

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/Class Representatives,

vs.

MARS INC., *et al.*,

Defendants.

**PLAINTIFFS' MOTION FOR ENLARGEMENT OF TIME
FOR JOINDER OF PARTIES AND TO AMEND PLEADINGS**

Plaintiffs, Renee Blaszkowski *et al.*, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, respectfully request this Court to enter an order granting an enlargement of time for joinder of parties and to amend pleadings, and as grounds therefore, states:

1. On July 6, 2007, the Court entered a Scheduling Order [DE 130] setting a deadline for the joinder of parties and the amendment of pleadings for November 16, 2007. At the time that the Order was entered, it was contemplated that this would allow time for joinder of parties and amendments of pleadings after some discovery had taken place.

2. At the Scheduling Conference, the Court indicated that discovery would be stayed pending a ruling on the Defendants' anticipated Motion to Dismiss,¹ after which discovery would commence.

3. The Defendants moved to dismiss the Complaint based on a number of grounds, including lack of personal jurisdiction as to certain Defendants. The Court subsequently granted the Plaintiffs leave to conduct personal jurisdiction discovery, but reconsidered the ruling except as to one Defendant because of the failure to specifically plead certain Defendants' contact with the forum.

4. The Plaintiffs are contemporaneously seeking leave to file their Second Amended Complaint, which has clarified the jurisdictional allegations addressed in the Court's Order on the Defendants' Motion for Reconsideration. [DE 244]. The Plaintiffs will, therefore, request this Court to revisit granting the Plaintiffs' leave for personal jurisdiction discovery, which was denied based upon the lack of personal jurisdiction allegations. [DE 251 p. 5 and fn 5]. Assuming that leave of Court is granted, although a number of the issues raised by the Defendants' lengthy Motion to Dismiss have been clarified,² the Plaintiffs still expect the Defendants to re-file the Motion to Dismiss based on personal jurisdiction. The re-filing of the Motion to Dismiss will continue to stay discovery pending a ruling from the Court.

5. The Plaintiffs request that the Court extend the time to join parties and amend the pleadings through March 15, 2008, because the Plaintiffs require sufficient

¹ The Court ruled that a stay would only be in effect *if* the parties could agree on a preservation of evidence Order. While no such agreement has as yet been reached, the Plaintiffs and Defendants are continuing to attempt to come to an agreement regarding

² Although the Plaintiffs are confident that the Amended Complaint was sufficient in all respects except as to certain jurisdictional allegations, the Second Amended Complaint is shorter and addresses some issues raised by the Defendants. The Plaintiffs still expect the Defendants to re-file their Motion to Dismiss based on lack of personal jurisdiction.

time to obtain a ruling on the Defendant's Motion to Dismiss and to obtain discovery prior to having to determine whether any further amendments need to be made and/or whether any parties should be joined.

6. The Plaintiffs will be prejudiced if they are held to a deadline to join parties and/or amend pleadings prior to the time that discovery has commenced.

7. The Plaintiffs, therefore, respectfully request this Honorable Court enter an Order enlarging the time to join parties or to amend pleadings up to and including March 15, 2008 to allow time for discovery after the Court has ruled upon the Defendants' Motion to Dismiss.

8. The Plaintiff seek this Order in good faith and not for the purpose of delay.

WHEREFORE, Plaintiffs, Renee Blaszkowski, *et al.*, respectfully request this Honorable Court to enter an order granting an enlargement of the deadline to join parties and to amend pleadings up to and including March 15, 2008 and for all other relief that this Court deems just and proper.

Dated: November 16, 2007
Miami, Florida

Rule 7.1 Certificate

Prior to filing this Motion, the undersigned contacted Carol Licko, Esquire, who agreed to contact all of the Defendants regarding their position on this motion. As of the time of filing this Motion, Ms. Licko has reported the Defendants positions as: "Defendants believe the 4-month extension requested by Plaintiffs to amend pleadings

and join parties is excessive under the circumstances, but will not formally oppose this request.”

