

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 07-21221-CIV-ALTONAGA/BROWN

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

Plaintiffs,

vs.

MARS, INCORPORATED, et al.,

Defendants.

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**DEFENDANTS' CONSENT MOTION FOR EXTENSION OF TIME  
TO SERVE THEIR ANSWERS AND AFFIRMATIVE DEFENSE TO  
PLAINTIFFS' FOURTH AMENDED COMPLAINT**

Defendant Nestlé Purina Petcare Co. by and through their undersigned counsel, and on behalf of all Defendants except The Kroger Co. of Ohio,<sup>1/</sup> respectfully requests that the Court grant a fourteen-day extension of time for Defendants to serve their respective Answers and Affirmative Defenses to Plaintiffs' Fourth Amended Complaint, and in support of this Consent Motion, states the following:

1. Defendants' counsel have been working with Plaintiffs' counsel to submit a Joint Scheduling Report with agreed proposed dates for the continued progression of this case. The parties' Joint Agreed Scheduling Report, with a proposed order, is being submitted this same date.

2. Defendants' Answers and Affirmative Defenses to Plaintiffs' Fourth Amended Complaint are due to be served April 28, 2008.

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<sup>1/</sup> Defendant The Kroger Co. of Ohio is not obligated to serve an answer at this time in light of continuing jurisdictional discovery.

3. Defendants' counsel have been consulting and working diligently with their respective clients on their respective Answers & Affirmative Defenses to Plaintiffs' Fourth Amended Complaint. Defendants have concluded, however, that they require an additional fourteen days, up to and including May 12, 2008, in which to properly complete and serve their respective Answers and Affirmative Defenses.

4. Hence, Defendants respectfully request that the Court grant an extension of fourteen (14) days from the current deadline, up to and including May 12, 2008, to serve their respective Answers and Affirmative Defenses to Plaintiffs' Fourth Amended Complaint.

5. **Local Rule 7.1 Certificate.** Pursuant to Southern District Local Rule 7.1(A)(3)(a), Mr. Phil Sechler, counsel for Defendants Mars, Incorporated, Mars Petcare U.S., Inc. and Nutro Products, Inc., has conferred with Plaintiffs' counsel, Ms. Catherine MacIvor, who indicated that she would consent to the 14-day extension sought by Defendants in this Consent Motion.

6. No party will be prejudiced by the granting of this Consent Motion; indeed, no party objects, and Plaintiffs' counsel has consented to the relief sought herein. Moreover, this Consent Motion will not affect the dates proposed in the Joint Agreed Scheduling Order. This Motion has been filed in good faith and is not intended to hamper or delay prosecution in this case. Pursuant to Southern District Local Rule 7.1(A)(2), Defendants have included a proposed order with this Consent Motion.

WHEREFORE, Defendants respectfully request that the Court grant Defendants' Consent Motion for Extension of Time through and including May 12, 2008, to serve their Answers and Affirmative Defense to Plaintiffs' Fourth Amended Complaint.

Dated: April 24, 2008

Respectfully submitted,

By: /s/ Carol A. Licko

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 24, 2008, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: s/Carol A. Licko

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**Case No. 07-21221-CIV-ALTONAGA/BROWN**

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