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

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10 SUZANNE P. JOHNSON and CRAIG R.
11 KLEMMANN, individually and on behalf of all
others similarly situated,

12 Plaintiffs,

13 v.

14 MENU FOODS, a foreign corporation,

15 Defendant.
16

No. CV 07-0455 JCC

STIPULATION AND ORDER
STAYING ALL PROCEEDINGS
AND FOR PRESERVATION OF
EVIDENCE

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

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
STAYING ALL PROCEEDINGS AND FOR
PRESERVATION OF EVIDENCE - CV 07-0455
JCC - 1

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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:

- i) halt such business practices;

STIPULATION AND ORDER STAYING ALL
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Dated: May 2, 2007

HAGENS BERMAN SOBOL SHAPIRO LLP

Dated: May 2, 2007

GARDNER BOND TRABOLSI PLLC

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May 8, 2007

John C. Coynan

JOHN C. COUGHENOUR
JUDGE, UNITED STATES DISTRICT COURT