

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' RESPONSE TO PLAINTIFFS'  
MOTION FOR ENLARGEMENT OF TIME**

Defendants, Nestle USA Inc. and Nestle Purina Petcare Co., on behalf of themselves and all other Defendants ("Defendants"),<sup>1</sup> respond to Plaintiffs' Motion for Enlargement of Time to Respond to Defendants' Motion to Dismiss filed October 19, 2007 (D.E. 240), and state:

Defendants hereby advise and confirm that they neither consent to nor oppose Plaintiffs' motion for enlargement, and take no position on that motion.

Furthermore, as ordered by the Court (D.E. 236), undersigned counsel has attempted to coordinate dates for a November hearing on the Defendants' Consolidated Motion to Dismiss, with these results:

Counsel for all Defendants can be available for a hearing on the Consolidated Motion to Dismiss on any of these dates: Nov. 19, 20, 27, 28, 29 and 30.

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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; 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 (D.E. 232), and without submitting to the jurisdiction or venue of this Court.

Counsel for Plaintiffs (Ms. MacIvor) indicated she is not available for a hearing on any date in November, stated she would file a motion for enlargement to file her opposition to Defendants' Consolidated Motion to Dismiss through November 30, 2007, and would provide dates of availability after receiving a ruling from the Court on the motion for enlargement.

Dated October 19, 2007.

Respectfully submitted,

By: /s/ Carol A. Licko

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on October 19, 2007 , I electronically filed the foregoing with the document with the Clerk of the Court using the CM/ECF filing system. I also certify that the foregoing document is being served this date on all counsel of record on the attached service list via transmission of Notices of Electronic Filing generated by the CM/ECF system.

By: /s/ Carol A. Licko  
Carol A. Licko

**RENEE BLASZKOWSKI, ET AL., VS. MARS, INCORPORATED, ET AL.**  
**Case No. 07-21221-CIV-ALTONAGA/TURNOFF**

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