

U. S. District Court  
Western District of Arkansas (Fayetteville)  
CIVIL DOCKET FOR CASE #: 5:07-cv-05055-RTD

Widen et al v. Menu Foods et al  
Assigned to: Robert T. Dawson  
Cause: 28:1332 Diversity-Product Liability

Date Filed: 03/23/2007  
Jury Demand: Plaintiff  
Nature of Suit: 385 Prop. Damage Prod.  
Liability  
Jurisdiction: Diversity

**Plaintiff**

**Richard Scott Widen**  
*individually and all other persons  
similarly situated*

represented by **Jeremy Young Hutchinson**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

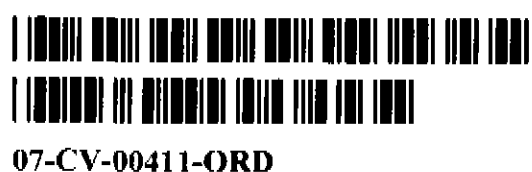
**Plaintiff**

**Barbara Widen**  
*individually and all other persons  
similarly situated*

represented by **Jeremy Young Hutchinson**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**  
**Menu Foods**  
**Defendant**  
**Menu Foods Income Fund**



**Defendant**  
**Menu Foods Gen Par Limited**  
**Defendant**  
**Menu Foods Limited Partnership**  
**Defendant**  
**Menu Foods Operating Partnership**  
**Defendant**  
**Menu Foods Midwest Corporation**  
**Defendant**

**Menu Foods South Dakota**

**Defendant**

**Menu Foods, Inc.**

**Defendant**

**Menu Foods Holdings, Inc.**

**Defendant**

**Wal-Mart Stores, Inc.**

Date Filed	#	Docket Text
03/23/2007	1	COMPLAINT against Menu Foods Operating Partnership, Menu Foods Midwest Corporation, Menu Foods South Dakota, Menu Foods, Inc., Menu Foods Holdings, Inc., Wal-Mart Stores, Inc., Menu Foods, Menu Foods Income Fund, Menu Foods Gen Par Limited, Menu Foods Limited Partnership ( Filing fee \$ 350 receipt number 5000051.), filed by Richard Scott Widen, Barbara Widen.(ct) (Entered: 03/23/2007)
03/23/2007		Summons Issued as to Menu Foods Operating Partnership, Menu Foods Midwest Corporation, Menu Foods South Dakota, Menu Foods, Inc., Menu Foods Holdings, Inc., Wal-Mart Stores, Inc., Menu Foods, Menu Foods Income Fund, Menu Foods Gen Par Limited, Menu Foods Limited Partnership and returned to attorney/plaintiff for service (ct) (Entered: 03/23/2007)
03/23/2007	2	Remark copy of complaint and docket sheet sent to MDL (ct) (Entered: 03/23/2007)
03/26/2007		CLERK'S NOTICE re Multiple Attorneys Listed on Pleading directed to Plaintiffs Richard Scott Widen, Barbara Widen. Complaint, 1 lists multiple attorneys, Jeremy Hutchinson, Jack Patterson, Richard Adams, James Wyly and Sean Rommel, appearing for the filer. All listed attorneys, other than the attorney signing the pleading, must enter a separate Notice of Appearance in order to receive electronic notification of future activity in the case. TEXT ONLY ENTRY, NO DOCUMENT ATTACHED (ct) (Entered: 03/26/2007)

PACER Service Center			
Transaction Receipt			
03/27/2007 15:17:13			
PACER Login:	inw0078	Client Code:	060228-00001/91103
Description:	Docket Report	Search Criteria:	5:07-cv-05055-RTD
Billable Pages:	1	Cost:	0.08

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

U. S. DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FILED

MAR 23 2007

CHRIS R. JOHNSON, CLERK

DEPUTY CLERK

RICHARD SCOTT AND BARBARA )  
WIDEN, individually and )  
All others Persons Similarly Situated, )

BY  
Case No. 07-5055

Plaintiffs )

v. )

MENU FOODS; MENU FOODS )  
INCOME FUND; MENU FOODS )  
GEN PAR LIMITED; MENU FOODS )  
LIMITED PARTNERSHIP; MENU )  
FOODS OPERATING PARTNERSHIP; )  
MENU FOODS MIDWEST CORP; )  
MENU FOODS SOUTH DAKOTA; )  
MENU FOODS, INC.; MENU FOODS )  
HOLDINGS, INC.; WAL-MART )  
STORES, INC )

Defendants

CLASS ACTION COMPLAINT

Plaintiffs Scott and Barbara Widen through their undersigned counsel, on behalf of themselves and all others similarly situated, upon both personal knowledge and information and belief, alleges as follows:

1. This class action is brought against Defendants for negligently contaminating the pet food supply making the food unfit for animal consumption and harmful and for purposefully failing to warn consumers of the contaminated pet food. As a result of Defendant's actions, Plaintiff and other similarly situated pet owners have been damaged.

PARTIES

2. Plaintiffs Richard and Barbara Widen are a married couple and residents

of Benton County, Arkansas. Plaintiffs lost two cats due to the contaminated food produced, distributed, marketed, and sold by the Defendants.

3. Defendant, Menu Foods Income Fund (Menu Foods) is an unincorporated company with its principal place of business in Ontario, Canada. It is doing business in the State of Arkansas and has availed themselves of the protections of the State of Arkansas. Jurisdiction is appropriate pursuant to the Arkansas Long Arm Statute, Ark. Code Ann. 16-4-101 and service may be effected through the Hague convention on service abroad of judicial and extrajudicial documents and civil or commercial matters at 8 Falconer Drive, Streetsville, ON, Canada L5N 1B1.

Menu Foods Midwest Corp. is a Delaware corporation and may be served through its registered agent for service, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington DE. Defendant, Menu Foods Holding, Inc., is a Delaware corporation and may be served through its registered agent for service, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington Delaware. Menu Foods operates two manufacturing plants in the United States and distributes their pet food products throughout the entire United States including Arkansas.

Defendant, Menu Foods, Inc. is a New Jersey corporation and may be served through its registered agent for service, Corporation Trust Company, 820 Bear Tavern Road, West Trenton, New Jersey. Upon information and belief, Defendants Menu Food Midwest Corp., Menu Foods South Dakota Inc., Menu Foods, Inc., and Menu Foods Holdings, Inc., are wholly owned subsidiaries of Menu Foods Income Fund, a business registered in and headquartered in Ontario, Canada. The above listed Defendants are hereinafter referred to collectively as "Defendants" or "Menu Foods"

4. Defendant Wal-Mart Stores, Inc, (Wal-Mart) is a Delaware corporation headquartered in Bentonville, Arkansas that sells Menu Food products throughout their retail stores in Arkansas and throughout the United States. Wal-Mart is the single largest distributor of Menu Foods products. Plaintiffs purchased the contaminated pet food at the Wal-Mart store in Bentonville, AR. Menu Foods produced some brands of pet food exclusively for Wal-Mart under a private label agreement.

