

# EXHIBIT A

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.

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**DECLARATION OF HANS PETER FRICK IN SUPPORT OF  
NESTLÉ S.A.'S MOTION TO DISMISS COMPLAINT**

Hans Peter Frick declares as follows:

1. I am Senior Vice President and Group General Counsel for Nestlé S.A. I submit this declaration in support of Nestlé S.A.'s motion to dismiss Plaintiffs' Amended Complaint dated September 20, 2007. I have personal knowledge of the facts set forth herein, or I gathered them from the corporate records kept as part of Nestlé S.A.'s regular course of business or from other personnel of Nestlé S.A.

2. Nestlé S.A. is a corporation organized and existing under the laws of Switzerland, with its principal place of business located in Vevey, Switzerland. Nestlé S.A. is the ultimate holding company of Nestlé Group which comprises subsidiaries and associated companies throughout the world.

3. The copies of the summons and Amended Complaint (including all exhibits attached thereto) that Nestlé S.A. received from the Central Authority of Switzerland were in English only and were not accompanied by translations of those documents.

4. As Senior Vice President and Group General Counsel for Nestlé S.A., I am familiar with Nestlé S.A.'s corporate structure, business operations and the extent to which Nestlé S.A. does or does not conduct any business in the United States of America or any state therein.

5. Nestlé S.A. does not have any agent authorized to receive service of process in the state of Florida.

6. Nestlé S.A. does not manufacture, label, sell, advertise or market any products in the United States.

7. Nestlé S.A. does not maintain any office or place of business in the United States.

8. Nestlé S.A. does not have any officer or employee residing in the United States.

9. Nestlé S.A. does not have any real estate, phone listing, mailing address, or bank account located in the United States.

10. Nestlé S.A. is not licensed to do business in the United States.

11. Nestlé S.A. does not keep books and records in the United States.

12. As listed in paragraphs 5-10 above, Nestlé S.A. has none of the foregoing contacts with, nor any other connection to, the state of Florida.

13. Nestlé Purina PetCare Company ("Nestlé Purina PetCare") is a Missouri corporation with its principal place of business in St. Louis, Missouri. Its parent is Nestlé Holdings, Inc., a Delaware corporation. Nestlé Holdings, Inc. is a wholly owned subsidiary of Nestlé S.A.

14. Nestlé Purina PetCare manufactures, labels, sells, advertises and markets a variety of pet care products.

15. Nestlé Purina PetCare operates the pet care business within the Nestlé Group of companies. Nestlé S.A. has separate corporate structures, facilities, work forces, business records, bank accounts, tax returns, financial information, and budgets from Nestlé Purina PetCare. Nestlé Purina PetCare makes personnel decisions, decisions concerning the manufacturing, labeling, sales, advertising or marketing of its products, negotiates and executes sales agreements, promotes and markets its products, and handles all other day-to-day operations without the control of Nestlé S.A.

16. Nestlé Purina PetCare purchases its own products, materials, components, ingredients and parts of products sold by Nestlé Purina PetCare.

17. Nestlé S.A. does not participate in and has no control or responsibility for Nestlé Purina PetCare's manufacturing, labeling, sales, advertising or marketing strategies.

18. Nestlé U.S.A., Inc. ("Nestlé U.S.A.") is a Delaware corporation with its principal place of business in Glendale, California. Its parent is Nestlé Holdings, Inc. Nestlé Holdings, Inc. is a wholly owned subsidiary of Nestlé S.A.

19. Nestlé U.S.A. operates as an independent unit within the Nestlé Group of companies. Nestlé S.A. has separate corporate structures, facilities, work forces, business records, bank accounts, tax returns, financial information, budgets and corporate reports from Nestlé U.S.A. Nestlé U.S.A. makes personnel decisions, decisions concerning the manufacturing, labeling, sales, advertising or marketing of its products, negotiates and executes sales agreements, markets and otherwise promotes its products, and handles all other day-to-day operations without the control of Nestlé S.A.

20. Nestlé S.A. does not provide any products, materials, components, or any parts of products sold by Nestlé U.S.A.

21. Nestlé S.A. does not participate in and has no control over or responsibility for Nestlé U.S.A.'s manufacturing, labeling, sales, advertising or marketing strategies.

I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information and belief.

In Vevey, Switzerland, this 13<sup>th</sup> day of September 2007.

A handwritten signature in black ink, appearing to read 'Hans Peter Frick', written over a horizontal line.

Hans Peter Frick