

# **Exhibit “A”**

**A K I N G U M P  
S T R A U S S H A U E R & F E L D L L P**

Attorneys at Law

**ANDREW DOBER**  
202.887.4338/fax: 202.887.4288  
adober@akingump.com

December 5, 2007

VIA FACSIMILE AND ELECTRONIC MAIL

Catherine MacIvor, Esq.  
Maltzman Foreman, PA  
2 South Biscayne Boulevard  
Suite 2300  
Miami, FL 33131

Re: *Blazkowski v. Mars*, Case No. 07-cv-21221-CMA

Dear Catherine:

I write in response to your correspondence of November 29, 2007 regarding jurisdictional discovery in the above referenced matter. This letter will confirm that Ms. Backe is available for a deposition on January 4, 2008 in Boise, Idaho. Please let me know when you have obtained a location for the deposition.

Many of the deposition topics and document requests are not reasonably calculated to lead to the discovery of admissible evidence and/or are overly broad and unduly burdensome. Our preliminary written objections to the topics designated and documents sought for the deposition are set forth below. In general, the non-relevant and overly broad/unduly burdensome deposition topics and document requests pertain to entities other than New Albertsons, issues more appropriate for merits discovery, New Albertsons business activities outside of Florida and/or the individual activities of Albertsons employees or agents. Additionally, both the topic designations and document production requests seek information from New Albertsons from 2000 to the present. New Albertsons was not created until 2006. Thus, the time period for all such requests will necessarily be limited. In sum, we have no objection to questions or document requests pertaining to New Albertsons business activities in Florida since its creation in 2006. The specific objections set forth below are intended to be consistent with these general principles.

Topic Designations (Exhibit A to Amended Notice of Corporate Deposition)

New Albertsons does not object to the following 12 topic designations: 1, 6-9, 11, 13-17, and 23.

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Attorneys at Law

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Topic designations 18-22, 24, 25, 27-29 are overly broad and unduly burdensome on the grounds that they seek testimony from a New Albertsons representative about subsidiaries, parents, agents and sister companies of New Albertsons and would require the preparation of deponents knowledgeable about the activities of entities which are not parties to this lawsuit. Moreover, such information is not reasonably calculated to lead to the discovery of admissible evidence on the issue of whether there is personal jurisdiction over New Albertsons in Florida.

Topic designations 2-5, 10, 16, 26, 30 and 32 are also overly broad and unduly burdensome and are not reasonably calculated to lead to the discovery of admissible evidence on the grounds that they seek deponents knowledgeable about other entities which are not parties to this lawsuit. The only other entity mentioned in any of the requests that is a party to this lawsuit is Albertsons LLC, which has not sought dismissal based on lack of personal jurisdiction. As you are aware, New Albertsons and Albertsons LLC are separate companies created during the sale of Albertsons, Inc. to three separate entities. Information pertaining to Albertsons LLC is not relevant to whether New Albertsons is subject to personal jurisdiction in Florida. It would be unduly burdensome to prepare a deponent on these subjects, nor do I believe there is a New Albertsons employee who could testify as to the business decision and purpose for establishing Albertsons LLC.

The same is true of topic 26 (business travel to Florida by any New Albertsons officer or employee as well as travel by employees and officers of subsidiaries, agents or sister companies) and topic 32 (Florida licenses held not only by New Albertsons, but any New Albertsons officer or employee or agent). New Albertsons employs thousands of individuals and has countless agents. Locating the information sought would require an inordinate amount of time and effort. If there is legal authority holding that the business travel of officers, employees and agents, or licenses held by officers employees or agents in the forum state is relevant to whether a corporate entity is subject to personal jurisdiction, please provide it to me and I will reconsider our position on these issues.

Topic 10 seeks a New Albertsons deponent knowledgeable about Mr. Bunnell and his predecessor and successor if any. Mr. Bunnell is an employee of Albertsons LLC, not New Albertsons. There is no New Albertsons predecessor or successor to his position as he was never employed by New Albertsons. Topic 12 pertains to business operations outside of Florida and is, thus, overly broad and unduly burdensome.

The following topics designations are vague and ambiguous: topic 20 (the phrase "internet services"); topic 30 (please specify which entity you are referring to); topic 31 (please specify which entity you are referring to); topic 32 (the phrase "licenses").

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Document Requests (Exhibit B to Amended Notice of Corporate Deposition)

New Albertsons does not object to the following 31 document requests: 1-2, 4, 8-13, 21, 25-30, 34-36, 38-40, 44-48, 51-53, 55.

