

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN: Judge John G. Heyburn II, United States District Court, Western District of Kentucky

MEMBERS: Judge D. Lowell Jensen, United States District Court, Northern District of California

Judge Kathryn H. Vratil, United States District Court, District of Kansas

Judge J. Frederick Motz, United States District Court, District of Maryland

Judge David R. Hansen, United States Court of Appeals, Eighth Circuit

Judge Robert L. Miller, Jr., United States District Court, Northern District of Indiana

Judge Anthony J. Scirica, United States Court of Appeals, Third Circuit

DIRECT REPLY TO:

Jeffery N. Lüthi, Clerk of the Panel, One Columbus Circle, NE, Thurgood Marshall Federal Judiciary Building, Room G-255, North Lobby, Washington, D.C. 20002

Telephone: (202) 502-2800, Fax: (202) 502-2888

http://www.jpml.uscourts.gov

July 16, 2007



JUL 20 2007

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

William T. Walsh, Clerk, 1050 Mitchell H. Cohen U.S. Courthouse, 400 Cooper Street, Camden, NJ 08102

Re: MDL-1850 -- IN RE Pet Food Products Liability Litigation

(See Attached CTO-1)

Dear Mr. Walsh:

I am enclosing a certified copy and one additional copy of a conditional transfer order filed by the Panel in the above-captioned matter on June 28, 2007. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi, Clerk of the Panel

By Thomas Attmore, Deputy Clerk

Handwritten file numbers: 007-575, 007-576, 007-577, 007-634, 007-666, 007-667, 007-668, 007-669, 007-670, 007-684, 007-685

Attachment

cc: Transferee Judge: Judge Noel L. Hillman; Transferor Judges: (See Attached List of Judges); Transferor Clerks: (See Attached List of Clerks)



07-CV-00575-BCST

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

JUN 28 2007

FILED  
CLERK'S OFFICE

**DOCKET NO. 1850**

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**IN RE PET FOOD PRODUCTS LIABILITY LITIGATION**

**(SEE ATTACHED SCHEDULE)**

**CONDITIONAL TRANSFER ORDER (CTO-1)**

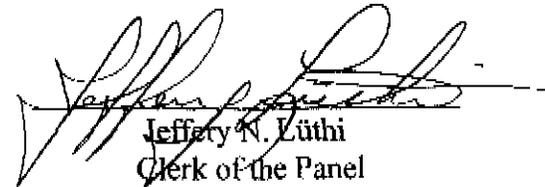
On June 19, 2007, the Panel transferred 12 civil actions to the United States District Court for the District of New Jersey for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See F.Supp.2d (J.P.M.L. 2007). With the consent of that court, all such actions have been assigned to the Honorable Noel L. Hillman.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the District of New Jersey and assigned to Judge Hillman.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of New Jersey for the reasons stated in the order of June 19, 2007, and, with the consent of that court, assigned to the Honorable Noel L. Hillman.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of New Jersey. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

  
Jeffery N. Lüthi  
Clerk of the Panel

Inasmuch as no objection is pending at this time, the stay is lifted.

