

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

RENEE BLASZKOWSKI, *et al.*,  
Individually and on behalf of  
others similarly situated,

*Plaintiff,*

v.

MARS INC., *et al.*

*Defendants.*

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Civil Action No. 07-cv-21221-CMA

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**DEFENDANT NEW ALBERTSONS, INC.’S NOTICE OF WITHDRAWING ITS  
PERSONAL JURISDICTION OBJECTION AND SUPPORTING AFFIDAVIT**

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Defendant, New Albertsons, Inc. (“New Albertsons”), respectfully gives notice of its withdrawal of all previously filed objections to personal jurisdiction based upon the current pleading, and its withdrawal of the supporting affidavit of Julie T. Backe, dated September 12, 2007 and filed as ([D.E. 232-10]; [D.E. 279-2], Exhibit “H,” pp. 26-27) (the “Backe Affidavit”), and states:

1. At the time of filing the motion and affidavit New Albertsons believed all assertions made therein were accurate and complete. Subsequent investigation revealed that New Albertsons possesses a Florida Wholesale Fuel License by which it purchases and resells gasoline at wholesale to Albertsons LLC. Supplying gasoline to Albertsons LLC is one aspect of a transition services agreement, to which New Albertsons is a party, entered into at the time of

the sale of Albertsons, Inc. in 2006. Accordingly, the second sentence in paragraph 2<sup>1</sup> and the first sentence of paragraph 5<sup>2</sup> of the Backe Affidavit are inaccurate. New Albertsons hereby withdraws its previously filed objections to personal jurisdiction and the Backe Affidavit submitted in support thereof.

2. We further advise the Court that there is a misstatement of fact in New Albertsons' personal jurisdiction insert to the Omnibus Motion to Dismiss [D.E. 279], pp. 40-43), with respect to New Albertsons. As this Court is aware, all defendants undertook to file an Omnibus Motion to Dismiss. As a result of a procedural misunderstanding between defense counsel, an early draft of New Albertsons' motion to dismiss for lack of personal jurisdiction was included as part of the omnibus motion filed with the Court, instead of the final version. The version submitted to the Court incorrectly stated that the nearest store owned or operated by New Albertsons was 1,500 miles from Florida. In reality, the closest New Albertsons' owned or operated stores are in Maryland, approximately 700 miles from Florida.

Dated: January 14, 2008

Respectfully submitted,

/s Craig P. Kalil  
Craig P. Kalil  
Fla. Bar No. 607282  
Joshua D. Poyer  
Fla. Bar No. 653349  
2250 Sun Trust International Center

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<sup>1</sup> "However, other than designating a registered agent and filing a statutorily required yearly Uniform Business Report with the Florida Department of State, New Albertson's, Inc., has no contacts with Florida."

<sup>2</sup> "New Albertson's, Inc. does not operate, conduct, engage in, or carry on a business or business venture in the State of Florida."

One Southeast Third Avenue  
Miami, Florida 33131  
Tel: (305) 372-5924  
Fax: (305) 373-7929

W. Randolph Teslik, P.C.  
*Pro Hac Vice*  
Andrew J. Dober  
*Pro Hac Vice*  
Akin Gump Strauss Hauer & Feld, LLP  
1333 New Hampshire Ave., NW  
Washington, DC 20036  
202-887-4000  
202-887-4288  
Attorneys for NEW ALBERTSONS, INC.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Corporate Disclosure Statement was filed with the Clerk of the Court by the CM/ECF filing system on January 14, 2008, which will send notice to all counsel or parties of record on the attached service list.

s/ Craig P. Kalil  
Craig P. Kalil

**SERVICE LIST**

**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*

**KATHLEEN S. PHANG**

kphang@sfklaw.com

**CHARLES PHILIP FLICK**

cflick@sfklaw.com

Seipp, Flick & Kissane

Two Alhambra Plaza -Suite 800

Miami, Florida 33134-5241

Tel: 305.995.5600 / Fax: 305.995-6100

*Attorney for Defendant Target Corp.*

**ALAN GRAHAM GREER**

agreer@richmangreer.com

Richman Greer Weil Brumbaugh

Mirabito & Christensen

201 South Biscayne Boulevard – STE 1000

Miami, Florida 33131

Tel: 305.373.4010 / Fax: 305.373.4099

*Attorneys for Defendant Proctor and Gamble Co.*

**PHILIP A. SECHLER**

psechler@wc.com

**THOMAS G. HENTOFF**

thentoff@wc.com

**DANE H. BUTSWINKAS**

dbutswinkas@wc.com

**CHRISTOPHER M. D'ANGELO**

cdeangelo@wc.com

**PATRICK J. HOULIHAN**

phoulihan@wc.com

Williams & Connolly LLP

725 12<sup>th</sup> Street, N.W.

Washington, D.C. 20005

Tel: 202.434.5459 / Fax: 202.434.5029

*Attorneys for Defendant Mars, Inc.*

**OMAR ORTEGA**

oortega@dortaandortega.com

Dorta and Ortega, P.A.

