

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

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

RENEE BLASZKOWSKI, AMY
HOLLUB, PATRICIA DAVIS, *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 CORRECTED AMENDED CLASS ACTION COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 6(b) and Local Rule 7.1, Defendants Safeway, Inc. ("Safeway") and The Stop & Shop Supermarket Company LLC ("Stop & Shop"), on their own behalf and on behalf of the limited number of Defendants identified below, respectfully request a one-week extension of time, up to and including September 20, 2007, in which to respond to Plaintiffs'/Class Representatives' Corrected Amended Class Action Complaint. In support of this motion, Defendants state:

1. Undersigned counsel was retained less than one week ago to represent Safeway and Stop & Shop in this action. Safeway and Stop & Shop were added as Defendants for the first time in the Corrected Amended Class Action Complaint.

2. All Defendants' responses to the Corrected Amended Class Action Complaint are due this Thursday, September 13, 2007, pursuant to this Court's order dated August 13, 2007.

3. Pursuant to the Court's direction (D.E. 142, *Hearing Transcript* at pp. 22-25 and 27:7-10), Safeway and Stop & Shop intend to adopt and incorporate the consolidated response to the Corrected Amended Class Action Complaint that will be filed by other defendants in this action on September 13, 2007.

4. However, Safeway and Stop & Shop intend to also present additional, unique grounds in their responses to the Corrected Amended Class Action Complaint, and are required by rule to present all their grounds in one response.¹ Specifically, Safeway and Stop & Shop intend to present the defense of lack of personal jurisdiction.

5. Safeway and Stop & Shop need an additional week to prepare complete responses to the Corrected Amended Class Action Complaint and necessary supporting declarations regarding the defense of lack of personal jurisdiction.

6. Safeway and Stop & Shop are authorized to represent that a limited number of newly added Defendants also intend to present additional defenses related to personal jurisdiction and service of process. Safeway and Stop & Shop understand that those Defendants, specifically, Nestle S.A., The Kroger Co. of Ohio, H.E. Butt Grocery Company, New Albertson's Inc., Meijer, Inc. and Meijer Super Markets, Inc., are also requesting, and hereby respectfully request, an additional week to present their personal jurisdiction and service of process defenses, thereby permitting the Court to receive such motions by these newly added Defendants at the same time.

7. This motion is made in good faith and not for any purpose of undue delay.

¹ By filing this motion, undersigned counsel is entering a limited, special appearance, and not a general appearance, for Safeway and Stop & Shop. Safeway and Stop & Shop and the other Defendants identified herein hereby reserve and do not waive any and all defenses to the Corrected Amended Class Action Complaint, including the defense of lack of personal jurisdiction.

8. Pursuant to Local Rule 7.1(3)(a), counsel for Safeway and Stop & Shop, and counsel for Nestle S.A., have conferred with Plaintiffs' counsel, who does *not* oppose the relief sought by this motion. Specifically, Plaintiffs' counsel initially agreed that Safeway and Stop & Shop could have the additional week requested. When subsequently asked whether the additional week could be provided to the additional Defendants identified above, Plaintiffs' counsel stated that if the time is enlarged to file a motion to dismiss, it should be for all Defendants pursuant to this Court's Scheduling Order dated July 6, 2007 requiring the Defendants to attempt to file an all inclusive motion to dismiss with the Court.

WHEREFORE, Defendants Safeway and Stop & Shop respectfully request a one-week extension of time, up to and including September 20, 2007, to serve their responses to the Corrected Amended Class Action Complaint. Defendants Safeway and Stop & Shop also request that this additional week be given to the Defendants identified above who will file motions related to personal jurisdiction and service of process.

A proposed order is attached hereto as Exhibit 1.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2007, I electronically filed the foregoing document with the Clerk of the court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service list in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Marcos Daniel Jiménez
Marcos Daniel Jiménez

CERTIFICATE OF SERVICE

RENEE BLASZKOWSKI, ET AL., VS. MARS, INCORPORATED, ET AL.

Case No. 07-21221-CIV-ALTONAGA/TURNOFF

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