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OFFICE OF
APPELLATE COURTS

NOV 16 1999

November 15, 1999

FILED

VIA HAND DELIVERY

Mr. Frederick K. Grittner
Supreme Court Administrator
Minnesota Supreme Court
305 Minnesota Judicial Center
25 Constitutional Avenue
St. Paul, MN 55155-6102

**Re: Denise DeNardi v. F. Hoffmann La Roche, Ltd., et al.
Hennepin County No. 99-3132**

**Thomas Murr v. F. Hoffmann La Roche, Ltd., et al.
Dakota County, No. 19-C9-99-9673**

**Custom Nutrition, Inc. and Brinton Veterinary
Supply, Inc. v. F. Hoffmann La Roche, Ltd., et al.
Kandiyohi County, No. 34-C4-99-01274 (DMS)**

**Big Valley Milling, Inc. v. F. Hoffmann La Roche, Ltd., et al.
Chippewa County, No. C1-99-405**

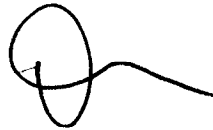
Dear Mr. Grittner:

Enclosed herewith for filing in the above-captioned matters please find the original and three copies of the Response of Plaintiffs Custom Nutrition, Inc. and Big Valley Milling, Inc. to Defendants' Motion to Consolidate and Transfer.

By copy of this letter defense counsel identified to us has been served.

Very truly yours,

HEINS MILLS & OLSON, P.L.C.

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a horizontal line extending to the right.

Daniel E. Gustafson

DEG/lms
Enclosures

c: All Counsel of Record

STATE OF MINNESOTA

IN SUPREME COURT

C6-99-1909

OFFICE OF
APPELLATE COURTS

NOV 16 1999

FILED

_____)	
CASE TITLE:)	RESPONSE OF PLAINTIFFS
)	CUSTOM NUTRITION, INC.,
<u>In re Minnesota Vitamin Antitrust</u>)	BRINTON VETERINARY
<u>Litigation</u>)	SUPPLY, INC., AND BIG
)	VALLEY MILLING, INC. TO
_____)	DEFENDANTS' MOTION TO
	CONSOLIDATE AND TRANSFER

TO: Chief Justice of the Minnesota Supreme Court

Plaintiffs Custom Nutrition, Inc., Brinton Veterinary Supply, Inc., and Big Valley Milling, Inc.¹ ("Plaintiffs") hereby respond to Defendants' Motion to Transfer and Consolidate. For the most part, Plaintiffs do not object to Defendants' motion and concur with the position expressed by the Murr plaintiffs in their Response.


Although Plaintiffs agree that these cases will likely be more expeditiously and economically litigated before a single court, the manner in which these cases are

¹ Custom Nutrition, Inc. and Brinton Veterinary Supply, Inc. v. F. Hoffmann La Roche, Ltd., et al., Kandiyohi County, No. 34-C4-99-01274 (DMS).

Big Valley Milling, Inc. v. F. Hoffmann La Roche, Ltd., et al., Chippewa County, No. C1-99-405.

organized before that court is another issue.² Therefore, Plaintiffs ask only that these actions be consolidated under the supervision of the Chief Judge of one of the Counties in which cases have been filed. That chief judge can then consolidate and organize these cases at his or her discretion. If multiple cases within the same judicial district would be consolidated, the cases would be consolidated under the supervision of the Chief Judge for that judicial district. Thus, consolidation of cases from multiple judicial districts should be organized under the same authority. In addition, Plaintiffs reserve their right to strike any judge that is assigned the consolidated cases.

Dated: November 15, 1999



Samuel D. Heins (#43576)
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Karla M. Gluek (#238399)
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²Plaintiff notes, however, that unlike the asbestos and silicone breast implant litigations where there were numerous cases, it is unlikely that the same volume of cases will be filed here.

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**Attorneys for Plaintiffs Custom
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Milling, Inc.**

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November 30, 1999

OFFICE OF
APPELLATE COURTS

DFC - 1 1999

FILED

CL-99-1909

VIA U.S. MAIL

Mr. Frederick K. Grittner
Supreme Court Administrator
Minnesota Supreme Court
305 Minnesota Judicial Center
25 Constitutional Avenue
St. Paul, MN 55155-6102

**Re: Denise DeNardi v. F. Hoffmann La Roche, Ltd., et al.
Hennepin County No. 99-3132**

**Thomas Murr v. F. Hoffmann La Roche, Ltd., et al.
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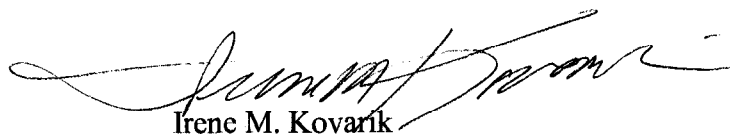
**Big Valley Milling, Inc. v. F. Hoffmann La Roche, Ltd., et al.
Chippewa County, No. C1-99-405**

Dear Mr. Grittner:

Enclosed herewith for filing in the above-captioned matters please find the original Affidavit of Service showing service of the Response of Plaintiffs Custom Nutrition, Inc. and Big Valley Milling, Inc. to Defendants' Motion to Consolidate and Transfer, filed on November 15, 1999.

Sincerely,

HEINS MILLS & OLSON, P.L.C.

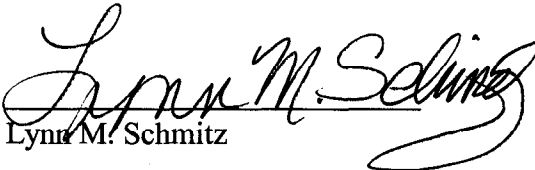

Irene M. Kovarik
Legal Assistant

Enclosure

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

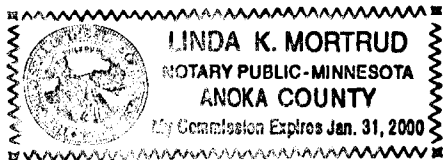
AFFIDAVIT OF SERVICE

Lynn M. Schmitz, being first duly sworn, says that on November 15, 1999 City of Minneapolis, County of Hennepin, State of Minnesota, caused to be served the **Response of Plaintiffs Custom Nutrition, Inc. and Big Valley Milling, Inc. to Defendants' Motion to Consolidate and Transfer** on the attached list of parties by delivering a true and correct copy thereof via U.S. mail to the last known address of said parties.


Lynn M. Schmitz

Subscribed and sworn to before me
this 18th day of November, 1999.


Notary Public



**SERVICE LIST
MINNESOTA VITAMINS**

Defendants

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**SERVICE LIST
MINNESOTA VITAMINS**

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**SERVICE LIST
MINNESOTA VITAMINS**

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