Respectfully submitted,

/s/Catherine J. MacIvor
CATHERINE J. MACIVOR (FBN 932711)
cmacivor@mflegal.com
MALTZMAN FOREMAN, PA
One Biscayne Tower
2 South Biscayne Boulevard – Suite 2300
Miami, Florida 33131
Tel: 305-358-6555 / Fax: 305-374-9077
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that the foregoing was electronically filed with the Clerk of the Court via CM/ECF on this 16 day of November, 2007. We also certify that the foregoing was served on all counsel or parties of record on the attached Service List 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 electronic Notices of Filing.

s/ Catherine J. MacIvor _____
CATHERINE J. MACIVOR

SERVICE LIST

CASE NO. 07-21221 ALTONAGA/Turnoff

CATHERINE J. MACIVOR

cmacivor@mlegal.com

JEFFREY B. MALTZMAN

jmaltzman@mlegal.com

JEFFREY E. FOREMAN

jforeman@mlegal.com

DARREN W. FRIEDMAN

dfriedman@mlegal.com

MALTZMAN FOREMAN, PA

One Biscayne Tower
2 South Biscayne Boulevard -Suite 2300
Miami, Florida 33131
Tel: 305-358-6555 / Fax: 305-374-9077

Attorneys for Plaintiffs

ROLANDO ANDRES DIAZ

E-Mail: rd@kubickdraper.com

CASSIDY YEN DANG

E-Mail: cyd@kubickdraper.com

MARIA KAYANAN

E-Mail: mek@kubickdraper.com

KUBICKI DRAPER

25 W. Flagler Street
Penthouse
Miami, Florida 33130-1712
Telephone: (305) 982-6708
Facsimile: (305) 374-7846

Attorneys for Defendant Pet Supermarket, Inc.

WILLIAM C. MARTIN

DLA PIPER LLP

203 North LaSalle Street
Suite 1900
Chicago, Illinois 60601-1293
E-Mail: William.Martin@dlapiper.com

*Attorneys for Defendants Menu Foods, Inc.
And Menu Foods Income Fund*

JOHN B.T. MURRAY, JR.

E-Mail: Jbmurray@ssd.com

SQUIRE, SANDERS & DEMPSEY L.L.P.

1900 Phillips Point West
777 South Flagler Drive
West Palm Beach, Florida 33401-6198
Telephone: (561) 650-7200
Facsimile: (561) 655-1509

*Attorneys for Defendants PETCO Animal Supplies
Stores, Inc., PetSmart, Inc., Wal-Mart Stores, Inc.,
Target Corporation and Meiner, Inc.*

ALEXANDER SHAKNES

E-Mail: Alex.Shaknes@dlapiper.com

AMY W. SCHULMAN

E-Mail: Amy.schulman@dlapiper.com

LONNIE L. SIMPSON

E-Mail: Lonnie.Simpson@dlapiper.com

S. DOUGLAS KNOX

E-Mail: Douglas.knox@dlapiper.com

DLA PIPER LLP

1251 Avenue of the Americas
New York, New York 10020

*Attorneys for Defendants Menu Foods, Inc.
and Menu Foods Income Fund*

HUGH J. TURNER, JR.

AKERMAN SENTERFITT

350 E. Las Olas Boulevard
Suite 1600
Fort Lauderdale, Florida 33301-2229
Telephone: (954)463-2700
Facsimile: (954)463-2224
E-Mail: hugh.turner@ackerman.com

GARY L. JUSTICE

E-Mail: gjustice@gibsondunn.com

CHARLES H. ABBOTT

E-Mail: cabbott@gibsondunn.com

GAIL E. LEES

E-Mail: grees@gibsondunn.com

WILLIAM EDWARD WEGNER

E-Mail: wwegner@gibsondunn.com

GIBSON DUNN & CRUTCHER LLP

333 South Grand Avenue

Los Angeles, California 90071

Telephone: (213) 229-7000

Attorneys for Defendant Nutro Products, Inc.

OMAR ORTEGA

DORTA AND ORTEGA, P.A.

Douglas Entrance

800 S. Douglas Road, Suite 149

Coral Gables, Florida 33134

Telephone: (305) 461-5454

Facsimile: (305) 461-5226

E-Mail: oortega@dortandortega.com

*Attorneys for Defendant Mars, Incorporated
And Mars Petcare U.S.*

BENJAMIN REID

E-Mail: bried@carltonfields.com

OLGA M. VIEIRA

E-Mail: ovieira@carltonfields.com

CARLTON FIELDS, P.A.