Document requests 3, 7, 14-20, 22-24, 31-33, 37, 49, 50, 56 are not reasonably calculated to lead to the discovery of admissible evidence and are overly broad and unduly burdensome. Request 3 seeks information on New Albertsons' activities outside Florida. Requests 14-20, 22, 24, and 37 seek documents from entities other than New Albertsons. Requests 7 and 22 seek documents reflecting all of New Albertsons "business activities" and would necessitate the production of millions of documents. Request 33 (pet food recall notices) is only relevant should there be merits discovery in this case. The residency, travel and licenses of New Albertsons officers, employees or agents (requests 49, 50, 56) are similarly not relevant to whether New Albertsons is subject to personal jurisdiction in Florida. Determining which New Albertsons officers, employees and agents have resided in Florida, traveled to Florida or have Florida licenses would be unduly burdensome. Requests 31-32 represent an unwarranted attempt to intrude on the private lives of two individuals (only one of whom is a New Albertsons employee) by asking for their list of contacts, appointment books and electronic calendars.

Document requests 5 (Florida filings) and 6 (corporate structure) are overly broad and unduly burdensome insofar as they seek documents from New Albertsons and multiple other entities other than New Albertsons. New Albertsons will produce its Florida Department of State filings and documents reflecting its corporate structure. Request 54 (revenue) is overly broad and unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence. New Albertsons will produce documents reflecting any revenue obtained from Florida operations.

The following document requests are vague and ambiguous: request 23 (the phrase "health care services"); requests 41 and 42 (the phrase "product"); request 43 (the phrase "supplies").

Finally, New Albertsons objects to, and reserves the right to later object to any request to the extent it requests information or documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, rule, statute or law.

Given the approaching holiday season, and the extreme burden that would be associated with preparing multiple deponents and collecting the full range of documents contemplated by

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Attorneys at Law

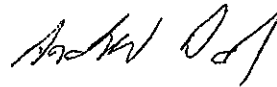
Catherine MacIvor, Esq.

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your notice, we believe it is necessary to resolve this issue sooner rather than later. Therefore, I respectfully request that you respond to this letter within one week so that there is adequate time to brief this issue should the parties be unable to reach a resolution. If you wish to discuss these matters, please do not hesitate to contact me.

Sincerely,



Andrew Dober

# **Exhibit “B”**

# MALTZMAN FOREMAN

ATTORNEYS AT LAW

CATHERINE J. MACIVOR  
PARTNER  
CMACIVOR@MFLEGAL.COM

December 13, 2007

VIA TELEFAX (305) 373-7929

Craig Kalil, Esq.  
Aballi, Milne, Kalil & Escagedo, P.A.  
2250 SunTrust International Center  
One Southeast Third Avenue  
Miami, Florida 33131

RE: *Blaszkowski et al. v. Mars Inc., et al.*  
Case No. 07-21221

Dear Mr. Kalil:

This is in response to your letter dated December 13, 2007 concerning the deposition topic and document requests in the 30(b)(6) notice for New Albertson's, Inc.

If you recall, when I first sent the 30(b)(6) notice to you in November, you advised that you would get back to me within a week. Since no one got back to me, I unilaterally noticed the deposition in Miami on a date certain, assuming that would prompt a response. I contacted you when I was out of town to tell you that I would work with you regarding the deposition and topics. I still intend to do that.

When I returned from Thanksgiving, we set up a telephone conference with Mr. Dober, but, as you know, that had to be cut short because I was ill and barely able to speak. As discussed on that date, I am fully aware that the deposition would go forward in Boise, Idaho and was at the time that I filed the notice. Miami was listed because I was simply trying to obtain a response from you or Mr. Dober, given the short time that I have to obtain this discovery prior to filing my Response to your Motion to Dismiss. I again indicated that I would be happy to work with you as to the topics and the document request. Faced upon my inability to speak for any length of time, we agreed to reschedule. I later asked you to send me your objections in writing because I was still unable to speak. Mr. Dober did so last week and, as of yesterday, I was in the process of responding to same. I do not recall saying yesterday that a letter was "on its way," but I do recall telling you that I was working on it. I have received no telephone calls from you or Mr. Dober about this since right after Thanksgiving when we had a telephone conference with Mr. Dober.

Craig Kalil, Esq.  
Aballi, Milne, Kalil & Escagedo, P.A.  
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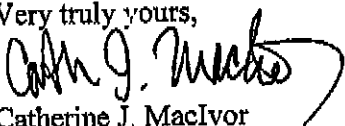
As discussed yesterday, I served a re-notice with the same topics and document requests because I had again heard nothing from you and Mr. Dober about the date and time of the deposition as well as the place, which we had discussed previously. Serving the re-notice with the same topics and document request does not mean that I do not intend to try to work with you to resolve your concerns about the notice.