JUL 16 2007

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

**SCHEDULE CTO-1 - TAG-ALONG ACTIONS**  
**DOCKET NO. 1850**  
**IN RE PET FOOD PRODUCTS LIABILITY LITIGATION**

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
ARKANSAS EASTERN ARE 4 07-376	Scott Stacey, et al. v. Nestle SA, et al.
ARKANSAS WESTERN ARW 4 07-4036 ARW 5 07-5065	Kirby Cooper v. Menu Foods Income Fund, et al. Sandra L. Gray, et al. v. Menu Foods, et al.
CALIFORNIA CENTRAL CAC 2 07-1987 CAC 2 07-2060 CAC 2 07-2253 CAC 2 07-2338 CAC 2 07-2476 CAC 2 07-2779 CAC 2 07-2964 CAC 5 07-398	Paul Randolph Johnson, et al. v. Menu Foods, Inc., et al. Dawn Howe v. Menu Foods Ltd., et al. Lois Grady, et al. v. Menu Foods Income Fund, et al. Kelly Finestone v. Menu Foods, Inc., et al. Richard Chamberlain v. Nestle SA, et al. Ken Wahl, et al. v. Menu Foods Income Fund, et al. Jayne Englander, et al. v. Menu Foods Income Fund, et al. Dennis Lee Townsend, et al. v. Menu Foods Ltd., et al.
CALIFORNIA EASTERN CAE 2 07-654	Cheryl Carver v. Del Monte Foods Co., et al.
CALIFORNIA NORTHERN CAN 3 07-1809 CAN 3 07-2665	Sherry Ingles v. Menu Foods, Inc., et al. Diane Lowery v. Menu Foods Income Fund, et al.
CALIFORNIA SOUTHERN CAS 3 07-705 CAS 3 07-706 CAS 3 07-734 CAS 3 07-951	Robert Payne, et al. v. Menu Foods, Inc., et al. Diane Swarberg v. Menu Foods Holding, Inc., et al. Hayley Ford, et al. v. Menu Foods Income Fund, et al. John Colliard v. Menu Foods, Inc., et al.
COLORADO CO 1 07-736	Emily Tompkins v. Menu Foods Midwest Corp., et al.
FLORIDA MIDDLE FLM 2 07-235 FLM 6 07-803	Maria Teresa Ferrarese v. Menu Foods, Inc., et al. George Birney, et al. v. Menu Foods, Inc.
FLORIDA SOUTHERN FLS 1 07-20955	Stephen Donnelly, et al. v. Menu Foods, Inc., et al.
IDAHO ID 1 07-160	Larry Klimes, et al. v. Menu Foods
ILLINOIS NORTHERN ILN 1 07-2162 ILN 1 07-2183 ILN 1 07-2211 ILN 1 07-2237	Heather Amro v. Menu Foods Income Fund, et al. Gary Bruski v. Menu Foods, Inc., et al. Raymond Demith, et al. v. Nestle Purina Petcare Co., et al. Sonja Foxe v. Menu Foods, Inc., et al.

## SCHEDULE CTO-1 - TAG-ALONG ACTIONS (MDL-1850)

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<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>	
MASSACHUSETTS		
MA 1 07-10745	Lidia Rodrigues v. Menu Foods, Inc., et al.	
MA 1 07-10797	Megan Connerton, et al. v. Menu Foods Midwest Corp., et al.	
MAINE		
ME 2 07-54	Mara Brazilian v. Menu Foods Income Fund, et al.	
MINNESOTA		
MN 0 07-1808	Stephanie Rozman v. Menu Foods Midwest Corp., et al.	
MN 0 07-2108	Wendy Krosschell v. Menu Foods Income Fund, et al.	
MISSOURI WESTERN		
MOW 3 07-5041	Richard Schwinger v. Menu Foods, et al.	
MISSISSIPPI SOUTHERN		
MSS 5 07-105	Sarah Cavin v. Menu Foods, et al.	
NEVADA		
<del>NV 2 07-686</del>	<del>Maragaret Picus v. Wal-Mart Stores, Inc., et al.</del>	Opposed 7-16-07
NV 3 07-159	Marion Streczyn v. Menu Foods, Inc., et al.	
NEW YORK SOUTHERN		
NYS 1 07-3236	Mark Cashman, et al. v. Menu Foods Midwest Corp., et al.	
OHIO NORTHERN		
OHN 1 07-1018	Gregory Boehm v. Menu Foods, Inc., et al.	
PENNSYLVANIA MIDDLE		
PAM 1 07-929	Dixie Keller v. Menu Foods Ltd., et al.	
RHODE ISLAND		
RI 1 07-115	Carol Brown v. Menu Foods, Inc., et al.	
TENNESSEE EASTERN		
TNE 3 07-98	Barbara Light v. Menu Foods Income Fund	
WASHINGTON WESTERN		
WAW 2 07-575	Laura Migliore v. Menu Foods	
WAW 2 07-576	Gail Moran v. Menu Foods	
WAW 2 07-577	Sheryl Puett v. Menu Foods	
WAW 2 07-634	Daniel Ray Reeves v. Menu Foods	
WAW 2 07-666	Sheree A. Robinson v. Menu Foods	
WAW 2 07-667	Phyllis A. Ullman v. Menu Foods	
WAW 2 07-668	Elizabeth Palmer v. Menu Foods	
WAW 2 07-669	Jason Labbate v. Menu Foods	
WAW 2 07-670	Megan Whitt v. Menu Foods	
WAW 2 07-684	Linda Weitz v. Menu Foods	
WAW 2 07-685	Michelle Adams v. Menu Foods	

SCHEDULE CTO-1 - TAG-ALONG ACTIONS (MDL-1850)