#### **JURISDICTION AND VENUE**

5. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1332(d)(2). The matter in controversy exceeds \$5,000,000, is a class action and there are members of the proposed Class that are citizens of States different than at least one of the Defendants.

6. Venue is proper in this district under 28 U.S.C. § 1391 (b) and (d). Defendant Wal-Mart is headquartered in the District. Defendant Menu Foods Income Fund is a foreign corporation headquartered outside the United States and distributes, through retailers such as Wal-Mart, the pet food products in issue in the District. Additionally, Plaintiffs purchased the tainted pet food in the District.

#### **FACTS**

7. Defendant, Menu Foods told the U. S. Food and Drug Administration, that they had become aware of the contamination on February 20, 2007. Menu Foods believed that the contamination came from their supplier of Wheat Gluten. Defendant, Menu Foods conducted test to determine if the contamination was harmful to pets on February 27, 2007. The results of the test resulted in death to one out of every six pets who consumed the contaminated pet food.

8. Defendants Menu Foods and Wal-Mart did nothing to prevent the distribution of the contaminated pet food until weeks after the discovery occurred. This action, or lack thereof, permitted and caused additional harm to thousands of pet owners in Arkansas and throughout the country.

9. Plaintiffs owned two cats that were very healthy middle aged cats. The two cats were named "Fred" and "Grinch." Plaintiffs fed the two cats "Special Kitty" cat food which was made by Menu Foods exclusively for Wal-Mart under a private label agreement.

10. Beginning around February, 2007, Plaintiffs noticed that both cats were acting differently and had begun to lose weight. In a tragic irony, Plaintiff forced the cats to eat more of the contaminated pet food, unaware that the pet food was contaminated and the cause of the poor health.

11. On March 18, 2007, Plaintiff was finally made aware through the media that a recall had been issued for the pet food by the Defendant, Menu Foods and that the pet food could cause kidney failure and other symptoms that were being experienced by the Plaintiffs' cats. On March 19, 2007, Plaintiffs took their cats to their veterinarian for examination. That same day, the veterinarian ran some tests and informed the Plaintiffs that both cats were suffering from kidney failure due to the consumption of the contaminated pet food. The veterinarian suggested that the only chance of survival for the cats was a very expensive procedure in which the likelihood of success was very small.

12. The veterinarian diagnosed the kidney failure to be the result of the cats consumption of contaminated pet food. The veterinarian recommended that the Plaintiffs call a Menu Foods hotline number which she provided to the Plaintiffs. The hotline had been set up on or around March 17, 2007, nearly three weeks after Menu Foods had become aware of the problem. The veterinarian suggested that Menu Foods should pay for the expensive procedure.

13. The Plaintiffs called the hotline number around a hundred times to determine if Menu Foods would pay for the procedure and never reached an operator or answering machine. Finally, out of desperation the Plaintiffs called another number for Menu Foods and left a message for somebody from Menu Foods to call them. The message was never returned.

14. Around 3:30 p.m. on the afternoon of March 19, 2007, Plaintiffs made the decision that their cats could not suffer any further and euthanized the cats.

#### CLASS ACTION ALLEGATIONS

15. Plaintiffs brings all claims as class claims pursuant to Rule 23 of the Federal Rules of Civil Procedure. The requirements of Rule 23 are met with respect to the Class defined below.

16. Plaintiffs bring their claims on their own behalf, and on behalf of the following Class:

All persons in the United States who purchased contaminated pet food from Wal-Mart that was produced by Menu Foods.

17. The Class is so numerous that joinder of the individual members of the proposed Class is impracticable. The Class, upon information and belief, includes millions of members.

18. Questions of law or fact common to the Class exist as to Plaintiff and all Class Members, and these common questions predominate over any questions affecting only individual members of the Class. Among the common questions of law or fact are the following:

- a. Whether Defendants were negligent in allowing pet food products in the United States to be contaminated with a dangerous ingredient that was not safe for consumption.
- b. Whether Defendants owed a duty to pet owners by ensuring that the pet food was not contaminated with dangerous ingredients;
- c. Whether Defendants' conduct amounted to breach of such a duty;
- d. Whether Defendants' conduct was a proximate cause of Plaintiff's and the Class Members' damages;
- e. Whether Defendants are responsible for the contamination of the pet food;
- f. Whether Defendants were negligent per se;
- g. Whether Defendants are strictly liable;
- h. Whether Defendants breached their warranty of merchantability.
- i. Whether Defendants produced, marketed, distributed, and sold a defective product
- j. Whether Defendants failed to adequately warn consumers of contaminated pet food.
- k. Whether Defendants purposefully failed to adequately warn consumers of contaminated food supply for economic benefit.
- l. Whether Plaintiff and the Class Members are entitled to damages, and, if so, the proper amount of such damages; and
- m. Whether Defendants purposefully failed to adequately warn consumers of contaminated food supply for economic benefit.

## COUNT I

### Negligence

19. Plaintiff incorporates by reference all of the allegations contained above.
20. Defendants owed a duty to Plaintiff to ensure that the pet food was not contaminated with dangerous and harmful ingredients.



21. Defendants breached that duty by allowing the contamination of the pet food supply with a dangerous and harmful ingredient during the approximate time of time January 2007 to March, 2007.

22. Defendants' actions proximately caused damage to Plaintiff and the Class.

23. Plaintiff and the Class have suffered damages by a loss of property, cost of medical bills, and cost of purchasing new, uncontaminated pet food.

## COUNT II

### Negligence Per Se

24. Plaintiff incorporates by reference all of the allegations contained above.

25. Defendants' acts and/or omissions as described herein constitute negligence per se.

26. Defendants had a duty to ensure that their pet food was produced, transported, marketed, distributed, and sold in a manner consistent with governmental regulations.

27. Defendants breached this duty in violation of regulatory standards.

28. Such breaches directly and proximately caused damages to the Plaintiff and the Class.

29. Plaintiff and the Class have suffered damages due to Defendants failure to conform to the United States Food and Drug Administration regulations.

## COUNT III

### Strict Liability- Defective in Design or Manufacture

30. Plaintiff incorporates by reference all of the allegations contained above.

31. Defendants placed into the stream of commerce an unreasonably dangerous product that is not fit for consumption and in violation of the Defendants Warranty of Merchantability owed to Plaintiff.

32. As a result of Defendants' actions, Plaintiff and the Class Members have suffered significant damages.

33. Exercise of reasonable care by the Plaintiffs and the Class members could not have eliminated the dangerous product or prevented the related injuries.

34. Plaintiff and the Class Members have been damaged enormously, and they seek injunctive relief from further contamination, compensatory damages, punitive damages for reckless and willful conduct, attorney fees and costs, and all other proper and just relief.