I do not agree that I "obviously" agreed in court that the topics were overbroad. I think that the word "Florida" was inadvertently omitted from a few of them, which you mentioned in court. As far as I am concerned, the topics were fine except for the inadvertent omissions, but I nevertheless attach a version of the same requests that have been re-worded based upon Mr. Dober's concerns. I do hope that you will both find this notice less objectionable. Please see attached.

I think we need to finalize logistics because the deposition will take place and we need to make travel arrangements. It is only the scope to which you are objecting. The revised notice should be sufficient to address your concerns. I also think that New Albertson's, Inc. has had plenty of time to gather documents, prepare the witness and all of the other things you mentioned because I forwarded a draft copy of the notice to you in mid-November. In my experience, a month is plenty of time to accomplish all of that.

I do take issue with you attempting to lay blame on me for "delay." As I recall, it took Mr. Dober some time to provide the objections and twice previously I have not received responses to my requests for information and dates for setting the deposition. Rather than blame the other person, I prefer to go forward and wrap up this portion of the litigation.

Very truly yours,



Catherine J. MacIvor

CJM/lm  
Enclosure

cc. Andrew Dober, Esquire (via telefax)



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.

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**AMENDED RE-NOTICE OF TAKING CORPORATE REPRESENTATIVE  
DEPOSITION *DUCES TECUM* AS TO PERSONAL JURISDICTION  
PURSUANT TO RULE 30(b)(6)**

PLEASE TAKE NOTICE that undersigned counsel will take the deposition of:

**NAME:** The person or persons at New Albertsons, Inc., with the most knowledge concerning the topics set forth in Exhibit "A" and to produce at the deposition the documents set forth in Exhibit "B."

**DATE AND TIME:** Friday, January 4, 2008 @ 11:30 a.m.

**LOCATION:** Boise, Idaho  
(Address to be provided)

Upon oral examination before a Notary Public, or any other officer, authorized by law to take depositions in the State of Florida. The oral examination(s) will continue from day to day until completed. The deposition(s) is/are being taken pursuant to Federal Rule of Procedure 30(b)(6) for the purpose of discovery and for the use at trial.

Dated: December 10, 2007  
Miami, Florida

Respectfully submitted,

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CATHERINE J. MACIVOR (FBN 932711)  
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2 South Biscayne Boulevard -Suite 2300  
Miami, Florida 33131  
Tel: 305-358-6555 / Fax: 305-374-9077  
Attorneys for Defendant

**CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that a true and correct copy of the foregoing was served by Electronic Mail this 10th day of December, 2007 to all counsel of record on the attached service list.

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Catherine J. MacIvor

**Exhibit "A"**

1. The corporate structure of New Albertson's Inc. today, including predecessor company(ies), parent(s) and subsidiary(ies), past and present.
2. The business relationship between New Albertson's Inc. and any other company in which New Albertson's Inc. has an ownership interest, including and other companies that do or did business in Florida during the relevant class period as defined in the Second Amended Complaint (hereafter "Relevant Class Period").
3. As for each company identified as responsive to category 2, above, New Albertson Inc's knowledge and/or understanding of the extent of that other companies business operations in Florida during the relevant Class Period.
4. All agreements entered into between and/or among New Albertson's Inc. and the following entities from 2000 to the present which mention, concern or relate to retail sales in Florida or to Florida residents, the provision or procurement of supplies from Florida, the distribution of goods or services in Florida, advertisement(s) which appear nationwide or in Florida, production or acquisition of goods and/or services in Florida (regardless whether "Florida" is mentioned by name in any such agreement) including but not limited to:
  - a) Supervalu, Inc.
  - b) New Aloha Corporation
  - c) CVS, Inc.
  - d) AB Acquisitions LLC
  - e) Albertson's LLC
5. New Albertson's Inc's suppliers in Florida from 2000 to present.
6. New Albertson's Inc., business dealings in Florida, including, but not limited to, retail operations from 2000 to present.
7. Communications to and from the Florida Department of State from 2000 to the present on behalf of New Albertson's Inc, including, but not limited to:
  - a. The purpose for New Albertson's Inc.'s registration to do business in Florida.
  - b. Any and all registered agents in Florida.
  - c. The identity(ies) of registered agents in Florida.
8. Whether New Albertson's Inc. has been involved in any lawsuits in Florida, federal or state court from 2000 to present, and, if so, the nature of the proceedings.

9. Any and all information relating to New Albertson's Corporate Officers who are designated for the area of Florida, including but not limited to Gerald L. Melville and Richard R. Bunnell.