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DIST. DIV. C.A. #

CASE CAPTION

WAW 2 07-686  
WAW 2 07-687  
WAW 2 07-688  
WAW 2 07-689  
WAW 2 07-690  
WAW 2 07-745  
WAW 2 07-746  
WAW 2 07-747  
WAW 2 07-748  
WAW 2 07-749  
WAW 3 07-5204  
WAW 3 07-5205

Lcrac Dineen v. Menu Foods  
Sandra Shingle v. Menu Foods  
Gary Thomas v. Menu Foods  
Deborah A. Mullen v. Menu Foods  
Helen Percy v. Menu Foods  
Paula Monk v. Menu Foods  
Tony Boyer v. Menu Foods  
Norman Brenton v. Menu Foods  
Lynda Nagel v. Menu Foods  
Teresa Eilers v. Menu Foods  
Jeff Rusiecki v. Menu Foods  
Nancy Guthrie v. Menu Foods

WISCONSIN WESTERN

WIW 3 07-159  
WIW 3 07-248

Jacqueline Johnson v. The Procter & Gamble Co., et al.  
Penny J. Roberts, et al. v. Menu Foods Income Fund, et al.

## INVOLVED COUNSEL LIST (CTO-1)

DOCKET NO. 1850

## IN RE PET FOOD PRODUCTS LIABILITY LITIGATION

Charles H. Abbott  
Gibson Dunn & Crutcher  
333 South Grand Avenue  
45th Floor  
Los Angeles, CA 90071-3197

John H. Alexander  
John H. Alexander & Associates  
100 West Monroe Street  
Suite 2100  
Chicago, IL 60603

Thomas C. Angelone  
Hodosh, Spinella & Angelone  
One Turks Head Place  
Suite 1050  
Providence, RI 02903-1516

Rene Lynn Barge  
Class Action Litigation Group  
11111 Santa Monica Blvd.  
Los Angeles, CA 90025

George S. Bellas  
Bellas & Wachowski  
15 North Northwest Highway  
Park Ridge, IL 60068

Eric J. Benink  
Krause, Kalfayan, Benink & Slavens,  
LLP  
625 Broadway  
Suite 635  
San Diego, CA 92101

Steve W. Berman  
Hagens Berman Sobol Shapiro, LLP  
1301 Fifth Avenue  
Suite 2900  
Seattle, WA 98101

Bruce S. Bistline  
Gordon Law Offices  
623 West Hays Street  
Boise, ID 83702-5512

Garrett D. Blanchfield Jr  
Reinhardt, Wendorf & Blanchfield  
332 Minnesota Street  
Suite E-1250  
St. Paul, MN 55101

Norman B. Blumenthal  
Blumenthal & Markham  
2255 Calle Clara  
La Jolla, CA 92037

Anthony G. Brazil  
Morris, Polich & Purdy, LLP  
1055 West Seventh Street  
24th Floor  
Los Angeles, CA 90017-2503

Jeniphr A.E. Breckinridge  
Hagens Berman Sobol Shapiro, LLP  
1301 Fifth Avenue  
Suite 2900  
Seattle, WA 98101

Rachel Laine Carnaggio  
Godfrey & Lapuyade, P.C.  
9557 South Kingston Court  
Englewood, CO 80112-5952

Paul C. Catos  
Thompson & Bowie  
Three Canal Plaza  
P.O. Box 4630  
Portland, ME 04112

Ilan J. Chorowsky  
Chorowsky Law Offices  
1130 N. Dearborn Street  
Suite 3110  
Chicago, IL 60610

Christy Comstock  
21 West Mountain Street  
Suite 300  
Fayetteville, AR 72701

Barbara L. Croutch  
Pillsbury Winthrop Shaw & Pittman  
725 South Figueroa Street  
Suite 1200  
Los Angeles, CA 90017

Brian R. Cunha  
Brian Cunha & Associates  
311 Pine Street  
Fall River, MA 02720

James L. Davidson  
Lerach Coughlin Stoia Geller  
Rudman & Robbins, LLP  
120 East Palmetto Park Road  
Suite 500  
Boca Raton, FL 33432

Larry D. Drury  
Larry D. Drury, Ltd.  
205 West Randolph Street  
Suite 1430  
Chicago, IL 60606

John G. Emerson  
Emerson Poynter, LLP  
830 Apollo Lane  
Houston, TX 77058

Thomas M. Ferlauto  
King & Ferlauto  
1880 Century Park East  
Suite 820  
Los Angeles, CA 90067-1627