#### COUNT IV

##### Strict Product Liability - Failure to Warn

35. Plaintiff incorporates by reference all of the allegations contained above.

36. Defendants placed into the stream of commerce an unreasonably dangerous product that is not fit for consumption.

37. Defendant failed to warn Plaintiff or Class Members of the dangers on the Defendants' labels or through other means of advertising until after enormous damage had been suffered by the Plaintiffs and the Class Members.

38. Even after Defendant became aware of the dangerous contamination of its pet food, they still refused to warn the consumers and allowed countless other consumers to purchase the contaminated pet food and suffer great harm.

39. As a result of Defendants' actions, Plaintiff and the Class Members have suffered significant damages.

40. Exercise of reasonable care by the Plaintiffs and the Class members could not have eliminated the dangerous product or prevented the related injuries.

41. Plaintiff and the Class Members have been damaged enormously, and they seek injunctive relief from further contamination, compensatory damages, punitive damages for reckless and willful conduct, attorney fees and costs, and all other proper and just relief.

**JURY TRIAL DEMANDED**

42. Plaintiff demands a jury of twelve.

**PRAYER**

WHEREFORE, Plaintiff, on behalf of himself and all others similarly situated, request that he and the other Class Members have judgment entered in their favor and against Defendants, as follows:

A. An order certifying that this action, involving Plaintiff's and the Class Members' separate and distinct claims, be maintained as a nationwide class action under Rule 23 of the Federal Rules of Civil Procedure and appointing Plaintiff and their undersigned counsel to represent the Class;

B. An award, for Plaintiff's and each Class Members' separate and distinct claims, of compensatory damages and pre- and post-judgment interest thereon;

C. An award for Plaintiff's and the Class Members of punitive damages for reckless and wanton conduct;

D. Injunctive relief to prevent further contamination of the American pet food supply; and

E. All other appropriate and just relief.

DATED: March 23, 2007

**PATTON, ROBERTS, MCWILLIAMS  
& CAPSHAW, L.L.P.**

  
\_\_\_\_\_  
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**ATTORNEYS FOR PLAINTIFF**

**U.S. District Court  
District of New Jersey [LIVE] (Camden)  
CIVIL DOCKET FOR CASE #: 1:07-cv-01338-NLH-AMD**

WORKMAN et al v. MENU FOODS LIMITED et al  
Assigned to: Judge Noel L. Hillman  
Referred to: Magistrate Judge Ann Marie Donio  
Cause: 28:1332 Diversity-Product Liability

Date Filed: 03/23/2007  
Jury Demand: Plaintiff  
Nature of Suit: 365 Personal Inj. Prod.  
Liability  
Jurisdiction: Diversity

**Plaintiff**

**JARED WORKMAN**

represented by **DONNA SIEGEL MOFFA**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**MARK COHEN**

represented by **DONNA SIEGEL MOFFA**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**MONA COHEN**  
*on behalf of themselves and all others  
similarly situated*

represented by **DONNA SIEGEL MOFFA**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**MENU FOODS LIMITED**

**Defendant**

**MENU FOODS INC.**

**Defendant**

**MENU FOODS MIDWEST  
CORPORATION**

Date Filed	#	Docket Text
03/23/2007	1	COMPLAINT against MENU FOODS MIDWEST CORPORATION, MENU FOODS LIMITED, MENU FOODS INC. (Filing fee \$350)

		receipt number 1403626.) JURY DEMAND, filed by JARED WORKMAN, MARK COHEN, MONA COHEN. (Attachments: # 1 Civil Cover Sheet)(sk) (Entered: 03/23/2007)
03/23/2007	2	Summons Issued as to MENU FOODS MIDWEST CORPORATION, MENU FOODS LIMITED, MENU FOODS INC. Days Duc - 20. (sk) (Entered: 03/23/2007)
03/27/2007	3	MOTION to Authorize Service of Process of Plaintiffs' Class Action Complaint on Menu Foods Limited in Accordance with the Hague Convention by JARED WORKMAN, MARK COHEN, MONA COHEN. (Attachments: # 1 Memorandum of Law in Support of Plaintiffs' Motion to Authorize Service of P rocess of Plaintiffs' Class Action Complaint on Menu Foods Limited in Accordance with the Hague Convention# 2 Text of Proposed Order)(MOFFA, DONNA) (Entered: 03/27/2007)
03/28/2007		Setting Deadlines as to 3 MOTION to Authorize Service of Process of Plaintiffs' Class Action Complaint on Menu Foods Limited in Accordance with the Hague Convention. Motion Returnable for 4/20/2007 before Magistrate Judge Ann Marie Donio. PLEASE BE ADVISED THIS MOTION WILL BE DECIDED ON THE PAPERS UNLESS OTHERWISE NOTIFIED BY THE COURT. (db, ) (Entered: 03/28/2007)

PACER Service Center			
Transaction Receipt			
03/28/2007 13:31:46			
<b>PACER Login:</b>	mw0078	<b>Client Code:</b>	060228-00001/91103
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:07-cv-01338-NLH-AMD Start date: 1/1/1970 End date: 3/28/2007
<b>Billable Pages:</b>	1	<b>Cost:</b>	0.08

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Attorneys for Plaintiffs and the Class

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

Jared Workman, and Mark and Mona Cohen,  
on behalf of themselves and all others  
similarly situated,

Plaintiffs,

vs.

Menu Foods Limited, Menu Foods Inc., and  
Menu Foods Midwest Corporation

Defendants,

Civil Action No. \_\_\_\_\_

COMPLAINT - CLASS ACTION  
JURY TRIAL DEMANDED

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**PLAINTIFFS' CLASS ACTION COMPLAINT**

Plaintiffs Jared Workman, and Mark and Mona Cohen, by their attorneys, allege upon information and belief, the following:

1. This class action is brought, and these proceedings instituted, to redress the harms resulting from the manufacture, production, and sale by Menu Foods Limited, Menu Foods Inc. and Menu Foods Midwest Corporation of dog and cat food marketed under over 90 brand names.

Plaintiffs make the following allegations, except as to the allegations specifically pertaining to Plaintiffs and Plaintiffs' counsel, based upon the investigation undertaken by Plaintiffs' counsel, which included, inter alia, review and analysis of Defendant's website, press releases, news articles, and pleadings filed in other suits.

#### PRELIMINARY STATEMENT

2. Defendants manufacture and sell over 90 brands of pet food for cats and dogs, including popular labels like Iams and Eukanuba and private label brands sold at large retail chains. On March 16, 2007, the parent company of Menu Foods Limited issued a press release announcing the recall of 60 million cans of contaminated dog and cat food manufactured between December 3, 2006 and March 6, 2007. The recall covers the "cuts and gravy" style pet foods in cans and pouches manufactured at two of Menu Foods Limited's U.S. manufacturing facilities - Menu Foods, Inc. and Menu Foods Midwest Corporation, located in New Jersey and Kansas, respectively.