10. The name, job description, duties and responsibilities of all persons who have held the job title or responsibilities of "Vice Present - Regional Supply Chain, Florida, Eastern Division" during the relevant Class Period as listed on the sworn Affidavit of Officer/Director filed by New Albertson's Inc. with the Florida Secretary of State on August 3, 2006. (see Ex. "C").

11. The job description, duties and responsibilities of Gerald L. Melville, Vice President, Florida Area, Eastern Division, and the predecessor and/or successor of Mr. Melville, if any.

12. The Eastern Division's corporate structure, including but not limited to, number of employees; contracts which involve personnel, goods or services which are procured from Florida, delivered in Florida or pass through Florida; suppliers in the state of Florida; and type(s) of business operation(s) in the state of Florida from 2000 to present.

13. Any manufacture, distribution, promotion, advertisement or sale of any product by New Albertson's Inc. in Florida from 2000 to present.

14. Any contract entered into by New Albertson's Inc., for purchase or lease of real property located in Florida from 2000 to present.

15. Any use of storage facilities in Florida by New Albertson's Inc. from 2000 to the present.

16. Shipments of any product(s) to and from Florida by New Albertson's Inc. from 2000 to present.

17. New Albertson's Inc.'s utilization of any Florida port or airport for export, import, or shipment inter state of any product from 2000 to present including quantities of products, dollar value of products and descriptions of products passing through Florida.

18. Bank accounts and/or investment accounts held by New Albertson's Inc. in Florida from 2000 to present.

18 (a). Bank accounts and/or investment accounts held by New Albertson's Inc.'s subsidiaries, agent(s) or sister company(ies) in Florida from 2000 to present.

19. Internet sales by New Albertson's Inc. to Florida residents from 2000 to present, including but not limited to the type of products sold and the quantity.

19(a) Internet sales by New Albertson's Inc's subsidiary(ies), agent(s) or sister company(ies) to Florida residents from 2000 to present, including but not limited to the type of products sold and the quantity.

19(b) Revenue earned by New Albertson's Inc. from its subsidiary(ies), agent(s) or sister company(ies) from internet sales to Florida residents from 2000 to present, including but not limited to the type of products sold and the quantity.

20. Names and identities of any and all Florida residents who have registered their names and Email addresses with New Albertson's Inc. through New Albertson Inc's or any other web site from 2000 to present, including but not limited to, the type of services provided.

20 (a) The names and addresses of all Florida residents who have been issued a "Preferred Savings Card" or other similar discount card from 2000 to present by New Albertson's Inc. or its affiliates, agents or subsidiaries, which cards can be used at New Albertson's Inc.'s stores.

20 (b) All marketing materials or emails sent by Email or mail by or on behalf of New Albertson's Inc. to Florida residents from 2000 to present.

21. Offices or storage facilities maintained in Florida by New Albertson's Inc., its subsidiary(ies), agent(s) or sister company(ies) from 2000 to present.

22. Leases held by New Albertson's Inc. for personal properties located in Florida from 2000 to present, including, but not limited to, computer software or hardware or vehicles.

22 (a) Leases held by New Albertson's Inc.'s subsidiary(ies), agent(s) or sister company(ies) for personal properties located in Florida from 2000 to present, including, but not limited to, computer software or hardware or vehicles.

23. Any agent(s) for New Albertson's Inc. of any kind present in Florida from 2000 to present.

24. Any officer(s) or employee(s) of New Albertson's Inc. residing in Florida from 2000 to present.

24. (a) Any officer(s) or employee(s) of New Albertson's Inc.'s subsidiary(ies), agent(s) or sister company(ies) residing in Florida from 2000 to present.

24. (b) All communications between employees of New Albertson's Inc. and any New Albertson's Inc.'s subsidiary(ies), agent(s) or sister company(ies) in Florida from 2000 to present.

25. Payroll records for officer(s) or employee(s) of New Albertson's Inc. residing in Florida from 2000 to present.

26. Business travels to Florida by officers and/or employees of New Albertson's Inc., including frequency and duration of such travels and purpose of such travels, from 2000 to present.

27. New Albertson's Inc.'s operation of any business in Florida, directly or through a parent(s), agent(s), subsidiary(ies) or sister corporation, from 2000 to present.

28. Any telephone listing(s) held by New Albertson's Inc., its parent(s), agent(s), subsidiary(ies) or sister corporation(s) in Florida from 2000 to present.

29. Any mailing address in Florida held by New Albertson's Inc., its parent, agent(s), subsidiary(ies) or sister corporation(s), from 2000 to the present.

30. New Albertson's Inc.'s revenue from 2000 to present, including but not limited to revenue from any business in Florida.

