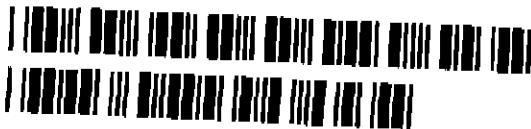


1  
2       FILED       ENTERED  
3       LODGED       RECEIVED  
4       MAY - 7 2007  
5       AT SEATTLE  
6       CLERK U.S. DISTRICT COURT  
7       WESTERN DISTRICT OF WASHINGTON       DEPUTY  
8       BY



07-CV-00454-ORD

7  
8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON AT SEATTLE

10           AUDREY KORNELIUS and BARBARA  
11           SMITH, individually and on behalf of all others  
12           similarly situated,

13                   Plaintiffs,

14                   v.  
15           MENU FOODS, a foreign corporation,

16                   Defendant.

9  
10                   No. CV 07-0454 MJP

11                   STIPULATION AND ~~PROPOSED~~  
12                   ORDER STAYING ALL  
13                   PROCEEDINGS AND FOR  
14                   PRESERVATION OF EVIDENCE

15  
16  
17           WHEREAS, this case is one of over sixty (60) putative class actions filed in this court  
18           and several other courts throughout the country for damages and injunctive relief, arising  
19           from the manufacture, distribution and/or sale of pet food products by Defendant Menu  
20           Foods.

21  
22           WHEREAS, on March 30, 2007, Plaintiffs filed a Motion for Transfer and  
23           Consolidation of Related Actions to the Western District of Washington Under 28 U.S.C. §  
24           1407. Other parties have moved for transfer of all related actions to the Southern District of  
25           Florida, the Central District of California, the District of New Jersey, and the Northern  
26           District of Illinois.

STIPULATION AND ~~PROPOSED~~ ORDER  
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PRESERVATION OF EVIDENCE - CV 07-0454  
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1        WHEREAS, the MDL Panel will determine whether all actions, including this action,  
2 should be transferred and coordinated and/or consolidated under 28 U.S.C. § 1407 for pretrial  
3 proceedings. The MDL Panel has set this matter for hearing on May 31, 2007 in Las Vegas,  
4 Nevada; and

5        WHEREAS, the parties believe that in the short intervening time between now and a  
6 decision by the MDL Panel on transfer and coordination and/or consolidation, a stay of these  
7 proceedings will conserve party and judicial resources.

8        IT IS HEREBY STIPULATED by and between Plaintiffs and Defendant Menu Foods,  
9 through their designated counsel that this matter, including the deadlines for the parties to  
10 participate in class certification and other pretrial proceedings, be stayed pending the  
11 establishment of *In re: Pet Food Products Liability Litigation*, MDL Docket No. 1850, and  
12 the potential subsequent transfer of this case for coordinated pretrial proceedings with other  
13 actions pending throughout the country.

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

STIPULATION AND ~~PROVISION~~ ORDER  
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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.

IT IS SO STIPULATED.

Dated: May 2, 2007

Respectfully submitted,

HAGENS BERMAN SOBOL SHAPIRO LLP

By /s/ Steve W. Berman (via written authorization)  
STEVE W. BERMAN, WSBA No. 12536  
Attorneys for Plaintiff

Dated: May 2, 2007

Respectfully submitted,

MYERS & COMPANY

Dated: May 2, 2007

By /s/ Michael D. Myers (via written authorization)  
MICHAEL D. MYERS, WSBA No. 22486  
Attorneys for Plaintiff

Respectfully submitted,  
**GARDNER BOND TRABOLSI PLLC**

By /s/ Jeffrey T. Kestle  
JEFFREY T. KESTLE, WSBA No. 29648  
Attorneys for Defendant

STIPULATION AND ~~PROPOSED~~ ORDER  
STAYING ALL PROCEEDINGS AND FOR  
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## ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May 7, 2007

Wardell-Lehr

**MARSHA PECHMAN**  
JUDGE, UNITED STATES DISTRICT COURT

STIPULATION AND ~~PROPOSED~~ ORDER  
STAYING ALL PROCEEDINGS AND FOR  
PRESERVATION OF EVIDENCE - CV 07-0454  
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