100 S.E. Second Street, Suite 4000

Bank of America Tower at International Place

Miami, Florida 33131-0050

Telephone: (305)530-0050

Facsimile: (305) 530-0050

Attorneys for Defendants Colgate-Palmolive

*Attorneys for Defendants Publix Super Markets, Inc.
and H.E. Butt Grocery Co.*

MARTY STEINBERG

E-Mail: msteinberg@hunton.com

ADRIANA RIVIERE-BADELL

E-Mail: ariviere-badell@hunton.com

HUNTON & WILLIAMS, LLP

Mellon Financial Center

1111 Brickel Avenue, Suite 2500

Miami, Florida 33131

Telephone: (305) 810-2500

Facsimile: (305) 810-2460

Attorneys for Defendant Nutro Products, Inc.

DANE H. BUTSWINKAS

E-Mail: dbutswinkas@wc.com

PHILIP A. SECHLER

E-Mail: psechler@wc.com

THOMAS G. HENTOFF

E-Mail: thentoff@wc.com

CHRISTOPHER M. D'ANGELO

E-Mail: cdangelo@wc.com

PATRICK J. HOULIHAN

E-Mail: phoulihan@wc.com

WILLIAMS & CONNOLLY LLP

725 Twelfth Street, N.W.

Washington, DC 20005

*Attorneys for Defendants Mars, Incorporated
And Mars Petcare U.S.*

MARCOS DANIEL JIMINEZ

E-Mail: ndj@kennynachwalter.com

ROBERT J. ALWINE, II

E-Mail: ralwine@kennynachwalter.com

KENNY NACHWALTER, P.A.

1100 Miami Center

201 South Biscayne Boulevard

Miami, Florida 33131

Telephone: (305) 373-1000

Facsimile: (305) 372-1861

Attorneys for Defendants Safeway, Inc. and

Company and Hill's Pet Nutrition, Inc.

SHERRIL M. COLOMBO
COZEN O'CONNOR
Wachovia Center, Suite 4410
200 South Biscayne Boulevard
Miami, Florida 33131
Telephone: (305) 704-5945
Facsimile: (305) 704-5955
E-Mail: scolombo@cozen.com

Attorneys for Defendant Del Monte Foods Co.

JOHN F. MULLEN
COZEN O'CONNOR
1900 Market Street
Philadelphia, PA 19103
Telephone: (215) 665-2179
Facsimile: (215) 665-2013
E-Mail: jmullen@cozen.com

Attorneys for Defendant Del Monte Foods, Co.

ROBERT C. TROYER
HOGAN & HARTSON L.L.P.
1200 17th Street
One Tabor Center, Suite 1500
Denver, Colorado 80202
Telephone: (303) 899-7300
Facsimile: (303) 899-7333
E-Mail: rctroyer@hhlaw.com

*Attorneys for Defendant Nestle USA, Inc.
Nestle Purina Petcare Co. and Nestle S.A.*

The Stop & Shop Supermarket Company LLC

RICHARD FAMA
E-Mail: rfama@cozen.com
JOHN J. McDONOUGH
E-Mail: jmcdonough@cozen.com
COZEN O'CONNOR
45 Broadway
New York, New York 10006
Telephone: (212) 509-9400
Facsimile: (212) 509-9492

Attorneys for Defendant Del Monte Foods

CAROL A. LICKO
HOGAN & HARTSON L.L.P.
Mellon Financial Center
1111 Brickell Avenue, Suite 1900
Miami, Florida 33131
Telephone (305) 459-6500
Facsimile (305) 459-6550
E-Mail: calicko@hhlaw.com

*Attorneys for Nestle U.S.A., Inc.
Nestle Purinia Petcare Co. and Nestle S.A.*

CRAIG A. HOOVER
E-Mail: cahoover@hhlaw.com
MIRANA L. BERGE
E-Mail: mlberge@hhlaw.com
HOGAN & HARTSON L.L.P.
555 13th Street, N.W.
Washington, D.C. 20004
Telephone: (202) 637-5600
Facsimile: (202) 637-5910

