
From: Catherine J. MacIvor
Sent: Tuesday, December 18, 2007 2:42 PM
To: ckalil@aballi.com; Dober, Andrew
Cc: Russell Keith; Bjorg Eikeland
Subject: 30(b)(6) My noted from yesterday's telephone conference
Attachments: Blaszkowski - Albertsons Agreement with counsel as to topics and documents.doc

Dear Mr. Kalil,

We do disagree as to the interrogatories versus a deposition and document request.

I have attached my comments based upon my notes from last night. I believe that we are essentially in agreement as to almost all items. The primary issues appear to be Supervalu and other entities.

Once you have had the chance to review the attachment, please advise as to how New Albertson's intends to proceed. I provided deposition topics over a month ago and interrogatories were mentioned to me last Friday after I had been provided a date by New Albertson's for a deposition. Your wish to have the court dictate the discovery that I take could have, and should have, been addressed in November when I sent you the draft 30(b)(6).

I continue to remain willing to try to work out any aspect of the 30(b)(6) Notice in order to resolve this dispute and so that the deposition can be noticed and proceed as we had previously discussed.

I look forward to your response.

Regards,

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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.

**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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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.

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.

This specifically includes the identities and titles (i.e., whether the individuals are officers and directors) of parents and subsidiaries, past and present, and the timeframes during which they served in these positions. General knowledge is acceptable provided specifics are available in document form. The witness should be prepared to respond to questions about the topic.

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").

Excludes investments except to the extent that the company chooses a Florida institution for investments.

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.

No changes.

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

Advertisements will be limited to Florida. Otherwise came to no agreement.

5. New Albertson's Inc's suppliers in Florida from 2000 to present.

No change.

6. New Albertson's Inc., business dealings in Florida, including, but not limited to, retail operations from 2000 to present.

No change.

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.

No change.

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.

No change.

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.

No change.

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").

No change.

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.

No change.

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.

The witness should have general knowledge of the corporate structure, including the total number of employees, contracts involving personnel, goods and services procured from Florida or which pass through Florida, suppliers and types of business operations in Florida. If there are a number of suppliers, the parties have agreed to revisit that portion of the topic.

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

No change.

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

No change.

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

No change.

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

No change.

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.

No change.

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

No change.

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.

Bank accounts for subsidiaries only.

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.

No change.

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.

“Sister” companies will be deleted.

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.

“Sister” company will be deleted.

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.

Whether the websites obtain this information and, if so, the procedure for obtaining the information requested in 20 as opposed to the names and addresses. Also the total number of Florida residents who have registered, the website identities and services / goods provided on the websites.

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.

“Names and addresses” will be substituted with “number.”

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.

No change.

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.

“Sister” companies and agents will be deleted.

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.

Modified only to the extent that vehicles means vehicles leased in Florida and/or based in Florida. No change as to the remainder.

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.

“Sister” companies and agents will be deleted.

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

Agents does not refer to third parties used by individuals in the company, but rather corporate agents.

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

Residing is replaced with “working.”

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.

“Sister” companies is deleted. “Residing” is replaced with working.

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.

“Sister” companies is deleted. Communications would generally relate to manner, method, which department(s) initiates and receives and relates to corporate business and not individuals

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

“Residing” is replaced with working.

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.

No change.

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.

Changed to: “New Albertson's Inc.'s operation of any business in Florida directly or through any other entity 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.

Parent and sister corporations are deleted.

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.

Parent and sister corporations are deleted.

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

No change.

31. Client or customer base in Florida.

No change.

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

Changed to: Florida business licenses of any kind held by New Albertson's Inc.

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

We disagreed. The Plaintiffs are interested in the identities of New Albertson's officers and directors.

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.

We disagreed. I agreed to limit it to "in which New Albertson's Inc. has and interest or in which the other entity has an interest in New Albertsons."

Exhibit "B"

1. All documents reflecting New Albertson's Inc., registered agent(s) in Florida for the past ten (10) years.

"Sufficient" documents to identify the registered agent is acceptable.

2. All documents reflecting the length of time that New Albertson's Inc. has maintained a registered agent in Florida.

Subsumed in # 1 provided length of time is apparent.

3. All documents reflecting the identity(ies) of New Albertson's Inc.'s registered agent in Florida from 2000 to present.

Subsumed in # 1 provided the identity of each registered agent is apparent.