Luis Guillermo Figueroa  
Attorneys Trial Group  
540 North Semoran Blvd.  
Orlando, FL 32807

Jack Michael Fribley  
Fagre & Benson, LLP  
90 South Seventh Street  
Suite 2200  
Minneapolis, MN 55402-3901

Andrew H. Friedman  
Helmer Friedman  
723 Ocean Front Walk  
Venice, CA 90291

Wendi J. Frisch  
Morris, Polich & Purdy, LLP  
1055 West 7th Street  
Suite 2400  
Los Angeles, CA 90017

Robert B. Gerard  
Gerard & Osuch, LLP  
2840 South Jones Boulevard  
Building D, Suite 4  
Las Vegas, NV 89146

INVOLVED COUNSEL LIST (CTO-1) MDL-1850

PAGE 2 OF 4

Jeremy Gilman  
Benesch, Friedlander, Coplan & Aronoff  
2300 BP Tower  
200 Public Square  
Cleveland, OH 44114-2378

Paul Gordon  
Paul Gordon, LLC  
650 South Cherry Street  
Suite 835  
Denver, CO 80246

Patrick J. Goss  
Rose Law Firm  
120 East Fourth Street  
Little Rock, AR 72201

Daniel E. Gustafson  
Gustafson Gluek PLLC  
608 Second Avenue South  
Suite 650  
Minneapolis, MN 55402

Susan M. Hack  
Higgs, Fletcher & Mack, LLP  
401 West A Street  
Suite 2600  
San Diego, CA 92101-1406

Jason Matthew Hatfield  
Lundy & Davis, LLP  
300 North College Avenue  
Suite 309  
Fayetteville, AR 72701

Bradley T. Hayes  
804 State Street  
Natchez, MS 39120

Bradley David Hergott  
Scandaglia & Ryan  
55 East Monroe Street  
Suite 3930  
Chicago, IL 60603

Harold M. Hewell  
Hewell Law Firm  
402 West Broadway  
Fourth Floor  
San Diego, CA 92101

Mick D. Hodges  
Peterson Hodges & Harper  
P.O. Box 3088  
Twin Falls, ID 83303-5298

Charles H. Horn  
Wright, Robinson, Osthimer & Tatum  
44 Montgomery Street  
18th Floor  
San Francisco, CA 94104

William Gene Horton  
Nolan, Caddell & Reynolds, P.A.  
122 North 11th Street  
Post Office Box 184  
Fort Smith, AR 72902-0184

Don Howarth  
Howarth & Smith  
523 West Sixth Street  
Suite 729  
Los Angeles, CA 90014

Brian S. Inamine  
Wright, Robinson, Osthimer & Tatum  
888 South Figueroa Street  
Suite 600  
Los Angeles, CA 90017

D. Jeffrey Ireland  
Faruki, Ireland & Cox, P.L.L.  
500 Courthouse Plaza, S.W.  
10 North Ludlow Street  
Dayton, OH 45402

Frank Jablonski  
Progressive Law Group, LLC  
354 West Main Street  
Madison, WI 53703

Christopher D. Jennings  
Emerson Poynter, LLP  
The Museum Center, Suite 305  
500 President Clinton Avenue  
Little Rock, AR 72201

Robert A. Jigarjian  
Jigarjian Law Office  
128 Tunstead Avenue  
San Anselmo, CA 94960

Jeffrey T. Kestle  
Gardner, Bond, Trabolsi, St.  
Louis & Clement  
2200 Sixth Avenue  
Suite 600  
Seattle, WA 98121

Michael S. Kreidler  
Stich, Angell, Kreidler &  
Dodge, P.A.  
The Crossings, Suite 120  
250 Second Avenue South  
Minneapolis, MN 55401

Paul F. Linn  
Michael Best & Friedrich, LLP  
100 E. Wisconsin Ave, Ste.  
3300  
Milwaukee, WI 53202

Carrie Ann Lubinski  
Gordon & Rees, LLP  
Embarcadero Center West  
275 Battery Street  
20th Floor  
San Francisco, CA 94111

Gary E. Mason  
Mason Law Firm, P.C.  
1225 19th Street, N.W.  
Suite 500  
Washington, DC 20036

Edward T. Matthews  
Fredrikson & Byron  
200 South 6th Street  
Suite 4000  
Minneapolis, MN 55402-1425

