

Privileged and Confidential Attorney/Client Communication

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ConAgra Peanut Butter Litigation Report

Vol. I, September 2007

We are sending you this report because you are a client of Loncar & Associates and our co-counsel, Jenkins & Jenkins, P.C. concerning the peanut butter recall. We are committed to working closely with our clients and providing attentive, personal service. Our contact information is listed on the last page.



UPDATE ON THE LITIGATION



ALL FEDERAL LAWSUITS CENTRALIZED IN FEDERAL COURT IN ATLANTA

On July 17, 2007, a panel of federal judges (called the “Judicial Panel on Multidistrict Litigation” or “JPML”) transferred all of the federal lawsuits against ConAgra to the United States District Court for the Northern District of Georgia in Atlanta and assigned them to Judge Thomas W. Thrash. We had asked the JPML to centralize the cases in Georgia, while ConAgra had asked for Missouri, and other lawyers had asked for South Carolina, Colorado, Kansas, New Jersey, Illinois or Washington State.

In the Order transferring the cases to Georgia, the JPML judges agreed that all of the federal cases against ConAgra involve common questions of fact, such as whether ConAgra’s peanut butter was contaminated with *salmonella*, whether ConAgra was negligent, and whether ConAgra concealed evidence that its peanut butter was contaminated. The JPML also agreed that Georgia was the best place to transfer the cases because ConAgra’s peanut butter plant is located in Georgia and because the U.S. Centers for Disease Control, the federal agency that initially investigated the contamination, is located in Georgia. Finally, the JPML stated that by centralizing the cases before Judge Thrash, they were “selecting a jurist experienced in multidistrict litigation to steer this matter on a prudent course.” Judge Thrash, an appointee of President Clinton, has served on the federal bench for over 10 years. We had our first conference with Judge Thrash on September 5, 2007 and Jenkins & Jenkins were designated Lead Counsel in the JPML proceedings which should be beneficial to our clients.

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In the State Court proceedings, our co-counsel, Jenkins & Jenkins, P.C., obtained an Order that must produce the documents we had requested in discovery. Prior to the hearing, the attorneys for ConAgra and Jenkins & Jenkins were able to work out many agreements in good faith. The remaining issues were all decided in favor of Jenkins & Jenkins by the District Court Judge.

To date our attorneys have received over five hundred thousand pages of documents and are continuing to receive documents from ConAgra in a searchable electronic format on a weekly basis.

On June 21, 2007 the attorneys at Jenkins & Jenkins, P.C. conducted the deposition of Chris Haran, Microbiologist/ConAgra Foods in our office in Waxahachie, Texas. The deposition of Ms. Horan was the nation's first deposition under oath of a representative of ConAgra.

As we continue to review the documents produced by ConAgra we are identifying names of key individuals we will seek to depose in the near future. Finally, we may begin to get to the bottom of what happened at ConAgra's plant.

UPDATE ON THE FEDERAL INVESTIGATION



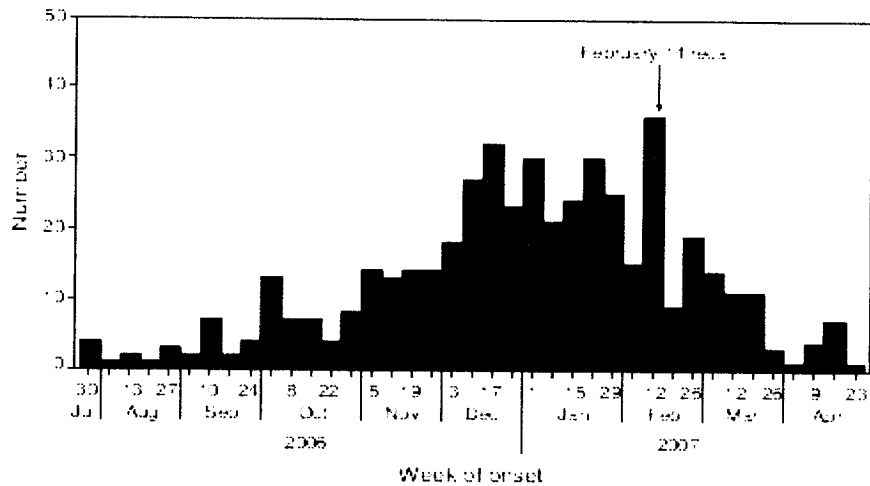
On June 1, 2007, the U.S. Centers for Disease Control (CDC) released a report about its ongoing investigation of the ConAgra peanut butter *Salmonella* outbreak. The CDC reports:

- As of May 22, 2007, the CDC had confirmed that 628 people had been infected with *Salmonella* from ConAgra peanut butter since August 1, 2006.
- Twenty percent of the 628 people infected were hospitalized.
- The CDC was able to determine the dates of the onset of symptoms for 481 of the 628 confirmed cases. As the chart below shows, the number of confirmed cases

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peaked between December, 2006 and the February 14, 2007 recall, though the CDC confirmed numerous cases of infection both before and after those dates.

FIGURE 1. Number of confirmed cases (n = 481)* of *Salmonella* Tennessee infection associated with consumption of peanut butter, by week of symptom onset — United States, August 1, 2006–April 23, 2007



* Cases with outbreak-associated pulsed-field gel electrophoresis pattern and for which date of symptom onset was available.

- The CDC has confirmed cases in every state except New Hampshire, Utah and Hawaii. The chart below shows the geographical distribution of the confirmed cases.

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everyone who incurred medical expenses, out-of-pocket expenses, or lost income as a result of their infection from ConAgra peanut butter. Unfortunately, as with the length of the case, we cannot predict exactly how much each individual will receive if ConAgra settles or loses the case. We will, however, aggressively pursue a fair and full settlement or judgment.

Am I going to have to go to Tennessee or Atlanta to testify in this case?

It is unlikely that you will have to travel anywhere for this case. If ConAgra's attorneys want to ask you any questions, we will make every effort to have them travel to your city or town to do so. If, however, you are one of the people who agreed to have your name appear on the complaint in this case, it is possible that you will be called to testify at trial. Should this happen, we will make all the travel and lodging arrangements on your behalf and advance all costs.

How many lawsuits have been filed against ConAgra?

We are aware of 51 lawsuits against ConAgra that have been filed in the United States as of July 9, 2007. All of the federal cases, have now been transferred to the United States District Court for the Northern District of Georgia in Atlanta and assigned to Judge Thomas W. Thrash.

Are you going to test my peanut butter for *Salmonella*?

Results of preliminary testing have been mixed. We are working to develop a system for testing jars of peanut butter that will insure the best possible chances of finding *Salmonella* if it exists in the peanut butter. As we find out more information from ConAgra, we may discover that it is not necessary to test every jar (if, for example, we discover that the source of the contamination was the jar lids). Thus, for now please keep any peanut butter you have in a sealed plastic bag away from other foods. Do not store it in a freezer or in any non-climate controlled place, such as a garage or the trunk of a vehicle.

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