Douglas Entrance

800 S. Douglas Road, Suite 149

Coral Gables, Florida 33134

Tel: 305-461-5454 / Fax: 305-461-5226

*Attorneys for Defendant Mars, Inc.*

**JOHN J. KUSTER**

jkuster@sidley.com

**JAMES D. ARDEN**

jarden@sidley.com

Sidley Austin LLP

787 Seventh Avenue

New York, NY 10019

Tel: 212.839.7336 / Fax: 212.839.5599

*Attorneys for Defendant Colgate Palmolive Company*

**D. JEFFREY IRELAND**

djieland@ficlaw.com  
**BRIAN D. WRIGHT**  
bwright@ficlaw.com  
**LAURA A. SANOM**  
lsanom@ficlaw.com  
Faruki Ireland & Cox P.L.L.  
500 Courthouse Plaza, S.W.  
10 North Ludlow St.  
Dayton, OH 45402  
Tel: 937.227.3710 / Fax: 937.227.3717  
*Attorneys for Defendant Proctor and Gamble Co.*

**SHERRIL M. COLOMBO**

scolombo@cozen.com  
Cozen O'Connor  
200 South Biscayne Boulevard  
Suite 4410  
Miami, Florida 33131-2303  
Tel: 305.704.5945 / Fax: 305.704.5955  
*Attorneys for Defendant Del Monte Foods, Co.*

**JOHN J. McDONOUGH**

jmcdonough@cozen.com  
**RICHARD FAMA**  
rfama@cozen.com  
Cozen O'Connor  
45 Broadway  
New York, NY 10006  
Tel: 212.509.9400 / Fax: 212-509.9492  
*Attorneys for Defendant Del Monte Foods Co.*

**JOHN F. MULLEN**

jmullen@cozen.com  
Cozen O'Connor  
The Atrium – 3rd Floor  
1900 Market Street  
Philadelphia, PA 19103  
Tel: 215.665.2179 / Fax: 215.665.2013  
*Attorneys for Defendant Del Monte Foods Co.*

**OLGA M. VIEIRA**

ovieira@carltonfields.com  
**BENJAMINE REID**  
breid@carltonfields.com  
Carlton Fields, PA  
100 SE 2nd Street - #4000  
Miami, FL 33131  
Tel: 305.530.0050 / Fax:  
*Attorneys for Defendant Colgate Palmolive Company*

**KARA L. McCALL**

kmccall@sidley.com  
Sidley Austin, LLP  
One South Dearborn  
Chicago, Illinois 60603  
Tel: 312.853.2666 / Fax:  
*Attorneys for Defendant Colgate Palmolive Company*

**ROBERT C. TROYER**

rctroyer@hhlaw.com  
Hogan & Hartson LLP  
One Tabor Center -Suite 1500  
1200 Seventeenth Street  
Denver, CO 80202  
Tel: 303-899-7300 / Fax: 303-899-7333  
*Attorneys for Nestle U.S.A., Inc.*

**MIRANDA L. BERGE**

mlberge@hhlaw.com  
**CRAIG A. HOOVER**  
cahoover@hhlaw.com  
Hogan & Hartson, LLP  
555 13th Street, NW  
Washington, DC 20004  
Tel: 202.637.5600 / Fax: 202.637.5910  
*Attorneys for Nestle U.S.A., Inc.*

**CHARLES ABBOTT**

cabbott@gibsondunn.com

**BEN BRODERICK**

bbroderick@gibsondunn.com

**GARY L. JUSTICE**

gjustice@gibsondunn.com

**WILLIAM EDWARD WEGNER**

wwegner@gibsondunn.com

**GAIL E. LEES**

glees@gibsondunn.com

Gibson Dunn & Crutcher L.L.P

333 S. Grand Avenue -Suite 4600

Los Angeles, CA 90071

Tel: 213.229.7887 / Fax: 213.229.6887

*Attorneys for Defendant Nutro Products Inc.*

**CAROL A. LICKO**

calicko@hhlaw.com

Hogan & Hartson L.L.P

Mellon Financial Center

1111 Brickell Avenue, Suite 1900

Miami, Florida 33131

Tel: 305.459.6500 / Fax: 305.459.6550

*Attorneys for Nestle U.S.A., Inc.*

**MARTY STEINBERG**

msteinberg@hunton.com

**ADRIANA RIVIERE-BADELL**

ariviere-badell@hunton.com

Hunton & Williams, LLP

1111 Brickell Avenue - #2500

Miami, Florida 33131

Tel: 305.810.2500 / Fax: 305.810.2460

*Attorneys for Defendant Nutro Products Inc.*

**JOHN B. T. MURRAY, JR.**

jbmurray@ssd.com

Squire, Sanders & Dempsey LLP

1900 Phillips Point West

777 South Flagler Drive - #1900

West Palm Beach, Florida 33401

Tel: 561.650.7200 / Fax: 561.655.1509

*Attorneys for Defendants Petco Animal Supplies, Inc. and Wal-Mart Stores, Inc.*

**HUGH J. TURNER JR.**

Hugh.turner@akerman.com

Akerman Senterfitt & Eidson

Las Olas Centre II, Suite 1600

350 East Las Olas Blvd.

Ft. Lauderdale, Florida 33301-2229

Tel: 954.463.2700 / Fax: 954.463.2224

*Attorneys for Defendant Publix Supermarkets, Inc.*

**ROLANDO ANDRES DIAZ**

rd@kubickidraper.com

**MARIA KAYANAN**

mek@kubickidraper.com

**CASSIDY YEN DANG**

cyd@kubickidraper.com

Kubicki Draper, P.A.