John J. McDonough  
Cozen O'Connor, LLP  
45 Broadway Atrium  
Suite 1600  
New York, NY 10006

Robert D. McIntosh  
Adorno & Yoss, LLP  
888 SE 3rd Avenue  
Suite 500  
Fort Lauderdale, FL  
33316-1159

Jennifer L. McKeegan  
Gallagher, Sharp, Fulton & Norman  
Bulkley Building  
6th Floor  
1501 Euclid Avenue  
Cleveland, OH 44115

Steven J. Merker  
Dorsey & Whitney LLP  
370 17th Street  
Republic Plaza Building  
Suite 4700  
Denver, CO 80202-5647

Ethan A. Miller  
Squire, Sanders & Dempsey, L.L.P.  
One Maritime Plaza  
Suite 300  
San Francisco, CA 94111

Daniel J. Mitchell  
Bernstein Shur  
100 Middle Street  
P.O. Box 9729  
Portland, ME 04104-5029

J. Chad Moore  
270 Market Street  
Millersburg, PA 17061

Michael S. Morrison  
Schonbrun DeSimone Seplow Harris  
& Hoffman  
723 Ocean Front Walk  
Venice, CA 90291-3270

John F. Mullen  
Cozen O'Connor  
1900 Market Street  
Fourth Floor  
Philadelphia, PA 19103-3508

Dennis E. Murray Sr.  
Murray & Murray Co., I.P.A.  
111 East Shoreline Dr.  
P.O. Box 19  
Sandusky, OH 44871

Michael David Myers  
Myers & Co., P.L.L.C.  
1809 Seventh Avenue  
Suite 700  
Seattle, WA 98101

Allison Beth Neidoff  
Gibbons, PC  
One Pennsylvania Plaza  
37th Floor  
New York, NY 10119-3701

Gregory M. Nespole  
Wolf Haldenstein Adler Freeman & Herz  
LLP  
270 Madison Avenue  
11th Floor  
New York, NY 10016

Marshall S. Ney  
Mitchell, Williams, Selig, Gates &  
Woodyard, PLLC  
5414 Pinnacle Point Drive  
Suite 500  
Rogers, AR 72758

William M. O'Mara  
O'Mara Law Firm, P.C.  
311 East Liberty Street  
Reno, NV 89501

Gina E. Och  
Murchison & Cumming  
Chase Plaza  
801 South Grand Avenue  
9th Floor  
Los Angeles, CA 90017-4613

Katherine J. Odenbreit  
Class Action Litigation Group  
13123 Garden Land Road  
Los Angeles, CA 90049

Behram V. Parekh  
Kirtland & Packard, LLP  
2361 Rosecrans Blvd.  
4th Floor  
El Segundo, CA 90245-4923

David C. Parisi  
Parisi & Havens  
15233 Valleyheart Drive  
Sherman Oaks, CA 91403

David A. Payne  
Tom W. Cardin, P.C.  
607 Main Street  
Cassville, MO 65625

Terry M. Poynter  
P.O. Box 370  
Mountain Home, AR 72654-0370

Andrac P. Rencau  
Wexler Toriseva Wallace, LLP  
One North LaSalle Street  
Suite 2000  
Chicago, IL 60602

Eugene R. Richard  
Wayne Richard & Hurwitz, LLP  
One Boston Place  
Suite 3620  
Boston, MA 02108

Steven Lee Rodriguez  
Cozen & O'Connor  
425 California Street  
Suite 2400  
San Francisco, CA 94104

Daniel L. Rottinghaus  
Berding & Weil  
3240 Stone Valley Road West  
Alamo, CA 94507

Edward B. Ruff III  
Pretzel & Stouffer, Chtd.  
One South Wacker Drive  
Suite 2500  
Chicago, IL 60606-4673

Steven E. Schwarz  
Law Offices of Steven E. Schwarz  
2461 W. Foster Avenue  
#1W  
Chicago, IL 60625

Richard Mark Segal  
Pillsbury Winthrop Shaw & Pittman  
101 West Broadway  
Suite 1800  
San Diego, CA 92101

Scott R. Shepherd  
Shepherd, Finkelman, Miller & Shah,  
LLC  
4400 North Federal Highway  
Suite 200  
Lighthouse Point, FL 33064

Charles W. Spann  
Perry & Spann  
6130 Plumas Street  
Reno, NV 89509

Dan Channing Stanley  
Stanley & Kurtz, PLLC  
422 South Gay Street  
Third Floor  
Knoxville, TN 37902