4. All documents relating to New Albertson's Inc. having qualified to do business in Florida.

Changed to: All documents filed with the Florida Secretary of State..."

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.

Sister corporation may be deleted. Based upon the Florida Fuel Wholesalers License that specifically states it was obtained by New Albertson's Inc. and a subsidiary, subsidiary information is necessary. We disagreed as to parent.

6. Each and every document in New Albertson's Inc.'s custody or control which reflects 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.

As long as the requested information is obtained regarding the corporate structure of New Albertson's, most recent predecessor corporation, New Aloha Corporation, subsidiaries and Supervalu. Flow charts will be acceptable to show the identities of officers and directors for each entity, chain of command for each entity and the various departments/divisions within the companies.

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.

Changed to: Documents reflecting 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.

Limited to: a list of New Albertson's Inc's and/or New Aloha Corporations suppliers in Florida from 2000 to the present, and includes Names, addresses, phone numbers products supplied and purchased, price paid annually for purchase of supplies. Documents should also reflect where the payment is made and how.

The Plaintiffs agree to place any confidential information under a confidentiality agreement and to place any confidential or proprietary business information that must be submitted to the court under seal.

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.

The word "all" is deleted..

10. All documents reflecting whether New Albertson's and/or New Aloha Corporation operated any business in Florida between 2000 through the present.

Withdrawn as based upon #7.

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.

Withdrawn as based upon #7.

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.

The Plaintiffs agree that a reasonable search is to be conducted commencing with the departments most likely to have this information, which New Albertson's Inc.'s lawyers represent is the Corporate Secretary, Legal Department and the Marketing Department. Since the Plaintiffs have no access to those within the corporation, that cannot maintain a position as to the department heads who are most likely to have knowledge of the information requested.

13. All documents reflecting whether New Albertsons' Inc. and/or New Aloha Corporation had any employees in Florida between 2000 through the present.

"All" is replaced with "sufficient" as long as the documents provided identify all employees.

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.

Disagreed.

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.

Disagreed.

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.

Disagreed.

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.

See # 8 above except to the extent that examples of purchase orders and invoices should be provided for each supplier depending on the total number of Florida suppliers.

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

See #8 above.

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

Withdrawn except to the extent that there are any joint activities with New Albertson's Inc. or in which both companies are engaged in Florida.

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.

Withdrawn.

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.

No changes.

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.

This request is intended to reflect any joint activities conducted by both companies in Florida.

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).

Changed to: "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)." This request seeks only documents reflecting activities in which New Albertson's is engaged with either Supervalu or Albertson's LLC in Florida.

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.

Withdrawn.

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

No changes.

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

No changes.

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

No changes.

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

No changes.

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.

No changes.

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

"Any and all" changed to reflect "sufficient" documents provided that the Plaintiffs receive the information requested.

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.

Modified to: "Any and all documents reflecting business 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.

The Plaintiffs offered to limit the contacts to Florida. We disagreed.

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.

Modified to: "Documents reflecting any announcement which was intended to be distributed to or made available to Florida residents by New Albertson's Inc, regarding 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.

Modified to: "Documents reflecting complaints received by New Albertson's Inc. from consumer(s) who purchased goods and/or services 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.

No changes.

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.

No changes.

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

We disagreed,

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

No changes.

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

No changes.

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

No changes. The scope will depend upon the search for documents and the amount of responsive documents.

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).

No changes. The scope may be revisited if the volume warrants same.

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.

No changes.

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

Withdrawn. See # 5.

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

No changes.

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).

No changes.

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.

Agent means appointed or hired by the company.

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

This related to agents conducting business for the company.

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

Excludes retirees and agents.

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.

Excludes temporary residence and includes those working in Florida.

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.

Agents deleted and related to business travel.

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

No changes.

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

No changes.

53. Documents reflecting any mailing address(es) held by New Albertson's Inc. in Florida.

No changes.

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.

If total yearly revenue is public, Plaintiffs can be directed to that except if the total revenue for sales in Florida is not disclosed.

55. Documents reflecting New Albertson's client or customer base in Florida.

No changes.

56. Copies of all Florida business licenses held by New Albertson's or corporate officers, employees or agents of New Albertson's in Florida.

Florida business licenses held by New Albertson's Inc.

SERVICE LIST

CASE NO. 07-21221 ALTONAGA/Turnoff

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