31. Client or customer base in Florida.

32. Florida business licenses of any kind held by New Albertson's Inc. or corporate officers, employees or agents of New Albertson's Inc.

33. Names and addresses of all officers and directors of New Albertson's Inc. from 2000 to present.

34. For each officer or director listed in item 33, New Albertson Inc's knowledge of any other company or entity which said individuals are officers or directors of.

**Exhibit "B"**

1. All documents reflecting New Albertson's Inc., registered agent(s) in Florida for the past ten (10) years.
2. All documents reflecting the length of time that New Albertson's Inc. has maintained a registered agent in Florida.
3. All documents reflecting the identity(ies) of New Albertson's Inc.'s registered agent in Florida from 2000 to present.
4. All documents relating to New Albertson's Inc. having qualified to do business in Florida.
5. Each and every document in New Albertson's Inc.'s custody or control which was filed with the Florida Department of State on behalf of New Albertson's Inc. and any predecessor corporation, parent, subsidiary and/or sister corporation(s) from 2000 to present.
6. Each and every document in New Albertson's Inc.'s custody or control which reflect the corporate structure of New Albertson's Inc. and/or New Aloha Corporation and/or any predecessor corporation, subsidiary(ies), parent company(ies) and sister corporation(s) of New Albertson's Inc. and/or New Aloha Corporation from 2000 to the present.
7. Each and every document in New Albertson's Inc.'s custody or control reflecting any and all of New Albertson's Inc.'s and/or New Aloha Corporation's business activities and operations in Florida from 2000 through the present.
8. All documents reflecting any and all of New Albertson's Inc.'s and/or New Aloha Corporation's suppliers in Florida from 2000 through the present.
9. All documents reflecting whether New Albertson's Inc. and/or New Aloha Corporation conducted any retail activity in Florida between 2000 through the present.
10. All documents reflecting whether New Albertson's and/or New Aloha Corporation operated any business in Florida between 2000 through the present.
11. All documents reflecting whether New Albertson's Inc. and/or New Aloha Corporation engaged in any business in Florida between 2000 through the present.
12. All documents reflecting whether New Albertson's Inc. and/or New Aloha Corporation carried on a business and/or business venture in Florida between 2000 through the present.
13. All documents reflecting whether New Albertson's Inc. and/or New Aloha Corporation had any employees in Florida between 2000 through the present.

14. Each and every document in New Albertson's Inc's custody or control reflecting the corporate structure of Supervalu, Inc. and/or the relationship between Supervalu, Inc. and New Albertson's Inc. between 2000 to the present.

15. Each and every document in New Albertson's Inc.'s custody or control reflecting the corporate structure of CVS, Inc. and/or the relationship between CVS, Inc. and New Albertson's Inc. between 2000 to the present.

16. Each and every document in New Albertson's Inc's custody or control reflecting the corporate structure of AB Acquisition LLC and/or the relationship between AB Acquisition LLC and New Albertson's Inc. between 2000 to the present.

17. All documents reflecting the Florida suppliers for New Albertson's Inc. stores, from 2000 to present including but not limited to purchase orders and invoices.

17(a) All documents which list all Florida suppliers.

18. All documents reflecting the business activities, operations and business ventures of Supervalu, Inc. in Florida from 2000 through the present.

19. Withdrawn.

20. All documents in New Albertson's Inc's custody or control reflecting the business activities, operations and business ventures of AB Acquisition LLC in Florida from 2000 through the present.

21. Whether New Albertson's Inc. and/or New Aloha Corporation entered into any leases or other written contracts in Florida or with any entities in Florida between 2000 and the present.

22. Documents reflecting all business activities engaged in or conducted by New Albertson's, Inc. and Albertson's LLC in Florida from 2000 to present.

23. Documents reflecting any and all health care services offered to Florida residents through automated systems and customer service agents by New Albertson's Inc., Albertson's LLC and/or any parent(s), subsidiary(ies) and/or sister corporation(s).

24. All documents in New Albertson's Inc's custody or control reflecting all Florida suppliers and other Florida entities which Supervalu, Inc. has engaged in Florida from 2000 to the present.

25. Copies of all Summons and Complaints served on New Albertson's Inc.'s registered Agent in Florida from 2000 to the present.

26. Documents reflecting the corporate structure and business conducted by the Eastern Division of New Albertson's Inc.



27. Documents reflecting the job description, duties and responsibilities of the Vice President of the Regional Supply Chain, Florida, Eastern Division.

28. Documents reflecting job description, duties and responsibilities of the Vice President, Florida Area, Eastern Division.