*Attorneys for Defendants Nestle USA, Inc.
Nestle Purina Petcare Co. and Nestle S.A.*

JAMES K. REUSS
LANE ALTON & HORST, LLC
Two Miranova Place
Suite 500
Columbus, Ohio 43215
Telephone: (614) 233-4719
E-Mail: JReuss@lanealton.com

Attorneys for Defendant The Kroger Co. of Ohio

D. JEFFREY IRELAND
E-Mail: djireland@ficlaw.com
BRIAN D. WRIGHT
E-Mail: Bwright@ficlaw.com
LAURA A. SANOM
E-Mail: lsanom@ficlaw.com
FARUKI IRELAND & COX P.L.L.
500 Courthouse Plaza, S.W.
10 North Ludlow Street
Dayton, Ohio 45402

Attorneys for Defendant Proctor & Gamble Co. and The Iams Co.

RALPH G. PATINO
E-Mail: rpatino@patinolaw.com
DOMINICK V. TAMARAZZO
E-Mail: dtmarazzo@patinolaw.com
CARLOS B. SALUP
E-Mail: csalup@patinolaw.com
PATINO & ASSOCIATES, P.A.
225 Alcazar Avenue
Coral Gables, Florida 33134
Telephone: (305) 443-6163
Facsimile: (305) 443-5635

Attorneys for Defendants Pet Supplies "Plus" and Pet Supplies Plus/USA, Inc.

ALAN G. GREER
RICHMAN GREER, P.A.
Miami-Center – Suite 1000
201 South Biscayne Boulevard
Miami, Florida 33131
Telephone: (305) 373-4000
Facsimile: (305) 373-4099

Attorneys for Defendants Proctor & Gamble Co. and The Iams Co.

ROBIN L. HANGER
SQUIRE, SANDERS & DEMPSEY L.L.P.
200 S. Biscayne Boulevard
40th Floor
Miami, Florida 33131-2398
Telephone: (305) 577-7040
Facsimile: (305) 577-7001
E-Mail: rlhanger@ssd.com

Attorneys for Defendants PETCO Animal Supplies Stores, Inc.

ROBERT VALADEZ
E-Mail: rvaladez@shelton-valadez.com
JAVIER THOMAS DURAN
E-Mail: jduran@shelton-valadez.com
SHELTON & VALADEZ, P.C.
600 Navarro, Suite 500
San Antonio, Texas 78205
Telephone: (210) 349-0515
Facsimile: (210) 349-3666

Attorneys for Defendant H.E. Butt Grocery Co.

CRAIG P. KALIL

E-Mail: ckalil@aballi.com

JOSHUA D. POYER

E-Mail: jpoyer@abailli.com

**ABALLI, MILNE, KALIL & ESCAGEDO,
P.A.**

2250 Sun Trust International Center
One S.E. Third Avenue
Miami, Florida 33131
Telephone: (303) 373-6600
Facsimile: (305) 373-7929

*Attorneys for Defendant's Inc. and Albertson's
LLC*

C. RICHARD FULMER, JR.

**FULMER, LEROY, ALBEE, BAUMANN, &
GLASS, PLC**

2866 East Oakland Park Boulevard
Fort Lauderdale, Florida 33306
Telephone: (954) 707-4430
Facsimile: (954) 707-4431
E-Mail: rfulmer@Fulmer.LeRoy.com

Attorneys for Defendant The Kroger Co. of Ohio

W. RANDOLPH TESLIK

E-Mail: rteslik@akingump.com

ANDREW DOBER

E-Mail: adober@akingump.com

AKIN GUM STRAUSS HAUER & FELD LLP

1333 New Hampshire Avenue, NW
Washington, D.C. 20036
Telephone: (202) 887-4000
Facsimile: (202) 887-4288

*Attorneys for Defendants New Albertson's Inc. and
Albertson's LLC*

JASON JOFFE

SQUIRE SANDERS & DEMPSY, LLP

200 South Biscayne Boulevard
Suite 4000
Miami, Florida 33131
Telephone: (305) 577-7000
Facsimile: (305) 577-7001
E-Mail: jjoffe@ssd.com

Attorneys for Defendant Meijer, Inc.