

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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**DEFENDANTS' UNOPPOSED REQUEST FOR ORAL ARGUMENT**

Pursuant to S.D. Local Rule 7.1.B.1, Defendants<sup>1</sup> Mars, Incorporated; Mars Petcare U.S., Inc.; Procter & Gamble Co.; The Iams Co.; Colgate-Palmolive Company; Hill's Pet Nutrition, Inc.; Del Monte Foods, Co.; Nestlé U.S.A., Inc.; Nestlé Purina PetCare Company.; Nestlé S.A.; Nutro Products, Inc.; Menu Foods, Inc.; Menu Foods Income Fund; Publix Supermarkets, Inc.; New Albertsons, Inc.; Albertsons LLC; The Kroger Co. of Ohio; Safeway, Inc.; H.E. Butt Grocery Company; Meijer Inc.; The Stop & Shop Supermarket Company LLC; PETCO Animal Supplies Stores, Inc.; Pet Supermarket, Inc.; Pet Supplies "Plus"; Pet Supplies Plus/USA, Inc.; PetSmart, Inc.; Target Corp.; and Wal-Mart Stores, Inc. (collectively, "Defendants") hereby request oral argument on their Consolidated Motion to Dismiss Plaintiffs' Corrected Amended Complaint.

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<sup>1</sup> Defendants Nestlé S.A.; New Albertsons, Inc.; The Kroger Co. of Ohio; Safeway Inc.; H.E. Butt Grocery Company; Meijer Inc.; The Stop & Shop Supermarket Company LLC; Pet Supplies "Plus"; and Pet Supplies Plus/USA, Inc. ("non-resident Defendants"), are specially appearing for the limited purpose of the Consolidated Motion to Dismiss, and without submitting to the jurisdiction or venue of this Court.

The Amended Complaint is a wholesale attack against the entire pet food industry that attempts to raise novel albeit completely flawed claims. Moreover, Plaintiffs have chosen to sue multiple defendants over which this Court has no jurisdiction. Because the issues involved are numerous and complex and because the Amended Complaint itself is voluminous and contradictory, Defendants submit that an oral argument would assist the Court in ruling on Defendants' Consolidated Motion to Dismiss.

Defendants estimate that a minimum of one hour is required to properly argue the issues.

**S.D. LOCAL RULE 7.1.A.3 CERTIFICATION**

Defendants certify that counsel for Nutro Products, Inc. conferred with Plaintiffs' counsel who stated that she wishes to join in a request for oral argument on the Motion to Dismiss, although she has not agreed to the specific language of this request.

Respectfully submitted,

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I HEREBY CERTIFY that on October 12 , 2007, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the counsel so indicated on the attached Service List.

By: /s/ Carol A. Licko  
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