Michael L. Stoker  
Johns, Flaherty & Rice, S.C.  
205 Fifth Avenue South  
Suite 600  
P.O. Box 1626  
La Crosse, WI 54602

Stuart C. Talley  
Kershaw, Cutter & Ratnoff LLP  
980 9th Street  
19th Floor  
Sacramento, CA 95814-2719

Mark John Tamblyn  
Wexler, Toriseva, Wallace, LLP  
1610 Arden Way  
Suite 290  
Sacramento, CA 95815

Jennifer Reba Thomaidis  
Thomaidis Law, LLC  
1866 Vine Street  
Denver, CO 80206

Stephen R. Thomas  
Moffatt, Thomas, Barrett, Rock & Fields,  
Chtd.  
P.O. Box 829  
Boise, ID 83701

Jeffrey R. Thompson  
O'Neil, Parker & Williamson  
416 Cumberland Avenue, S.W.  
P.O. Box 217  
Knoxville, TN 37902

Michael Patrick Turiello  
Preztel & Stouffer, Chtd.  
One South Wacker Drive  
Suite 2500  
Chicago, IL 60606-4673

Adam T. Waskowski  
Lord, Bissell & Brook, LLP  
111 South Wacker Drive  
Chicago, IL 60606

Peter N. Wasyluk  
Law Offices of Peter N. Wasyluk  
1307 Chalkstone Avenue  
Providence, RI 02908

Scott Wm. Weinstein  
Morgan & Morgan, P.A.  
12800 University Drive  
Suite 600  
P.O. Box 9504  
Fort Myers, FL 33906

Jeff S. Westerman  
Milberg, Weiss & Bershad LLP  
One California Plaza, Suite 3900  
300 South Grand Avenue  
Los Angeles, CA 90071

Jeffrey M. White  
Pierce, Atwood, LLP  
One Monument Square  
Portland, ME 04101

Nicholas M. Wieczorek  
Morris Polich & Purdy, LLP  
3980 Howard Hughes Parkway  
Suite 400  
Las Vegas, NV 89109

Cheryl A. Williams  
Milberg Weiss & Bershad  
One California Plaza  
300 South Grand Avenue  
Suite 3900  
Los Angeles, CA 90071

Shawn A. Williams  
Millberg Weiss Bershad Hynes &  
Lerach, LLP  
100 Pine Street  
Suite 2600  
San Francisco, CA 94111

Brian D. Wright  
Faruki, Ireland & Cox, PLLC  
500 Courthouse Plaza, S.W.  
10 North Ludlow Street  
Dayton, OH 45402

**INVOLVED JUDGES LIST (CTO-1)**  
**DOCKET NO. 1850**  
**IN RE PET FOOD PRODUCTS LIABILITY LITIGATION**

Hon. William R. Wilson, Jr.  
U.S. District Judge  
423 Richard Sheppard Arnold U.S. Courthouse  
600 West Capitol Avenue  
Little Rock, AR 72201

Hon. Harry F. Barnes  
U.S. District Judge  
P.O. Box 1735  
El Dorado, AR 71731

Hon. Robert T. Dawson  
U.S. District Judge  
U.S. District Court  
P.O. Box 1624  
Fort Smith, AR 72902-1624

Hon. George Herbert King  
U.S. District Judge  
Edward R. Roybal Federal Bldg. & Courthouse  
255 East Temple Street  
Los Angeles, CA 90012

Hon. Christina A. Snyder  
U.S. District Judge  
U.S. Courthouse  
218J U.S. Courthouse  
312 North Spring Street  
Los Angeles, CA 90012-4701

Hon. Ralph R. Beistline  
U.S. District Judge  
United States District Court  
292 Federal Building and  
United States Courthouse  
222 West Seventh Avenue  
Anchorage, AK 99513

Hon. Maxine M. Chesney  
U.S. District Judge  
Phillip Burton U.S. Courthouse  
19th Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102-3434

Hon. Elizabeth D. Laporte  
U.S. Magistrate Judge  
15-6588 Phillip Burton U.S. Courthouse  
450 Golden Gate Avenue  
San Francisco, CA 94102

Hon. Irma E. Gonzalez  
Chief Judge, U.S. District Court  
Edward J. Schwartz U.S. Courthouse, Suite 4194  
940 Front Street  
San Diego, CA 92101