25 West Flagler Street - Penthouse

Miami, Florida 33130

Tel: 305.982.6722 / Fax: 305.374.7846

*Attorneys for Defendant Pet Supermarket, Inc.*

**ROBIN LEA HANGER**

rlhanger@ssd.com

Squire, Sanders & Dempsey, LLP

200 S. Biscayne Boulevard – 40th Floor

Miami, Florida 33131-2398

Tel: 305.577.7040 / Fax: 305.577.7001

*Attorneys for Defendants Petco Animal Supplies,*

*Inc. and Wal-Mart Stores, Inc.*

**SUSAN ELIZABETH MORTENSEN**

smortensen@coffeyburlington.com

Coffey Burlington

2699 S. Bayshore Drive - Penthouse

Miami, Florida 33133

Tel: 305.858.2900 / Fax: 305.858.5261

*Attorneys for Defendant Petsmart, Inc.*

**ALEXANDER SHAKNES**

Alex.shaknes@dlapiper.com

**AMY W. SCHULMAN**

Amy.schulman@dlapiper.com

DLA PIPER US LLP

1251 Avenue of the Americas

New York, New York 10020-1104

Tel: 212.335.4829 / Fax: 212.884.8629

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

**WILLIAM C. MARTIN**

William.martin@dlapiper.com

DLA PIPER US LLP

203 North LaSalle Street - #1900

Chicago, Illinois 60601-1293

Tel: 312.368.3449 / Fax: 312.630.7318

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

**MICHAEL K. KENNEDY**

mkk@gknet.com

**MICHAEL R. ROSS**

mrr@gknet.com

Gallagher and Kennedy, PA

2575 E. Camelback Road - #1100

Phoenix, Arizona 85016

Tel: 602.530.8504 / Fax: 602.530.8500

*Attorneys for Defendant Petsmart, Inc.*

**LONNIE L. SIMPSON**

lonnie.simpson@dlapiper.com

**S. DOUGLAS KNOX**

sdouglas.knox@dlapiper.com

DLA PIPER US LLP

101 E. Kennedy Boulevard - #2000

Tampa, Florida 33602

Tel: 813-229-2111/ Fax: 813-229-1447

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

**ROBERT D. MCINTOSH**

rdm@adorno.com

ADORNO & YOSS LLP

888 SE 3rd Avenue, Suite 500

Fort Lauderdale, FL 33316-1159

Tel: 954-523-5885 / Fax: 954-760-9531

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

**RALPH G. PATINO**

rpatino@patinolaw.com

**DOMINICK V. TAMARAZZO**

dtamarazzo@patinolaw.com

**CARLOS B. SALUP**

csalup@patinolaw.com

PATINO & ASSOCIATES, P.A.

225 Alcazar Avenue

Coral Gables, Florida 33134

Tel: 305-443-6163 / Fax: 305-443-5635

*Attorneys for Co-Defendant Pet Supplies  
"Plus" and Pet Supplies Plus/USA, Inc.*

**C. RICHARD FULMER, Jr.**

rfulmer@Fulmer.LeRoy.com

Fulmer LeRoy Albee Baumann & Glass,  
PLC

2866 East Oakland Park Boulevard

Fort Lauderdale, Florida 33306

Tel: 954-707-4430 / Fax: 954-707-4431

*Attorneys for The Kroger Co. of Ohio*

**JAMES K. REUSS**

jreuss@lanealton.com

**Lane Alton & Horst, LLC**

Two Miranova Place, Suite 500

Columbus, Ohio 43215

*Attorneys for The Kroger Co. of Ohio*

**MARCOS DANIEL JIMENEZ**

mjimenez@kennynachwalter.com

**ROBERT J. ALWINE II**

ralwine@kennynachwalter.com

Kenny Nachwalter, P.A.

201 South Biscayne Boulevard

1100 Miami Center

Miami, Florida 33131-4327

Tel: 305-373-1000 / Fax: 305-372-1861

*Attorneys for Safewy Inc. and The*

*Stop & Shop Supermarket Company LLC*

**ROBERT VALADEZ**

rvaladez@shelton-valadez.com

**JAVIER THOMAS DURAN**

jduran@shelton-valadez.com

Shelton & Valadez, P.C.

600 Navarro, Suite 500

San Antonio, Texas 78205

Tel: 210-349-0515 / Fax: 210-349-3666

*Attorneys for Defendant H.E. Butt Grocery*

*Co.*

**JASON JOFFE**

jjoffe@ssd.com

Square Sanders & Dempsy, LLP

200 South Biscayne Boulevard, Suite 4000

Miami, Florida 33131

Tel: 305-577-7000 / Fax: 305-577-7001

*Attorneys for Defendant Meijer, Inc.*