3. The recalled pet food that Plaintiffs and Class members purchased and fed to their pets caused their pets to become ill through kidney disease, requiring veterinarians visits, medications, hospitalizations and, in some cases, burials of those pets that died due to renal failure caused by the contaminated pet food. Many pets that consumed the recalled tainted food now require ongoing monitoring of their health to ascertain the extent of the damage to their kidneys.

4. Plaintiffs here seek damages, injunctive relief, attorneys' fees, and costs against Defendants.



## PARTIES

5. Plaintiff Jared Workman resides at 1150 Unit D, Monroe Drive, Boulder, CO, 80303. Plaintiff Workman purchased and fed his cat Iams pet food that was manufactured by Defendants during the Class Period. This cat, named Seth, became ill with kidney disease, was hospitalized, and subsequently died of acute renal failure. In addition to the cost of purchasing the contaminated food, Plaintiff Workman incurred economic costs in connection with the medical treatment and burial of his cat, as well as continuous medical monitoring of his other two cats.

6. Plaintiffs Mark and Mona Cohen reside at 1415 Brighton Street, Philadelphia, PA 19111. Plaintiffs purchased and fed their dog Iams pet food that was manufactured by Defendants during the Class Period. This dog, named Cookie, subsequently developed symptoms of acute renal failure. In addition to the cost of purchasing the contaminated food, the Cohens incurred economic costs in connection with the medical treatment and damage to personal property caused by their dog's illness.

7. Defendant Menu Foods Limited is a Canadian corporation located at 8 Falconer Dr., Mississauga, ON, L5N 1B1. Menu Foods Limited has done business throughout the United States and in the State of New Jersey at all times relevant to this lawsuit.

8. Defendant Menu Foods Inc. is a New Jersey corporation, with its headquarters at 9130 Griffith Mogan Lane, Pennsauken, NJ 08110. Menu Foods Inc. has done business throughout the United States and in the State of New Jersey at all times relevant to this lawsuit. Menu Foods Inc. is a wholly-owned subsidiary of Menu Foods Limited and manufactures pet food for distribution in the United States.

9. Defendant Menu Foods Midwest Corporation is a Delaware corporation, with its headquarters at PO Box 1046, 1400 East Logan Ave., Emporia, KS 66801. Menu Foods Midwest Corporation has done business throughout the United States and in the State of New Jersey at all times relevant to this lawsuit. Menu Foods Midwest Corporation is a wholly-owned subsidiary of Menu Foods Limited and manufactures pet food for distribution in the United States.

10. The events complained of occurred throughout the United States and in the State of New Jersey.

#### **JURISDICTION AND VENUE**

11. This Court has original jurisdiction over this class action under 28 U.S.C. §1332(d)(2), (d) (5)(B), (d) (6) because (i) there are 100 or more class members, (ii) there is an aggregate amount in controversy of at least \$5,000,000, exclusive of interest and costs, and (iii) there is minimal diversity because at least one plaintiff and one defendant are citizens of different states.

12. Venue in this Court is proper in that Defendants transacted business in this county and the conduct complained of occurred in this district, as well as elsewhere in New Jersey.

#### **STATEMENT OF FACTS**

13. Defendant Menu Foods Limited purports to be the leading North American private label/contract manufacturer of wet pet food products sold by supermarket retailers, mass merchandisers, pet specialty retailers, and other retail and wholesale outlets. In 2006, Menu Foods Limited produced more than one billion containers of pet food.

14. Defendant Menu Foods Limited is the parent company of, and wholly-owns, both

Defendant Menu Foods, Inc. ("MFI"), located in Pennsauken, New Jersey, and Defendant Menu Foods Midwest Corporation ("MFMC"), located in Emporia, Kansas. MFI and MFMC are two of Menu Food Limited's manufacturing facilities in the United States.

15. At least from December 3, 2006 through March 6, 2007, Defendants failed to adhere to proper safety standards and failed to ensure that the pet food they manufactured and sold was free from contamination. More specifically, on March 16, 2007, the parent company of Menu Foods Limited issued a press release whereby it announced the recall of a portion of the dog and cat food manufactured between December 3, 2006 and March 6, 2007. The recall covers the "cuts and gravy" style pet foods in cans and pouches manufactured at two of Menu Food Limited's facilities - MFI located in Pennsauken, New Jersey and MFMC in Emporia, Kansas.

16. Reportedly, 60 million cans and pouches of the pet food were recalled.

17. The recalled pet food was sold under more than 90 brand names, including popular labels like Iams and Eukanuba and private label brands sold at large retail chains. A list of all brand names that were recalled is contained on the Company's website and is attached hereto as Addendum A. Retailers who sold the contaminated products include Ahold USA, Kroger Co., Safeway, Wal-Mart, Pet Smart, and Pet Value, among others.

18. Menu Foods Limited acknowledges receiving complaints in the United States which raised concern about pet food manufactured since early December 2006, and its impact on the renal health of the pets consuming the products. The Company has discovered that timing of the production associated with these complaints coincides with the introduction of an ingredient from a new supplier.

19. Stephen Sundlof, the Food and Drug Administration's (FDA) chief veterinarian,

said that Menu Foods began its own taste tests of its pet food beginning February 27, 2007 in approximately 40 to 50 pets. Within a few days, animals began showing signs of sickness. In early March 2007, 7 animals died. Menu Foods announced its recall weeks later, on March 16, 2007.

20. The FDA has reported that it received numerous calls and complaints from owners of sick and deceased pets, who flooded phone lines at State FDA offices, as well as calls from veterinarians and pet food companies. See Los Angeles Times, March 20, 2007.

21. To date, there are 15 confirmed death. The FDA expects the death toll to rise.

22. The FDA said that the investigation is focused on problems with wheat gluten, which Menu Foods Limited said had been coming from a new supplier. Wheat gluten is a source of protein and was used to thicken the gravy in the pet food.

23. Plaintiff Jared Workman owned a cat named Seth. During December 2006, Plaintiff Workman fed his cat Iams pet food, as well as other brand name cat foods which are now listed on the Company's recall list as contaminated products.

24. In December 2006, Plaintiff Workman noticed that his cat, Seth, was acting strangely. He was lethargic and eating less than usual. Plaintiff called his cat veterinarian, who came to the house to perform blood work. The vet reported that Seth was dying of kidney failure. Plaintiff Workman then took Seth to an animal hospital in Greeley, Colorado. After several days in the hospital, it became clear that Seth was most likely suffering from acute renal failure. After about one week in the hospital, and despite constant medical treatment, Seth died.

