

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case 07-21221-CIV-ALTONAGA

RENEE BLASZKOWSKI,
AMY HOLLUB and
PATRICIA DAVIS, individually
and on behalf of others
similarly situated,

Plaintiffs,

MIAMI, FLORIDA

vs.

DECEMBER 12, 2007

MARS, INC., et al.,
Defendants.

TRANSCRIPT OF MOTION HEARING
BEFORE THE CECILIA M. ALTONAGA,
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFFS:

CATHERINE J. MacIVOR, ESQ.
BJORG EIKELAND, ESQ.
AMANDA SAMPLE, ESQ.
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December 12, 2007

1 decision. They can take issue with it and ask me to reconsider
2 as to them and/or with knowledge of this case and the fact they
3 have not been served yet, they can confer with defendants'
4 counsel and assist in preparation of any motion to dismiss
5 and/or reply memorandum that gets filed.

6 MS. MacIVOR: The last thing I'd like to bring to the
7 Court's attention is when I was trying to set a deposition -- I
8 do anticipate this happening with the holidays -- I advised
9 counsel for New Albertson's that the Court had suggested that
10 discovery be done on an expedited basis and that's when I was
11 given the three dates.

12 I do anticipate that that will happen. I would like
13 to know if the Court would consider, if discovery can't be done
14 on an expedited basis because the plaintiffs are here willing
15 to say they'll do what it takes, would Your Honor consider
16 allowing an extended briefing schedule solely as to personal
17 jurisdiction?

18 THE COURT: No.

19 MS. MacIVOR: Okay.

20 THE COURT: No.

21 Whatever corporate representative depositions you
22 take, which will be duces tecum, will not give the defendants
23 30 days. I will make that clear.

24 You have all seen Albertson's objected to deposition
25 notice. You all have a sense of where it is plaintiffs will

1 attempt to go, jurisdictional discovery, and it will hopefully
2 be narrowed by agreement and, if not, by this Court.

3 You can all start gathering your documents together,
4 meeting with your clients and telling them "Let's be prepared
5 to address some of these issues" and I will not hear an
6 objection that the deposition duces tecum does not give a party
7 defendant 30 days to provide the documents at the deposition.

8 MS. MacIVOR: Thank you, Your Honor.

9 THE COURT: Any comments from defense counsel other
10 than grumbling and objections?

11 MR. JIMÉNEZ: No, Your Honor.

12 I just want to state for the record an objection again
13 to expedited discovery at this late date when Safeway and Stop
14 & Shop were out of the case for two weeks, when we did not have
15 a proper 7.1 conference. Now we're being given, basically,
16 what I understand is an order to produce a corporate
17 representative for deposition during the Christmas holidays,
18 before January 11th, that has no limitation whatsoever as to
19 scope.

20 THE COURT: You'll get a limitation if you need one,
21 if you can't agree on one.

22 MR. JIMENEZ: I just think that's unfair to my clients
23 and it's not a proper way to proceed, especially when there is
24 no allegation that my client has any stores in Florida, has any
25 contact with Florida whatsoever on this vague and conclusory