29. Documents reflecting all corporate officers of New Albertson's Inc. from 2000 to present who are designated for the area of Florida, including but not limited to Gerald L. Melville and Richard R. Bunnell.

30. Any and all documents reflecting the location(s) of Mr. Melville's and Mr. Bunnell's offices.

31. Any and all documents reflecting appointments for Mr. Melville and Mr. Bunnell, including, but not limited to, written or electronic calendars, blackberry's, and appointment books from 2000 to present.

32. Any and all written or electronic Rolodex or list of contacts maintained by or for Mr. Melville and Mr. Bunnell from 2000 to present.

33. Documents reflecting any announcement which was distributed to or made available to Florida residents by New Albertson's Inc, its parent(s), subsidiary(ies) or sister company(ies) of recalls of pet food products from 2000 to the present.

34. Documents reflecting complaints received by New Albertson's Inc. from consumer(s) in Florida from 2000 to the present.

35. Documents reflecting lawsuits filed by New Albertson's Inc. in federal or state court in Florida, from 2000 to present.

36. Any documents regarding manufacture, distribution, promotion, advertisement or sale of any product and/or services by New Albertson's Inc. in Florida from 2000 to present.

37. Copies of contracts, including but not limited to joint ventures, letter(s) of intent, and memorandum(a) of understanding, entered into between and amongst New Albertson's Inc. and the following entities relating to business activities in Florida (regardless whether the word "Florida" is mentioned in such document):

- a) Supervalu, Inc.
- b) New Aloha Corporation
- c) CVS, Inc.
- d) AB Acquisitions LLC
- e) Albertson's LLC

38. Copies of contract(s) entered into by New Albertson's Inc., for purchase or lease of real property in Florida.

39. All documents reflecting use of storage facilities by New Albertson's Inc., in Florida.

40. All documents reflecting purchase or sale of services in Florida by New Albertson's Inc.

41. Documents reflecting product(s) shipped to and from Florida from 2000 to present. (The term "Product" is given the same meaning as when used by New Albertson's Inc. in its 10-K filing dated April 26, 2007).

42. Documents reflecting New Albertson's Inc.'s utilization of ports or airports in Florida for export, import or shipment inter state of any product.

43. Documents reflecting supplies received from Florida by New Albertson's Inc from 2000 to present.

44. Documents reflecting bank accounts or investment accounts held by New Albertson's Inc. in Florida.

45. Documents reflecting any internet sale(s) of products to Florida, including, but not limited to, the type of product(s) sold and the quantity(ies).

46. Documents reflecting use of office space for any employee or agent of New Albertson's Inc. in Florida, including, but not limited to storage facilities, lease of real property or personal property.

47. Documents reflecting agency relationship between New Albertson's Inc and any entity(ies) located in Florida.

48. Documents reflecting compensation paid by New Albertson's Inc. to any officer, employee and/or agent in Florida.

49. Documents reflecting residency, permanent or temporary, of any officer(s) employee(s) or agent(s) of New Albertson's Inc. in Florida from 2000 to present.

50. Documents reflecting travel or business meetings attended by officer(s), employee(s) or agents of New Albertson's Inc. in Florida from 2000 to present.

51. Documents reflecting any business operation(s) by New Albertson's Inc. or subsidiary(ies) through an agent(s) in Florida.

52. Documents reflecting telephone listing(s) held by New Albertson's Inc. in Florida.

53. Documents reflecting any mailing address(es) held by New Albertson's Inc. in Florida.
54. Documents reflecting New Albertson's total yearly revenue from 2000 to present, including, but not limited to, documents reflecting total yearly revenue from sales in Florida.
55. Documents reflecting New Albertson's client or customer base in Florida.
56. Copies of all Florida business licenses held by New Albertson's or corporate officers, employees or agents of New Albertson's in Florida.

F06000003669

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

PICK-UP  WAIT  MAIL

(Business Entity Name)

(Document Number)

Certified Copies \_\_\_\_\_ Certificates of Status \_\_\_\_\_

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Office Use Only



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06 AUG -3 AM 11:15  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

*Chg. [Signature]*  
*[Signature]*  
*[Signature]*



**GSC.** **F06 000003669**

CONCRETE SERVICE COMPANY

ACCOUNT NO. : 072100000032  
REFERENCE : 284042 4338223  
AUTHORIZATION : *[Signature]*  
COST LIMIT : \$ 35

ORDER DATE : August 2, 2006  
ORDER TIME : 9:23 AM  
ORDER NO. : 284042-005  
CUSTOMER NO: 4338223

AFFIDAVIT OF OFFICER/DIRECTOR

*8/3*

NAME: NEW ALBERTSON'S INC.