Hon. John A. Houston  
U.S. District Judge  
1118 Edward J. Schwartz U.S. Courthouse  
940 Front Street  
San Diego, CA 92101-8923

Hon. John L. Kane, Jr.  
Senior U.S. District Judge  
A838 Alfred A. Arraj U.S. Courthouse  
901 19th Street  
Denver, CO 80294-3589

Hon. John E. Steele  
U.S. District Judge  
2-194 U.S. Courthouse & Federal Building  
2110 First Street  
Ft. Myers, FL 33901

Hon. Anne C. Conway  
U.S. District Judge  
646 George C. Young U.S. Courthouse  
80 N. Hughey Avenue  
Orlando, FL 32801

Hon. Joan A. Lenard  
U.S. District Judge  
Federal Courthouse Square  
301 North Miami Avenue  
Miami, FL 33128

Hon. Mikel H. Williams  
U.S. Magistrate Judge  
Federal Building &  
U.S. Courthouse, MSC 040  
550 West Fort Street  
Boise, ID 83724

Hon. Wayne R. Andersen  
U.S. District Judge  
1486 Everett McKinley Dirksen U.S. Courthouse  
219 South Dearborn Street  
Chicago, IL 60604

Hon. John W. Darrah  
U.S. District Judge  
1288 Everett McKinley Dirksen  
U.S. Courthouse  
219 South Dearborn Street  
Chicago, IL 60604

Hon. Amy J. St. Eve  
U.S. District Judge  
1260 Everett McKinley Dirksen  
U.S. Courthouse  
219 South Dearborn Street  
Chicago, IL 60604

Hon. Edward F. Harrington  
Senior U.S. District Judge  
6130 John Joseph Moakley U.S. Courthouse  
One Courthouse Way  
Boston, MA 02210-3002

Hon. Douglas P. Woodlock  
U.S. District Judge  
4110 John Joseph Moakley U.S. Courthouse  
One Courthouse Way  
Boston, MA 02210-3002

Hon. D. Brock Hornby  
U.S. District Judge  
Edward T. Gignoux Federal Courthouse  
156 Federal Street  
Portland, ME 04101

Hon. Ann D. Montgomery  
U.S. District Judge  
13W U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

Hon. Sarah W. Hays  
U.S. Magistrate Judge  
6672 Charles Evans Whittaker U.S.  
Courthouse  
400 East Ninth Street  
Kansas City, MO 64106

Hon. David C. Bramlette  
Senior U.S. District Judge  
P.O. Drawer 928  
Natchez, MS 39121-0928

Hon. Noel L. Hillman  
U.S. District Judge  
United States District Court  
P.O. Box 2706  
Camden, NJ 08102-1570

~~Hon. Roger L. Hunt  
Chief Judge, U.S. District Court  
6018 Lloyd D. George U.S. Courthouse  
333 Las Vegas Boulevard, South  
Las Vegas, NV 89101~~

Hon. Larry R. Hicks  
U.S. District Judge  
804 Bruce R. Thompson U.S. Courthouse  
400 South Virginia Street  
Reno, NV 89501

Hon. Jed S. Rakoff  
U.S. District Judge  
1340 Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Hon. Peter C. Economus  
U.S. District Judge  
313 Federal Building & U.S. Courthouse  
125 Market Street, Room 313  
Youngstown, OH 44503

Hon. Sylvia H. Rambo  
Senior U.S. District Judge  
P.O. Box 868  
Harrisburg, PA 17108

Hon. Mary M. Lisi  
Chief Judge, U.S. District Court  
310 Federal Building & U.S. Courthouse  
One Exchange Terrace  
Providence, RI 02903-1270

Hon. Thomas W. Phillips  
U.S. District Judge  
145 Howard H. Baker, Jr. U.S. Courthouse  
800 Market Street  
Knoxville, TN 37902

Hon. John C. Coughenour  
Senior U.S. District Judge  
16229 U.S. Courthouse  
700 Stewart Street  
Seattle, WA 98101-1271

Hon. Robert S. Lasnik  
Chief Judge, U.S. District Court  
15128 U.S. Courthouse  
700 Stewart Street  
Seattle, WA 98101-1271

INVOLVED JUDGES LIST (CTO-1) MDL-1850

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Hon. Ricardo S. Martinez  
U.S. District Judge  
13134 United States Courthouse  
700 Stewart Street  
Seattle, WA 98101-1271