25. In addition to Plaintiff Workman suffering emotional distress from the loss of his cat, he spent approximately \$2,500 in veterinarian bills and burial costs, which was not covered

by insurance. In addition, Plaintiff Workman spend almost \$300 to have his other two cats tested, and will incur additional costs to have them continually monitored. In addition to these costs, Plaintiff Workman has not received any refunds for the cost of the contaminated pet food that he initially purchased. Finally, he estimates that it will cost him approximately \$1,000 to purchase a new cat.

26. Plaintiffs Mark and Mona Cohen own an 11 month old dog named Cookie that is a Yorkie-Bijain mix. Beginning January 2007, the Cohens' dog Cookie became violently ill with severe vomiting. The Cohens had been feeding Cookie Iams dog food.

27. In January and February 2007, Cookie's condition worsened and Cookie developed symptoms of kidney disease, including vomiting, lethargy, excessive thirst, loss of appetite and dchydration. The Cohens took Cookie to the veterinarian on four separate occasions, including a midnight visit on February 9, 2007 to a veterinarian emergency room which required an x-ray at an additional cost of \$300.

28. Although the Cohens' suspected that the Iams food might be involved in Cookie's condition, they were assured by their salesperson at PetSmart that this was unequivocally not the case and that Cookie should not be switched to a different dog food. The Cohens, however, insisted a switch be made, and purchased, at the recommendation of their PetSmart salesperson, a dog food under the brand name Nutro. Both Iams and Nutro were manufactured and recalled by Defendants.

29. Cookie is currently on an anti-nausea medication called Reglin and requires additional vetrinarian visits and monitoring of her kidney functions.

30. In addition to suffering emotional distress, the Cohens have incurred the costs of

medical bills not covered by their pet insurance, prescription medication bills, damage to their personal property including rugs and carpets caused by their's pet's illness, and the costs of future medical monitoring of their dog.

31. As a result of Defendants' wrongful actions, Plaintiffs and Class members have sick or deceased pets, and have suffered economic damages, including, but not limited to, the costs of the recalled pet food, the costs of medical treatment for their pets, burial costs, the costs to replace their pets, and the costs to replace or clean personal property damaged as a result of their pets' illnesses.

32. In addition, their pets will require continuous medical monitoring to gauge the long-term effects of the contaminated pet food on their kidney functions and overall health. Therefore, because the precise impact on the health of class members' pets is not currently known, Plaintiffs and the Class seek the cost of medical monitoring for their pets.

#### **CLASS ACTION ALLEGATIONS**

33. Plaintiffs bring this action on their own behalf and on behalf of all other persons similarly situated.

34. The class which Plaintiffs seek to represent are composed of all persons in the United States who purchased any of the pet food brands manufactured by Defendants during the period commencing December 3, 2006, and ending March 6, 2007 (the "Class Period") that were recalled by Defendants.

35. The class is composed of thousands, and possibly millions, of persons, the joinder of whom is not practicable. The disposition of their claims in a class action will benefit both the parties and the Court. Defendants have recalled 60 million cans of pet food that it sold

throughout the United States during the Class Period, and thus the Class is sufficiently numerous to make joinder impracticable, if not impossible.

36. There are questions of fact and law which are common to all members of the class, including, *inter alia*, the following:

1. Whether Defendants breached any express or implied warranties when they manufactured and sold the recalled pet food;
2. Whether Defendants' negligently manufactured and sold the recalled pet food; and
3. Whether the Class has been damaged, and if so, the appropriate measure of damages including the nature of the equitable relief to which the class is entitled.

37. The above common issues of fact and law predominate over any arguable individualized issues.

38. Plaintiffs' claims are typical of the claims of the other members of the class because Plaintiffs' and all of the Class members' damages arise from and were caused by having purchased and fed the recalled pet food to their pets. As a result, the evidence and the legal theories regarding Defendants' alleged wrongful conduct are identical for Plaintiffs and all of the Class members.

39. Plaintiffs will fairly and adequately protect the interests of the members of the Class, and Plaintiffs have no interests which are contrary to or in conflict with those of the Class they seek to represent. Plaintiffs have retained competent counsel experienced in class action litigation to further ensure such protection and to prosecute this action vigorously.

40. The prosecution of separate actions by individual members of the class would create a risk of inconsistent or varying adjudications with respect to individual members of the

class, which would establish incompatible standards of conduct for the party opposing the class and would lead to repetitious trials of the numerous common questions of facts and law.

Plaintiffs do not believe that any difficulty will be encountered in the management of this litigation that would preclude its maintenance as a class action. Plaintiffs believe and therefore aver that claims are small in relation to the costs of an individual suit, and a class action is the only proceeding pursuant to which Class members can, as a practical matter, recover. As a result a class action is superior to other available methods for the fair and efficient adjudication of this controversy.

41. Proper and sufficient notice of this action may be provided to the Class members through notice published in appropriate publications.

42. Plaintiffs and the members of the Class have suffered irreparable harm and damages as a result of the Defendants' wrongful conduct as alleged herein. Absent representative action, Plaintiffs and the members of the Class will continue to suffer losses, thereby allowing these violations of law to proceed without remedy.

#### **COUNT I - BREACH OF EXPRESS WARRANTY**

43. Plaintiffs incorporate by reference the preceding paragraphs as if they were fully set forth herein.

44. Defendants expressly warranted that the recalled brands of pet food were, in fact, ingestible food that was safe for consumption by dogs and cats.

45. In addition, Defendants made numerous express warranties about the quality of its food and its manufacturing facilities. For example, Menu Foods touts the claim that it "manufacture[s] the private-label wet pet-food industry's most comprehensive product program



with the highest standards of quality” and it operates “state-of-the-art” manufacturing facilities in the United States and Canada.

46. Members of the Class were induced by Defendants’ labeling, advertising and marketing the recalled brands of pet food as “food” to rely upon said express warranty, and did so rely in purchasing the recalled brands of pet food and feeding them to their pets.

47. In reliance on Defendants’ untrue warranties, Plaintiffs and the Class purchased the recalled pet food and fed that food to their pets.

48. Plaintiffs and members of the Class sustained damages as a proximate result of said breach of warranty.

**COUNT II - BREACH OF IMPLIED WARRANTY  
OF MERCHANTABILITY**

49. Plaintiffs incorporate by reference the preceding paragraphs as if they were fully set forth herein.

50. Defendants are merchants pursuant to sections 2-104 and 2-314 of the Uniform Commercial Code with respect to pet foods.

51. Through Defendants’ marketing, labeling, and sales, Defendants impliedly warranted that the recalled pet food, which was sold to Plaintiffs and Class members and fed to their pets, was fit for the ordinary purpose for which it was intended, namely, to safely feed and nourish pets without any resulting negative health effects, pursuant to section 2-314 of the Uniform Commercial Code.

52. Through Defendants' marketing, labeling, and sales, Defendants knew that Plaintiffs and Class members would purchase the recalled pet food at issue for the ordinary purpose of feeding their pets.