FILED  
06 AUG -3 AM 11:15  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

XX AFFIDAVIT

PLEASE RETURN THE FOLLOWING AS PROOF OF FILING:

- CERTIFIED COPY
- XXX PLAIN STAMPED COPY
- CERTIFICATE OF GOOD STANDING

CONTACT PERSON: Harry B. Davis - Ext. 2926


EXAMINER'S INITIALS:

*change of  
officer  
JRS  
8/17*

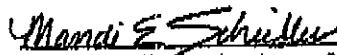
**AFFIDAVIT OF OFFICER AND DIRECTOR CHANGE**

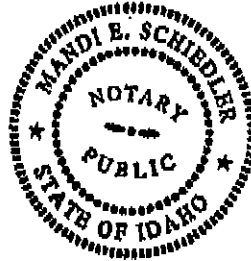
STATE OF IDAHO            )  
  )  
County of Ada                )

I Julie Thomson Backe, hereby certify on behalf of New Albertson's, Inc., a Delaware corporation (the "Corporation"), that I am the duly elected and acting Assistant Corporate Secretary of the Corporation, that the attached list is the current directors and officers of the Corporation effective as of August 1, 2006.

  
\_\_\_\_\_  
Julie Thomson Backe  
Assistant Corporate Secretary

Subscribed and sworn to before me  
this 1st day of August, 2006.

  
\_\_\_\_\_  
Notary Public for the State of Idaho  
Residing at Boise, Idaho  
My commission expires: 10-25-06



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TALLAHASSEE, FLORIDA

08/01/2006

**DIRECTORS AND OFFICERS**

**NEW ALBERTSON'S, INC.**

<u>Director</u>	<u>Title</u>
David L. Bochnen	Director
John P. Bredlove	Director
Pamela K. Knowl	Director
<u>Officer</u>	<u>Title</u>
David L. Bochnen	President - New Albertson's, Inc.
Romeo R. Cefalo	Executive Vice President - New Store Formats & Development
Kathy J. Herbert	Executive Vice President - Human Resources
Pamela K. Knowl	Executive Vice President & Chief Financial Officer
Duncan C. Mac Naughton	Executive Vice President - Merchandising
Keyin H. Tripp	Executive Vice President - Drug Operations & President, Drug Store Div
James F. Gentile	Senior Vice President - Six Sigma Quality
Susan M. "Sue" Neumann	Senior Vice President - Education, Communications & Public Affairs
Pamela S. Powell	Senior Vice President - Customer Service
Paul L. Singer	Senior Vice President
Sherry M. Smith	Senior Vice President - Finance
William H. Arnold	Group Vice President - Real Estate Law
John P. Boyd	Group Vice President & Treasurer
Sheila A. Close	Group Vice President - Applications Development
Charles F. Cole	Group Vice President - Litigation & Regulatory Affairs
Michael F. DePaola	Group Vice President - Asset Management
Adrian J. Downes	Group Vice President & Controller
Nicholas M. Kormeluk	Group Vice President - Center Store
Timothy J. Lynch	Group Vice President - Food Operations
Linda K. Massman	Group Vice President - Finance & Corporate Planning
Michael S. Plecki	Group Vice President - Compensation & Benefits
David A. Robertson	Group Vice President - Distribution
James P. Smits	Group Vice President - Fresh Foods Merchandising
Judith Watson	Group Vice President - Strategic Planning & Replenishment
Pete J. Van Helden	President & CEO, California
Michael K. Clawson	President - Intermountain West Division
Carl L. Jablonski	President - Shaw's Division
Judith A. Spires	President - Eastern Division
Larry D. Wahlstrom	President - Jewel-Osco Division
Susan M. Klug	Sr. Vice President - Marketing, California Division
Keith I. Nielsen	Sr. Vice President - Operations, Jewel-Osco Division
Brian J. Pijanowski	Sr. Vice President - Merchandising
Fred J. Schuit	Sr. Vice President - Operations, Southern California Division
Darnell M. Allen	Vice President - HR, Intermountain West Division
Blake T. Barnett	Division CFO - California Division
Dennis J. Bassler	Vice President - L. A. Area, Southern California Region
Gerald D. Bay	Vice President - Pharmacy Operations, East Area, Drug Division
Darjo J. Bell	Vice President - Regional Supply Chain, Sundries
Bart E. Bohlen	Vice President - Regional Operations
Stephen C. Bowater	Division CFO - Jewel-Osco Division
John P. Bredlove	Vice President & Corporate Secretary
Blaine Bringham	Vice President - Sales & Merchandising
Craig P. Brown	Vice President - Energy Management & Project Development
Tammy L. Brusseau	Vice President - Merchandising Fresh, California Food
Richard R. Bunnell	Vice President - Regional Supply Chain, Florida, Eastern Division
James A. Cadres	Vice President - Merchandising Support
Nancy E. Chagares	Vice President - Fresh Food Merchandising, Jewel-Osco Division

