

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.

DECLARATION OF AMANDA SAMPLE

I, Amada Sample, declare and state the following is true and correct under penalty of perjury:

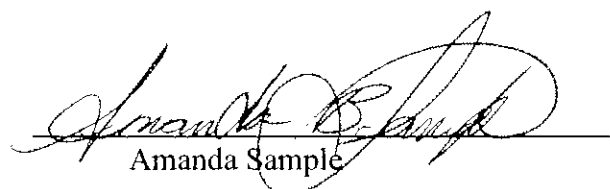
1. My name is Amanda Sample. I am over the age of eighteen and I have personal knowledge of all of the facts contained herein.
2. I am an associate at the law firm of Maltzman Foreman, P.A.
3. I have reviewed the Defendants' Response to the Plaintiff's Motion for Leave to Conduct Personal Jurisdiction and in particular the portions relating to the various websites operated by the Defendants. Each of these websites is highly interactive and clearly invites Florida residents to order products from each one. *See* examples from Defendants, Meijer, Inc., H.E. Butt Grocery Company, The Kroger Co. of Ohio, Safeway, Inc., and the Stop & Shop Supermarket Company attached hereto demonstrating the sale of a service or product to a Florida resident attached hereto as Exhibit "A."

4. Meijer Inc. specifically states in the Response that pet treats were offered for sale on its website after the filing of the Plaintiffs Second Amended Complaint and that, to date, no pet treat offered for sale on meijer.com has been sold to a Florida consumer through meijer.com. [DE 266-1]. That is a categorically false statement as best evidenced by the invoice received from an order for pet treats that I personally placed with meijer.com with Catherine J. MacIvor's credit card to be sent to Catherine J. MacIvor at Maltzman Foreman, PA in Miami, Florida on November 16, 2007. See invoice attached as Exhibit "B." Meijer also falsely states that it began offering pet treats on November 23, 2007, which was not during the class period. [DE 266-1 p. 13]. I am personally aware that pet treats were offered for sale to Florida residents on meijer.com prior to November 16, 2007, which was the date that I ordered the pet treat for Ms. MacIvor.

5. As these Defendants must be aware, there is no publicly available information indicating the number of hits on the Defendants from Florida residents, the volume of products order, the total dollar amount in sales of products and services to Florida residents or any other indicia of the extent to which these virtual retail stores and services provided by the Defendants have derived a profit from Florida consumers other than Meijer, Inc.'s somewhat cryptic statement that only 2% of Meijer Inc's total internet sales have been derived from online sales to Florida consumers from meijer.com. Meijer, Inc., however, clearly fails to disclose the other internet portals through which it sells products and/or services to Florida consumers nor does it reveal the dollar amount of the sale. The Plaintiffs are unable to obtain this information publicly.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 10, 2007.


Amanda Sample