53. Defendants manufactured, labeled, advertised, sold, and distributed the recalled pet foods at issue for the ordinary purpose for which it was purchased by Plaintiffs.

54. Plaintiffs and Class members purchased and used the recalled pet foods for the ordinary purposes for which such goods are sold, namely feeding them to their pets.

55. Plaintiffs and Class members relied upon Defendants' representations and claims in purchasing the recalled pet foods.

56. The recalled pet foods purchased by Plaintiffs and Class members were unfit for their ordinary purpose when sold. In fact, such pet foods were contaminated and caused severe illness and/or death of the pets that consumed them. Therefore, Defendants breached the implied warranty of merchantability in the sale of the recalled pet foods at issue.

57. Plaintiffs and members of the Class sustained damages as a proximate result of said breach of warranty.

### COUNT III - NEGLIGENCE

58. Plaintiffs incorporate by reference the preceding paragraphs as if they were fully set forth herein.

59. Defendants owed a duty to pet owners who purchased its products to ensure that their pet food was safe for pets to consume and free from contamination, such that no pets consuming these products would be injured or die as a result of such consumption.

60. Defendants breached said duty as described herein above when they failed to

adhere to proper safety standards and failed to properly ensure the safety of their products when they sold contaminated pet food, proximately causing damage to Plaintiffs and members of the Class.

61. As a proximate result of the Defendants' conduct described herein, Plaintiffs and members of the Class have suffered damages as a result and continue to suffer damages as a result.

#### **JURY DEMAND**

Plaintiffs hereby request a trial by jury on all issues triable by right before a jury.

#### **PRAAYER FOR RELIEF**

THEREFORE, Plaintiffs pray for judgment as follows:

1. That this Court certify this action as a Class action pursuant to Federal Rule of Civil Procedure 23(a) and (b)(3), and appoint Plaintiffs and their counsel to represent the Class;
2. That this Court enter judgment and award damages in favor of Plaintiffs and the Class, and against Defendants under the theories alleged herein;
3. That this Court establish a fund for the medical monitoring of Plaintiffs' pets to discover and treat the extent of kidney damage these pets have suffered as a result of consuming Defendants' recalled pet food;
4. That this Court award Plaintiffs all attorneys' fees, expenses and costs of this suit;
5. That this Court award Plaintiffs pre-judgment and post-judgment interest at the maximum rate allowable by law, compounded daily; and

6. That this Court grant such other, further, and different relief that the Court deems necessary, just, and proper.

Dated: March 22, 2007

Respectfully submitted,

TRUJILLO RODRIGUEZ & RICHARDS, LLC

By /s/ Donna Siegel Moffa

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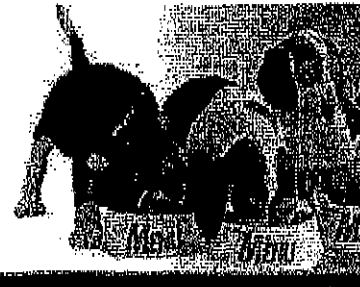
Schedule A

Recalled Menu Foods' Pet Food Brands<sup>1</sup>

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<sup>1</sup> [http://www.menufoods.com/recall/product\\_cat.html](http://www.menufoods.com/recall/product_cat.html), accessed March 21, 2007;  
[http://www.menufoods.com/recall/product\\_dog.html](http://www.menufoods.com/recall/product_dog.html), accessed March 21, 2007.

# Menu Foods Income Fund



- [Home](#)
- [Recall Information](#)
- [Press Release](#)
- [Cat Product Information](#)
- [Dog Product Information](#)

## Recalled Dog Product Information

### Recall Information 1-866-895-2708

Menu Foo  
 B Falcone  
 Streetsville  
 Canada L7

1. [Americas Choice, Preferred Pets](#)
2. [Authority](#)
3. [Award](#)
4. [Best Choice](#)
5. [Big Bet](#)
6. [Big Red](#)
7. [Bloom](#)
8. [Cadillac](#)
9. [Companion](#)
10. [Demulus Market Basket](#)
11. [Eukanuba](#)
12. [Food Lion](#)
13. [Giant Companion](#)
14. [Great Choice](#)
15. [Hannaford](#)
16. [Hill Country Fare](#)
17. [Hy-Vee](#)
18. [Jams](#)
19. [Laura Lynn](#)
20. [Loving Meals](#)
21. [Meijers Main Choice](#)
22. [Mighty Dog Pouch](#)
23. [Mixables](#)
24. [Nutriplan](#)
25. [Nutro Max](#)
26. [Nutro Natural Choice](#)
27. [Nutro Ultra](#)
28. [Nutro](#)
29. [Of Roy Canada](#)
30. [Of Roy US](#)
31. [Paws](#)
32. [Pet Essentials](#)
33. [Pet Pride - Goud n Meaty](#)
34. [Presidents Choice](#)
35. [Price Chopper](#)
36. [Priority Canada](#)
37. [Priority US](#)

Menu Foods Income Fund - Annual General Meeting

Page 2 of 2

- 38. Publix
- 39. Roche Brothers
- 40. Save-A-Lot
- 41. Schnucks
- 42. Shep Dog
- 43. Springfield Prize
- 44. Sprout
- 45. Stater Brothers
- 46. Stop & Shop Companion
- 47. Tops Companion
- 48. Wegmans Bruiser
- 49. Wels Total Pet
- 50. Western Family US
- 51. White Rose
- 52. Winn Dixie
- 53. Your Pet

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Best viewed using Internet Explorer.

# Menu Foods Income Fund



- Home
- Recall Information**
- Press Release
- Cat Product Information
- Dog Product Information

## Recalled Cat Product Information

### Recall Information 1-866-895-2708

Menu Foods  
8 Falcone  
Streetsville  
Canada L1

1. Americas Choice Preferred Pets
2. Authority
3. Best Choice
4. Companion
5. Compliments
6. Demoulas Market Basket
7. Eukanuba
8. Fine Feline Cat
9. Food Lion
10. Foodtown
11. Giant Companion
12. Hannaford
13. Hill Country Fare
14. Hy-Vee
15. Iams
16. Laura Lynn
17. LELRed
18. Loving Meals
19. Meijer's Main Choice
20. Nutriplen
21. Nutro Max Gourmet Classics
22. Nutro Natural Choice
23. Paws
24. Pet Pride
25. Presidents Choice
26. Price Chopper
27. Priority US
28. Save-A-Lot
29. Schnucks
30. Science Diet Feline Savory Cuts Cans
31. Sophistocat
32. Special Kitty Canada
33. Special Kitty US
34. Springfield Prize
35. Streat
36. Stop & Shop Companion
37. Tops Companion

[http://www.menufoods.com/recall/product\\_cat.html](http://www.menufoods.com/recall/product_cat.html)

3/21/2007



\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
BY \_\_\_\_\_

**BEFORE THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION**

In re:

MENU FOODS PET FOOD LITIGATION

MDL Docket No. \_\_\_\_\_

**CERTIFICATE OF SERVICE**

Paul J. Geller  
Stuart A. Davidson  
James L. Davidson  
**LERACH COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP**  
120 E. Palmetto Park Road, Suite 500  
Boca Raton, FL 33432-4809  
Telephone: (561) 750-3000  
Facsimile: (561) 750-3364

*Counsel for Florida Plaintiff Christina Troiano*

I, James L. Davidson, hereby declare as follows:

I am employed by Lerach Coughlin Stoia Geller Rudman & Robbins I.L.P, 120 E. Palmetto Park Road, Suite 500, Boca Raton, Florida 33432. I am over the age of eighteen years and not a party to this action. On March 28, 2007, I served the following documents:

1. **FLORIDA PLAINTIFF CHRISTINA TROIANO'S MOTION TO TRANSFER AND COORDINATE OR CONSOLIDATE ACTIONS UNDER 28 U.S.C. § 1407;**
2. **FLORIDA PLAINTIFF CHRISTINA TROIANO'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO TRANSFER AND COORDINATE OR CONSOLIDATE ACTIONS UNDER 28 U.S.C. § 1407;**
3. **SCHEDULE OF ACTIONS IN SUPPORT OF FLORIDA PLAINTIFF CHRISTINA TROIANO'S MOTION TO TRANSFER AND COORDINATE OR CONSOLIDATE ACTIONS UNDER 28 U.S.C. § 1407; and**
4. **CERTIFICATE OF SERVICE.**

on:


**SEE ATTACHED SERVICE LIST "A"**

X by placing the document(s) listed above for collection and mailing following the firm's ordinary business practices in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at Boca Raton, Florida addressed as set forth on the attached service list.

I further certify and declare that I caused the above documents to be delivered by the same means to the clerks of the following courts affected by the Motion for Transfer and Consolidation:

**SEE ATTACHED SERVICE LIST "B"**

I declare under penalty of perjury under the laws of the United States of America that the following is true and correct, executed this 29 day of March, 2007, at Boca Raton, Florida.

  
James L. Davidson

**IN RE MENU FOODS PET FOOD LITIGATION**

**SERVICE LIST "A"**

<p>Paul J. Geller                  Stuart A. Davidson                  James L. Davidson  <b>LERACH COUGHLIN STOIA GELLER                  RUDMAN &amp; ROBBINS LLP</b>                  120 E. Palmetto Park Road, Suite 500                  Boca Raton, FL 33432-4809                  Telephone: (561) 750-3000                  Facsimile: (561) 750-3364  <i>Attorneys for Florida Plaintiff Christina Troiano</i></p> <p>Lawrence Kopelman  <b>KOPELMAN &amp; BLANKMAN</b>                  350 E. Las Olas Blvd., Suite 980                  Ft. Lauderdale, FL 33301                  Telephone: (954) 462-6855                  Facsimile: (954) 462-6899  <i>Attorneys for Florida Plaintiff Christina Troiano</i></p>	<p>Menu Foods, Inc.                  9130 Griffith Morgan Lane                  Pennsauken, NJ 08110  <i>Defendant</i></p> <p>Menu Foods Income Fund                  8 Falconer Drive                  Streetsville, Ontario                  Canada L5N 1B1  <i>Defendant</i></p>
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WHALEY v. MENU FOODS, ET AL.  
 Case No.: 2:07-cv-00411-RSM  
 USDC, Western District of Washington

<p>Michael David Myers  <b>MYERS &amp; COMPANY, P.L.L.C.</b>                  1809 Seventh Avenue, Suite 700                  Seattle, WA 98101                  Telephone: (206) 398-1188                  Facsimile: (206) 400-1112  <i>Attorneys for Plaintiff Tom Whaley</i></p>	<p>Menu Foods                  8 Falconer Drive                  Streetsville, Ontario                  Canada L5N 1B1  <i>Defendant</i></p> <p>The Iams Company                  c/o Registered Agent - Joseph A. Stegbauer                  Attn: Corporate Secretary                  One Procter &amp; Gamble Plaza C-2                  Cincinnati, OH 45202  <i>Defendant</i></p>
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HOLT v. MENU FOODS, INC.  
 Case No.: 3:07-cv-00094  
 USDC, Eastern District of Tennessee

<p>A. James Andrews                  905 Locust Street                  Knoxville, TN 37902                  Telephone: (865) 660-3993                  Facsimile: (865) 523-4623  <i>Attorneys for Plaintiff Lizajean Holt</i></p>	<p>Menu Foods, Inc.                  9130 Griffith Morgan Lane                  Pennsauken, NJ 08110  <i>Defendant</i></p>
---	--

<p>Nicole Bass                  905 Locust Street                  Knoxville, TN 37902                  Telephone: (865) 310-6804  <i>Attorneys for Plaintiff Lizajean Holt</i></p> <p>Perry A. Craft  <b>CRAFT &amp; SHEPPARD, PLC</b>                  214 Centerview Drive, Suite 233                  Brentwood, TN 37027                  Telephone: (615) 309-1707                  Facsimile: (615) 309-1717  <i>Attorneys for Plaintiff Lizajean Holt</i></p>	
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MAJERCZYK v. MENU FOODS, INC.  
 Case No.: 1:07-cv-01543  
 USDC, Northern District of Illinois

<p>John Blim                  Jay Edelson                  Myles McGuire (Of Counsel)  <b>BLIM &amp; EDELSON, LLC</b>                  53 West Jackson Blvd., Suite 1642                  Chicago, IL 60604                  Telephone: (312) 913-9400                  Facsimile: (312) 913-9401  <i>Attorneys for Plaintiff Dawn Majerczyk</i></p>	<p>Menu Foods, Inc.                  9130 Griffith Morgan Lane                  Pennsauken, NJ 08110  <i>Defendant</i></p>
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SIMS v. MENU FOODS INCOME FUND, ET AL.  
 Case No.: 5:07-cv-05053-JLH  
 USDC, Western District of Arkansas

<p>Jason M. Hatfield  <b>LUNDY &amp; DAVIS, L.L.P.</b>                  300 N. College Avenue, Suite 309                  Fayetteville, AR 72701                  Telephone: (479) 527-3921                  Facsimile: (479) 587-9196  <i>Attorneys for Plaintiffs Charles Ray Sims and Pamela Sims</i></p>	<p>Menu Foods Income Fund                  8 Falconer Drive                  Streetsville, Ontario                  Canada L5N 1B1  <i>Defendant</i></p> <p>Menu Foods Midwest Corporation                  c/o Registered Agent - The Corporation Trust Co.                  1209 Orange Street                  Wilmington, DE 19801-1120  <i>Defendant</i></p> <p>Menu Foods South Dakota, Inc.                  c/o Registered Agent                  The Corporation Trust Company                  1209 Orange Street                  Wilmington, DE 19801-1120  <i>Defendant</i></p>
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	<p>Menu Foods Holdings, Inc.  c/o Registered Agent  The Corporation Trust Company  Corporation Trust Center  1209 Orange Street  Wilmington, DE 19801-1120  <b>Defendant</b></p> <p>Menu Foods, Inc.  c/o Registered Agent  Corporation Trust Company  820 Bear Tavern Road  West Trenton, NJ 08628  <b>Defendant</b></p>
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WIDEN v. MENU FOODS, ET AL.  
Case No.: 5:07-cv-05055-RTD  
USDC, Western District of Arkansas