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Timothy A. Comy	Vice President - Human Resources, Midwest Division
Douglas M. Cygan	Vice President - GM & Grocery Merchandising, Jewel-Osco Division
Christopher T. Dimos	Vice President - Pharmacy Services
Joseph "Joe" G. Fehringier	Vice President - Finance
James Fowler	Vice President - Grocery & Non Foods Buying
Anthony Frederico	Vice President - Operations, East Area, Eastern Division
Elizabeth S. "Liz" Garrett	Vice President - Human Resources, Drug Division
Charla J. Gifos	Vice President - San Diego Area, Southern California Division
Michael S. Gouhart	Vice President - Ocean Region
Kip Bradley Ortell	Vice President - Merchandising
Gregory E. Gullickson	Vice President - Central Area, Jewel-Osco Division
Edward N. Hanson	Vice President - Marketing & Merchandising, Jewel-Osco Division
Larry C. Harmon	Vice President - Internal Controls
Herna Hira	Vice President - Strategic Sourcing - Indirect
Robert L. Hughes	Vice President - South Area, Jewel-Osco Division
Gary D. Hunsinger	Vice President - Central Area, Drug Division
James A. "Jake" Jacobsen, Jr.	Vice President - Information Technology
Leslie R. "Trey" Johnson, III	Vice President - Grocery Merchandising
Tony Z. Jolley	Vice President - Information Technology
Michael R. Ketcham	Vice President - Merchandising, Center Store, California Division
Stephen P. Kilgriff	Vice President
Katherine A. Kirk	Vice President - Design
Steven A. LaMontagne	Vice President - New Store Development
Barron P. Lambert	Vice President - General Counsel Real Estate
Mark J. Lavin	Vice President - Project Development
Michael E. Lech	Vice President - Supply Chain Management
Terry C. Leo	Vice President - Corporate Brands
Michael A. Massimino	Vice President - GM Sales, Food Stores
Colin K. McKoon	Vice President - Real Estate & Construction
Joseph M. McKuska	Vice President - Real Estate & Construction
Greg A. McNiff	Vice President - Marketing, California Division
Peggy C. McReynolds	Vice President - Reverse Logistics
Gerald L. Melville	Vice President - Florida Area, Eastern Division
Ronald T. Mendes	Vice President - Pharmacy Law & Compliance
Todd M. Michael	Vice President - Sales & Merchandising, Intermountain West Division
James A. "Jim" Michaud	Division CFO - Shaw's Division
Chris S. Mielke	Vice President - Marketing
Jacqueline C. Morris	Vice President - Central Coast Area, Southern California Division
Susan D. Morris	Vice President - Regional Operations, Boise Metro
Michele A. Murphy	Vice President - Human Resources, Eastern Division
John J. Nieman III	Vice President - Human Resources, Shaw's
Mitchell W. Oddo	Vice President - Liquor Merchandising/Procurement
John G. Ortiz	Vice President - Las Vegas Area, Southern California Division
Jeffrey T. Osban	Vice President - Information Technology
John C. Owen	Vice President - Regional Supply Chain, Midwest Division
David T. Parker	Vice President - Investor Relations & Government Affairs
Kevin D. Patrick	Division CFO - Eastern Division
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Brian D. Rood	Vice President - Regional Supply Chain, Eastern Division
Barbara G. Russell	Vice President - Energy & Facilities
Daniel J. Salem	Vice President - Pharmacy Procurement & Support



08/01/2006

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Martin J. Joe Teall	Vice President - Logistics & Systems Design
Bradley M. Troim	Vice President - Pharmacy Operations
Doyle J. Troyer	Vice President - Tax
Thomas P. Vesey	Vice President - Mountain Region
Thomas J. Walter	Vice President - Labor Relations & Employment Law, Midwest Division
Roy C. Whitmore	Vice President - North Area, Jewel-Osco Division
Marcia E. Williams	Vice President - Diversity
Mike K. Withem	Vice President - Operations, Intermountain West Division
J. Frank Yaksitch	Vice President - Marketing, Intermountain West Division
Daniel J. Zvonik	Vice President - Finance, Drug & GM Operations
Linda K. Maasman	Assistant Treasurer
Julie Thomson Bucke	Assistant Corporate Secretary
Warren E. Simpson	Assistant Corporate Secretary
Carol L. Wood	Assistant Corporate Secretary

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