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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

----- X  
ROSEMARIE SCHIRRIPA, *individually, and on*  
*behalf of all others similarly situated,*

Plaintiff,

-against-

BIG HEART PET BRANDS, INC. and  
THE J.M. SMUCKER COMPANY

Defendants.  
----- X

18-cv-2345 (ER)

**STIPULATION TO TRANSFER  
VENUE**

Pursuant to 28 U.S.C. § 1404(a), the Parties hereby file this Stipulation to Transfer Venue to the United States District Court or the Northern District of California, San Francisco Division, and in support thereof, respectfully show:

This class action lawsuit is one of six putative class actions alleging that the Defendants misled consumers about the presence of pentobarbital in pet foods that Defendants manufactured and sold.<sup>1</sup> The five other actions have been marked as related, consolidated, and are pending in the Northern District of California before a single Judge.

Transfer of this matter is controlled by 28 U.S.C. § 1404(a), which provides:

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.

This action could have been brought in the Northern District of California because 28 U.S.C. § 1391(b)(1) permits a civil action to be brought in any judicial district “in

<sup>1</sup> See *Williamson v. Big Heart Pet Brands*, No. 3:18-cv-1663, Dkt. No. 1 (N.D. Cal. Mar. 16, 2018); *Roupe v. Big Heart Pet Brands, Inc.*, No. 3:18-cv-1465, Dkt. No. 1 (N.D. Cal. Mar. 7, 2018); *Sebastiano v. Big Heart Pet Brands, Inc.*, No. 3:18-cv-1466, Dkt. No. 1 (N.D. Cal. Mar. 7, 2018); *Sturm v. Big Heart Pet Brands, Inc.*, No. 3:18-cv-1099, Dkt. No. 1 (N.D. Cal. Feb. 21, 2018); *Mullins v. Big Heart Pet Brands*, No. 3:18-cv-861, Dkt. No. 1, at ¶¶ 2-4 (N.D. Cal. Feb. 9, 2018) (“*Mullins Compl.*”).

which any defendant resides, if all defendants are residents of the State in which the district is located.” Defendant Big Heart Pet Brands, Inc. (“Big Heart”) was headquartered in the Northern District of California until 2015 when it was acquired by The J.M. Smucker Company (“Smucker”), and it continues to maintain offices in San Francisco. It is subject to general jurisdiction in that district. Smucker has minimum contacts with the Northern District of California for the purposes of this lawsuit because it is alleged to have participated in the manufacture of Kibbles ‘n Bits and decisions regarding its advertising that occurred in the Northern District of California. Therefore, both defendants are subject to personal jurisdiction in the Northern District of California under 28 U.S.C. § 1391(c)(2), and venue would be proper under § 1391(b)(1).

Furthermore, the Parties agree that, in light of the related actions pending in in the Northern District of California, the convenience of the parties and witnesses to this action warrants transfer to the Northern District of California, San Francisco Division.

NOW, THEREFORE, in consideration of the foregoing, the Parties agree and hereby stipulate to:

Transfer this action to the United States District Court for the Northern District of California, San Francisco Division, and request that this action be transferred accordingly.

All pretrial deadlines shall be stayed pending the Transfer of this action.

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Date: 5/3/18

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Date: 5/3/18

SO ORDERED this 4th day of May, 2018:

Edgardo Ramos  
Edgardo Ramos, U.S.D.J