<p>Jeremy Y. Hutchinson  Jack Thomas Patterson II  <b>PATTON, ROBERTS, MCWILLIAMS  &amp; CAPSHAW, L.L.P.</b>  Stephens Building  111 Center Street, Suite 1315  Little Rock, AR 72201  Telephone: (501) 372-3480  Facsimile: (501) 372-3488  <i>Attorneys for Plaintiffs Richard Scott Widen  and Barbara Widen</i></p> <p>Richard Adams  James C. Wyly  Sean F. Rommel  <b>PATTON, ROBERTS, MCWILLIAMS  &amp; CAPSHAW, L.L.P.</b>  Century Bank Plaza, Suite 400  P.O. Box 6128  Texarkana, TX 75505-6128  Telephone: (903) 334-7000  Facsimile: (903) 334-7007  <i>Attorneys for Plaintiffs Richard Scott Widen  and Barbara Widen</i></p>	<p>Menu Foods  9130 Griffith Morgan Lane  Pennsauken, NJ 08110  <b>Defendant</b></p> <p>Menu Foods Income Fund  8 Falconer Drive  Streetsville, Ontario  Canada L5N 1B1  <b>Defendant</b></p> <p>Menu Foods Gen Par Limited  c/o Menu Foods Income Fund  8 Falconer Drive  Streetsville, Ontario  Canada L5N 1B1  <b>Defendant</b></p> <p>Menu Foods Limited Partnership  c/o Menu Foods Income Fund  8 Falconer Drive  Streetsville, Ontario  Canada L5N 1B1  <b>Defendant</b></p> <p>Menu Foods Operating Partnership  c/o Menu Foods Income Fund  8 Falconer Drive  Streetsville, Ontario  Canada L5N 1B1  <b>Defendant</b></p>
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	<p>Menu Foods Midwest Corporation  c/o Registered Agent  The Corporation Trust Company  Corporation Trust Center  1209 Orange Street  Wilmington, DE 19801-1120  <i>Defendant</i></p> <p>Menu Foods South Dakota  c/o Registered Agent  The Corporation Trust Company  Corporation Trust Center  1209 Orange Street  Wilmington, DE 19801-1120  <i>Defendant</i></p> <p>Menu Foods, Inc.  c/o Registered Agent  Corporation Trust Company  820 Bear Tavern Road  West Trenton, NJ 08628  <i>Defendant</i></p> <p>Menu Foods Holdings, Inc.  c/o Registered Agent  The Corporation Trust Company  1209 Orange Street  Wilmington, DE 19801-1120  <i>Defendant</i></p> <p>Wal-Mart Stores, Inc.  c/o Registered Agent  The Corporation Trust Company  1209 Orange Street  Wilmington, DE 19801-1120  <i>Defendant</i></p>
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WORKMAN, ET AL. v. MENU FOODS LIMITED, ET AL.  
Case No.: 1:07-cv-01338-NLH-AMD  
USDC, District of New Jersey

<p>Donna Siegel Moffa  Lisa J. Rodriguez  <b>TRUJILLO RODRIGUEZ &amp; RICHARDS, LLC</b>  8 Kings Highway West  Haddonfield, NJ 08033  Telephone: (856) 795-9002  Facsimile: (856) 795-9887  <i>Attorneys for Plaintiffs Jared Workman, and  Mark and Mona Cohen</i></p>	<p>Menu Foods Limited  8 Falconer Drive  Streetsville, Ontario  Canada L5N 1B1  <i>Defendant</i></p> <p>Menu Foods, Inc.  9310 Griffith Morgan Lane  Pennsauken, NJ 08110  <i>Defendant</i></p>
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<p>Robert A. Rovner Jeffrey I. Zimmerman <b>ROVNER, ALLEN, ROVNER, ZIMMERMAN &amp; NASH</b> 175 Bustleton Pike Feasterville, PA 19053-6456 Telephone: (215) 698-1800 <i>Attorneys for Plaintiffs Jared Workman, and Mark and Mona Cohen</i></p> <p>Sherric R. Savett Michael T. Fantini Russell D. Paul <b>BERGER &amp; MONTAGUE, P.C.</b> 1622 Locust Street Philadelphia, PA 19103 Telephone: (215) 875-3000 <i>Attorneys for Plaintiffs Jared Workman, and Mark and Mona Cohen</i></p>	<p>Menu Foods Midwest Corporation P.O. Box 1046 1400 East Logan Avenue Emporia, KS 66801 <i>Defendant</i></p>
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**IN RE MENU FOODS PET FOOD LITIGATION****SERVICE LIST "B"**

<b>CASE</b>	<b>CLERK</b>
Whaley v. Menu Foods, et al. Case No.: 2:07-cv-00411-RSM USDC, Western District of Washington	USDC, Western District of Washington U.S. Courthouse 700 Stewart Street Seattle, WA 98101
Holt v. Menu Foods, Inc. Case No.: 3:07-cv-00094 USDC, Eastern District of Tennessee	USDC, Eastern District of Tennessee Howard H. Baker Jr. U.S. Courthouse 800 Market Street, Suite 130 Knoxville, TN 37902
Majerczyk v. Menu Foods, Inc.. Case No.: 1:07-cv-01543 USDC, Northern District of Illinois	USDC, Northern District of Illinois Everett McKinley Dirksen Building 219 South Dearborn Street Chicago, IL 60604
Sims v. Menu Foods Income Fund, et al. Case No.: 5:07-cv-05053-JLH USDC, Western District of Arkansas	USDC, Western District of Arkansas John Paul Hammerschmidt Federal Building 35 East Mountain Street, Suite 510 Fayetteville, AR 72701-5354
Widen v. Menu Foods, et al. Case No.: 5:07-cv-05055-RTD USDC, Western District of Arkansas	USDC, Western District of Arkansas John Paul Hammerschmidt Federal Building 35 East Mountain Street, Suite 510 Fayetteville, AR 72701-5354
Workman, et al. v. Menu Foods Limited, et al. Case No.: 1:07-cv-01338-NLH-AMD USDC, District of New Jersey	USDC, District of New Jersey Mitchell H. Cohen Building & U.S. Courthouse 4th & Cooper Streets, Room 1050 Camden, NJ 08101

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