



S-072079

No. _____
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

VICKI JOEL

PLAINTIFF

AND:

MENU FOODS GENPAR LIMITED, MENU FOODS LIMITED PARTNERSHIP, MENU FOODS ACQUISITIONS INC., MENU FOODS LIMITED, MENU FOODS OPERATING LIMITED PARTNERSHIP, MENU FOODS HOLDINGS, INC., MENU FOODS, INC., MENU FOODS MIDWEST CORPORATION and MENUFOODS SOUTH DAKOTA INC.

DEFENDANTS

WRIT OF SUMMONS

Brought pursuant to the *Class Proceedings Act*, R.S.B.C. 1996, c. 50

(Name and address of each plaintiff)

Vicki Joel
c/o Branch MacMaster
Barristers and Solicitors
1210 – 777 Hornby Street
Vancouver, BC V6Z 1S4

(Name and address of each defendant)

Menu Foods Genpar Limited
8 Falconer Drive
Streetsville, ON L5N 1B1
Menu Food Acquisition Inc.
8 Falconer Drive
Streetsville, ON L5N 1B1
Menu Foods Operating Limited
8 Falconer Drive
Streetsville, ON L5N 1B1

Menu Foods Limited Partnership
8 Falconer Drive
Streetsville, ON L5N 1B1
Menu Foods Limited
8 Falconer Drive
Streetsville, ON L5N 1B1
Menu Foods Holdings, Inc.
8 Falconer Drive
Streetsville, ON L5N 1B1

Menu Foods, Inc.
8 Falconer Drive
Streetsville, ON L5N 1B1
Menu Foods South Dakota Inc.
8 Falconer Drive
Streetsville, ON L5N 1B1

Menu Foods Midwest Corporation
8 Falconer Drive
Streetsville, ON L5N 1B1

ELIZABETH THE SECOND, by the Grace of God. of the United Kingdom. Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, defender of the Faith.

To the defendants:

TAKE NOTICE that this action has been commenced against you by the plaintiff for the claim(s) set out in this Writ.

IF YOU INTEND TO DEFEND this action, or if you have a set off or counterclaim that you wish to have taken into account at the trial, YOU MUST

- (a) GIVE NOTICE of your intention by filing a form entitled "Appearance" in the above registry of this court, at the address shown below, within the Time for Appearance provided for below and YOU MUST ALSO DELIVER a copy of the Appearance to the plaintiff's address for delivery, which is set out in this writ and
- (b) if a statement of claim is provided with this Writ of Summons or is later served on or delivered to you. FILE a Statement of Defence in the above registry of this court within the Time for Defence provided for below and DELIVER a copy of the Statement of Defence to the plaintiff's address for delivery.

YOU OR YOUR SOLICITOR may file the Appearance and the Statement of Defence. You may obtain a form of Appearance at the registry.

JUDGMENT MAY BE TAKEN AGAINST YOU if:

- (a) YOU FAIL to file the Appearance within the Time for Appearance provided for below. or
- (b) YOU FAIL to file the Statement of Defence within the Time for Defence provided for below.

TIME FOR APPEARANCE

If this writ is served on a person in British Columbia, the time for appearance by that person is 7 days from the service (not including the day of service).

If this writ is served on a person outside of British Columbia, the time for appearance by that person, after service, is 21 days in the case of a person residing anywhere within Canada, 28 days in the case of a person residing in the United States of America, and 42 days in the case of a person residing elsewhere.

TIME FOR DEFENCE

A Statement of Defence must be filed and delivered to the plaintiff within 14 days after the later of

- (a) the time that the Statement of Claim is served on you (whether with this writ of summons or otherwise) or is delivered to you in accordance with the Rules of Court, and
- (b) the end of the Time for Appearance provided for above.

(1) The address of the registry is:	800 Smithe Street Vancouver, BC V6Z 2E1
(2) The plaintiff's ADDRESS FOR DELIVERY IS: Fax number for delivery (if any):	BRANCH MACMASTER 1210-777 Hornby Street Vancouver, B.C. V6Z 1S4 Fax: (604) 684-3429
(3) The names and office addresses of the plaintiff's solicitors are:	L. Brasil BRANCH MACMASTER 1210-777 Hornby Street Vancouver, B.C. V6Z 1S4 Tel: (604) 654-2999

The plaintiff's claim is a proposed class action for damages arising from the negligent manufacture and sale of pet food that was contaminated with substances that were harmful to dogs and cats and not fit for consumption by these animals. The plaintiff's claim is based upon the common law of negligence and also upon the provisions of the *Business Practices and Consumer Protection Act*, S.B.C. 2004, c. 2.

Dated at Vancouver, British Columbia on March 26, 2007.



Luciana Brasil, Branch MacMaster
Counsel for the Plaintiff

**ENDORSEMENT ON ORIGINATING PROCESS
FOR SERVICE EX JURIS**

The Plaintiff claims the right to serve this Writ of Summons and the forthcoming Statement of Claim on the Defendants outside British Columbia on the grounds that:

- (h) the proceeding is founded on a tort committed in British Columbia,
- (j) a party outside British Columbia is a necessary or proper party to a proceeding properly brought against some other person duly served in British Columbia, and
- (o) the claim arises out of goods or merchandise sold or delivered in British Columbia.