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November 16, 2007

**VIA E-FILING & FACSIMILE**

Magistrate Judge Ann Marie Donio  
United States District Court  
Mitchell H. Cohen U.S. Courthouse  
Fourth and Cooper Street  
Camden, New Jersey 08101

**Re: *In re Pet Food Products Liability Litigation,*  
Civil Action No. 07-cv-2867**

Dear Judge Donio:

Plaintiffs write to respond to Del Monte's letter to the Court dated November 14, 2007. Plaintiffs welcome the opportunity to address outstanding issues related to evidence preservation and destruction with the Court.

Del Monte is not alone in its interest in having the issues resolved. Since Judge Hillman's September 26, 2007 Order directing the parties to work together to reach agreement on evidence preservation and destruction, Plaintiffs and Defendants have conferred extensively on all related issues. We have exchanged information informally, consulted with statisticians and conducted site visits around the Country while also working on resolving the case through mediation.

While we have been aware that several Defendants have had contact with the FDA during the course of the litigation, we learned yesterday for the first time that the FDA has directed various Defendants, including Del Monte, to destroy the retained product and raw materials. We have requested copies of the FDA communications from Defendants, as they will likely inform the responses of all parties and the Court to the open evidence preservation and destruction questions.

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We agree that the matter now requires Court attention. Del Monte is not alone in wanting timely and definitive resolution of the issues. The categories of evidence and issues Del Monte will ask the Court to address are common to many of the Defendants and Plaintiffs must address them all. For this reason, Plaintiffs believe that coordinated briefing would benefit the parties and the Court. Plaintiffs believe a briefing schedule more aggressive than that provided under a standard schedule may be appropriate. With that in mind, Plaintiffs would like to discuss scheduling with the Defendants and report back to the Court on or before Tuesday, November 20, 2007.

Respectfully yours,

/s Lisa J. Rodriguez

Lisa J. Rodriguez

Enclosure

cc: Honorable Judge Noel L. Hillman (via facsimile)  
All Counsel of Record (via e-filing)