987-GHK-AJW*  
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*Grady v. Menu Foods*  
*2:07-cv-02253-DDP-PLA*  
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*Finestone v. Menu Foods*  
*2:07-cv-02338-CAS-CW*  
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*Osborne v. Menu Foods*  
*07-cv-00469-RNC*  
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*Waldhauer v. Menu Foods*  
*3:07-cv-00131-MCR-EMT*  
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*Troiano v. Menu Foods*  
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*Ferrarese v. Menu Foods*  
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*Donnelly v. Menu Foods*  
*1:07-cv-20955-JAL*  
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*Klimes v. Menu Foods*  
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*Majerczyk v. Menu Foods*  
*1:07-cv-01543*  
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*Rodrigues v. Menu Foods*  
*1:07-cv-10745-EFH*  
*D. Massachusetts*

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*Brazilian v. Menu Foods Income Fund*  
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*Streczyn v. Menu Foods*  
*3:07-cv-00159-LRH-VPC*  
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*Richard & Kohler v. Menu Foods*  
*1:07-cv-01457-NLH-AMD*  
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*Workman v. Menu Foods*  
*1:07-cv-01338-NLH-AMD*  
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*Thomson v. Menu Foods*  
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*Tinker v. Menu Foods*  
*1:07-cv-01468-NLH-AMD*  
*D. New Jersey*

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*Richard v. Menu Foods*  
*1:07-cv-01457-NLH-AMD*  
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*Wilson v. Menu Foods*  
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*Bonier v. Menu Foods*  
*1:07-cv-01477-NLH-AMD*  
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*Hidalgo v. Menu Foods*  
*1:07-cv-01488-NLH-AMD*  
*D. New Jersey*

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*Nunez v. Menu Foods*  
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*Gagliardi v. Menu Foods*  
*1:07-cv-01522-NLH-AMD*  
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*Golding v. Menu Foods*  
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*Turturro v. Menu Foods*  
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*Schneider v. Menu Foods*  
*1:07-cv-01533-NLH-AMD*  
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*Berndl v. Menu Foods*  
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*Pittsonberger v. Menu Foods*  
*07-cv-01561-NLH-AMD*  
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*Carter v. Menu Foods*  
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*Christina Johnson v. Menu Foods*  
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*Conner v. Menu Foods*  
*1:07-cv-01623-NLH-AMD*  
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*Long v. Menu Foods*  
*1:07-01624-NLH-AMD*  
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*Freeman v. Menu Foods*  
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*Diedrich v. Menu Foods*  
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*Brown v. Menu Foods*  
*1:07-cv-00115-ML-LDA*  
*D. Rhode Island*

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*Rozman v. Menu Foods Midwest Corp.*  
*0:07-cv-01808-ADM-AJB*  
*Minnesota*



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*Holt v. Menu Foods*  
*3:07-cv-00094*  
*E.D. Tennessee*

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*Light v. Menu Foods*  
*3:07-cv-00098*  
*E.D. Tennessee*

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*Whaley v. Menu Foods*  
*2:07-cv-00411-RSM*  
*W.D. Washington*

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*Heller v. Menu Foods*  
*2:07-cv-00453-JCC*  
*W.D. Washington*

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*Kornelius v. Menu Foods*  
*2:07-cv-00454-MJP*  
*W.D. Washington*

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*Johnson v. Menu Foods*  
*2:07-cv-00455-JCC*  
*W.D. Washington*

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*Suggett v. Menu Foods*  
 2:07-cv-00457-RSM  
 W. D. Washington

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*Tompkins v. Menu Foods*  
 1:07-cv-00736-JLK  
 D. Colorado

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