Hon. Marsha J. Pechman  
U.S. District Judge  
14229 U.S. Courthouse  
700 Stewart Street  
Seattle, WA 98101-1290

Hon. James L. Robart  
U.S. District Judge  
14134 U.S. Courthouse  
700 Stewart Street  
Seattle, WA 98101-1290

Hon. Thomas S. Zilly  
Senior U.S. District Judge  
15229 U.S. Courthouse  
700 Stewart Street  
Seattle, WA 98101-1290

Hon. Robert J. Bryan  
Senior U.S. District Judge  
4427 U.S. Courthouse  
1717 Pacific Avenue  
Tacoma, WA 98402

Hon. Barbara B. Crabb  
Chief Judge, U.S. District Court  
United States District Court  
P.O. Box 591  
Madison, WI 53701-0591

## INVOLVED CLERKS LIST (CTO-1)

DOCKET NO. 1850

## IN RE PET FOOD PRODUCTS LIABILITY LITIGATION

James W. McCormack, Clerk  
402 U.S. Courthouse  
600 West Capitol Avenue  
Little Rock, AR 72201-3325

Christopher R. Johnson, Clerk  
523 John Paul Hammerschmidt  
Federal Building  
35 East Mountain Street  
Fayetteville, AR 72701-6420

Sherri R. Carter, Clerk  
G-8 U.S. Courthouse  
312 North Spring Street  
Los Angeles, CA 90012

Jack L. Wagner, Clerk  
4-200 U.S. Courthouse  
501 I Street  
Sacramento, CA 95814-2322

Richard W. Wicking, Clerk  
Phillip Burton U.S. Courthouse  
Box 36060  
450 Golden Gate Avenue  
San Francisco, CA 94102-3489

W. Samuel Hamrick, Jr., Clerk  
4290 Edward J. Schwartz Federal  
Building  
880 Front Street  
San Diego, CA 92101-8900

Gregory C. Langham, Clerk  
A105 Alfred A. Arraj U.S. Courthouse  
901 19th St.  
Denver, CO 80294-3589

Sheryl L. Loesch, Clerk  
300 George C. Young U.S.  
Courthouse  
80 North Hughey Avenue  
Orlando, FL 32801

Clarence Maddox, Clerk  
Federal Courthouse Square  
301 North Miami Avenue  
Miami, FL 33128-7788

Cameron S. Burke, Clerk  
Fed. Bldg. & U.S. Courthouse  
MSC 039  
550 West Fort Street  
Boise, ID 83724

Michael W. Dobbins, Clerk  
Everett McKinley Dirksen  
U.S. Courthouse  
219 South Dearborn Street  
Chicago, IL 60604

Sarah Thornton, Clerk  
Clerk's Office - Attn: Sherry Jones  
U.S. District Court  
595 Main Street  
Worcester, MA 01608

Linda L. Jacobson, Clerk  
Edward T. Gignoux U.S.  
Courthouse  
156 Federal Street  
Portland, ME 04101

Richard Sletten, Clerk  
202 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

Patricia L. Brune, Clerk  
2710 Charles Evans Whittaker  
U.S. Courthouse  
400 E. Ninth Street  
Kansas City, MO 64106

J.T. Noblin, Clerk  
316 James O. Eastland U.S.  
Courthouse  
245 East Capitol Street  
Jackson, MS 39201

Lance S. Wilson, Clerk  
Bruce R. Thompson U.S. Cthse.  
& Fed. Bldg., Suite 301  
400 South Virginia Street  
Reno, NV 89501

J. Michael McMahon, Clerk  
Daniel Patrick Moynihan U.S.  
Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Geri M. Smith, Clerk  
United States District Court  
2-161 Carl B. Stokes U.S. Courthouse  
801 West Superior Avenue  
Cleveland, OH 44113

Mary E. D'Andrea, Clerk  
P.O. Box 983  
Harrisburg, PA 17108-0983

David A. DiMarzio, Clerk  
356 John O. Pastore Federal Building  
Two Exchange Terrace  
Providence, RI 02903

Patricia L. McNutt, Clerk  
130 Howard H. Baker Jr. U.S.  
Courthouse  
800 Marker Street  
Knoxville, TN 37902

Bruce Rifkin, Clerk  
U.S. Courthouse  
700 Stewart Street  
Seattle, WA 98101

Joseph W. Skupniewitz, Clerk  
U.S. District Court  
P.O. Box 432  
Madison, WI 53701-0432