

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 07-21221-CIV-ALTONAGA/TURNOFF

RENEE BLASZKOWSKI, *et al.*,
individually and on behalf of
others similarly situated,

Plaintiffs,

vs.

MARS, INCORPORATED, *et al.*,

Defendants.

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME
TO RESPOND TO AMENDED COMPLAINT**

Local Rule 7.1 Certificate Included

Defendants, by and through their undersigned counsel, respectfully request that the Court extend the time in which to respond to Plaintiffs' Amended Complaint and, in support of this Motion, state the following:

1. On May 9, 2007, Plaintiffs Renee Blaszkowski, Amy Hollub and Patricia Davis filed a class action Complaint against the following defendants: Mars Incorporated, The Procter and Gamble Company, Colgate Palmolive Co., Del Monte Foods Co., Nestle U.S.A., Inc., Nutro Products, Inc., Menu Foods, Inc., Menu Foods Income Fund, Target Corp., Wal-Mart Stores,

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Inc., Publix Supermarkets, Inc., PETCO Animal Supplies Stores, Inc., Pet Supermarket, Inc., and PetSmart Inc. (collectively, the "Original Defendants"). [D.E. 1] 1/

2. Plaintiffs filed an Amended Complaint on July 25, 2007, which names all of the Original Defendants and also adds fifteen new defendants: Mars Petcare U.S., Inc., The Iams Co., Hill's Pet Nutrition, Nestle Purina PetCare Co., Nestle, S.A., Doane Pet Care Enterprises, Inc., New Albertson's Inc., Albertson's LLC, The Kroger Co. of Ohio, Safeway Inc., H.E. Butt Grocery Co., Meijer Inc., Meijer Super Markets, Inc., The Stop & Shop Supermarket Company, Pet Supplies "Plus," and Pet Supplies Plus/USA Inc. (collectively the "Additional Defendants"). [D.E. 153] 2/

3. At the July 6, 2007 status conference, this Court indicated its preference for a single, consolidated responsive pleading by all Defendants to the Amended Complaint.

4. The current deadline for the Original Defendants to file responsive pleadings is August 13, 2007.

5. To date, some but not all Additional Defendants have been served with the Amended Complaint and have varying response deadlines.

6. In order to respond to the new allegations in the Amended Complaint and to coordinate with the Additional Defendants in an effort to prepare a single, consolidated responsive pleading, Defendants require additional time in which to respond.

1/ Winn-Dixie Stores, Inc. was voluntarily dismissed from the action. [D.E. 26]

2/ Plaintiffs subsequently filed another version of the Amended Complaint on July 27, 2007 "correcting scrivener's errors" in the prior version. [D.E. 156]

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7. Hence, Defendants respectfully request that the Court grant an extension of forty-five (45) days from the current deadline, or September 27, 2007, to respond to Plaintiffs' Amended Complaint. Defendants seek this extension based on the representation by Plaintiffs' counsel that she will serve most of the Additional Defendants by August 13, 2007, thereby allowing Defendants some time to coordinate the filing of one consolidated responsive pleading with the Additional Defendants.

8. Pursuant to Southern District Local Rule 7.1(A)(3)(a), counsel for Defendants have conferred with counsel for Plaintiffs who consents to this requested extension of time. Counsel for Plaintiffs has further indicated that if she is not able to serve most of the Additional Defendants by August 13, 2007, such that Defendants may still require some further time to file one responsive pleading, that she will be reasonable in agreeing to further additional time.

9. No party will be prejudiced by granting this Motion. This Motion has been filed in good faith and is not intended to hamper or delay prosecution in this case. Pursuant to Southern District Local Rule 7.1(A)(2), Defendants have included a proposed order with this Motion.

WHEREFORE, Defendants respectfully request that the Court grant Defendants' Unopposed Motion for Extension of Time through and including September 27, 2007 to respond to the Amended Complaint.

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Dated: August 9, 2007

Respectfully submitted,

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I hereby certify that on August 9, 2007, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system and served the following counsel via transmission of Notices of Electronic Filing generated by CM-ECF:

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