



part-time employees whose main duties are resolving consumer concerns and questions, and educating customers about Iams, Eukanuba or Iams Veterinary Formulas.

2. I have reviewed the Fourth Amended Complaint ("Complaint") and I am familiar with the allegations that have been pled and alleged against Iams and most of the rest of the pet food industry (including most of Iams' competitors) in that Complaint. In addition, I have reviewed all 116 of the Documents and Things to be Produced in Plaintiffs' First Request for Production of Documents and Things to Defendant The Iams Company ("First Request for Documents"), all 102 of the Documents and Things to be Produced in Plaintiffs' Second Request for Production of Documents and Things to Defendant The Iams Company ("Second Request for Documents"), and all 158 of the Documents and Things to be Produced in Plaintiffs' Third Request for Production of Documents and Things to Defendant The Iams Company ("Third Request for Documents").

3. I have investigated the documents and data available to and retained by the Consumer Care Group to provide an estimate of the number of documents and amount of data and employee time that would be required to produce the requested documents and data to Plaintiffs in response to the First, Second, and Third Requests for Documents. This declaration describes the harm that could result to the Consumer Care Group and Iams' business if Iams is required to respond to all 376 of the overbroad and unduly burdensome requests in Plaintiffs' First, Second, and Third Requests for Documents.

4. Responding to each and every one of Plaintiffs' 376 separate requests for documents and data would require employees and personnel of the Consumer Care Group to review most of the documents and data — if not every single document and every piece of data — that is currently in the possession of Consumer Care Group for responsiveness and privilege issues before being produced to Plaintiffs. The Consumer Care Group — like much of Iams' business — would be left in the untenable position of having no business function other than reviewing documents and data to respond to the 376 separate requests from Plaintiffs.

5. Given the vast number of documents and amount of data that would need to be reviewed to respond to each of Plaintiffs' requests in the First, Second, and Third Requests for Documents, it is difficult to estimate the cost to Iams in employee hours and lost time devoted to the Consumer Care aspect of Iams' business. However, I estimate that it would cost Iams several hundreds of thousands of dollars, or more, to respond to each of the broad requests for documents and data in Plaintiffs' First, Second, and Third Requests for Documents.

## II. IAMS' CUSTOMER SERVICE DEPARTMENT

6. Iams has published toll-free customer service telephone numbers for over 25 years. The toll-free customer service telephone numbers are on all of Iams' packaging, and have been available on Iams' website since its inception. On an annual basis, Iams' Consumer Care Group manages approximately 380,000 customer contacts. Consumers contact the Consumer Care Group directly by calling one of our 18 toll-free numbers (numbers are listed on all packaging), by e-mail and postal mail. Consumer Care responds directly to all customers.

As a result, the Consumer Care Group has responded directly to customers' questions about products and their pets for over 25 years. Consumer Care Specialists also answer questions about health and nutrition, ingredients, care and feeding, and training and behavior. Consumer Care Specialists include licensed veterinarians who work only with customers.

III. OVERBROAD AND UNDULY BURDENSOME REQUESTS

A. First Request for Documents

7. Request Nos. 87 and 88 in the First Request for Documents seek each and every document and piece of data in Iams' possession that "reflects any and all customer complaints from May 9, 2003 through the present, whether in electronic format, written or oral complaints recorded in any manner" and "any actions taken by your company relating to customer complaints made from May 9, 2003 to present." Plaintiffs basically seek each and every document and piece of data that is in the possession of the Consumer Care Group since May 9, 2003. Iams' Consumer Care Group has hundreds of thousands of documents that are currently in its possession. Given the wide-ranging requests, it is difficult to estimate exactly how many documents would be responsive to these requests. It is clear, however, each and every document and piece of data that is in the possession of the Consumer Care Group would need to be reviewed to respond to these requests. Most of the customers who contact Consumer Care are not "complaining" about an Iams product. Many calls from customers to Consumer Care are made to compliment Iams about our products because of the benefits these customers see in their pets. Many others call Consumer Care with questions about our products. Yet, in order to respond to these requests, all communications would need to be reviewed in order to

identify the "complaints." Given the breadth and vague nature of these requests, it is impossible to determine how many documents would need to be reviewed by Iams to provide responses to these requests.

8. Further, Consumer Care received a tremendous number of questions and complaints following the recalls associated with melamine contained in the products manufactured by Menu Foods. Although the number of Iams' products affected by the recall was fairly small, Consumer Care has accumulated approximately 270 boxes of documents associated with answering and reimbursing customers for veterinary and other related expenses related to their pets' consumption of an allegedly affected recalled product.

B. Third Request for Documents

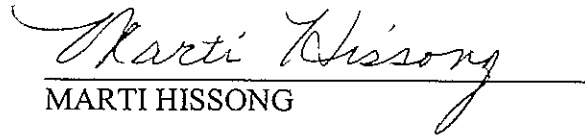
9. Request Nos. 39 through 43 of the Third Request for Documents seek "all documents reflecting the knowledge of pet food consumers regarding the ingredients [nutrition requirements - including the long-term requirements - of dogs and cats]." Since many customers contact Consumer Care with questions about ingredients and nutrition, all of the Consumer Care records would need to be searched to identify consumers who had knowledge about ingredients or nutritional requirements, or who requested information about the ingredients and nutrition associated with Iams products. Again, Plaintiffs basically seek each and every document and piece of data that is in the possession of the Consumer Care Department since January 1, 2003 that relates in any way to ingredients and the nutritional requirements of dogs and cats. Iams' Consumer Care Group has hundreds of thousands of documents that relate to ingredients and the nutritional requirements of dogs and cats. Given the wide-ranging requests, it is difficult to

estimate exactly how many documents and how much data would be responsive to these requests. It is clear, however, each and every document and piece of data that is in the possession of the Consumer Care Group would need to be reviewed to respond to these requests. Given the breadth and vague nature of these requests, it is impossible to determine how many documents and the amount of data that would need to be reviewed by Iams to provide responses to these requests.

10. Request Nos. 97 and 98 seek "any and all written documents used to advise any personnel at [Iams] or any third party paid by [Iams] who deal with the public regarding the quality [and contents] of [Iams] pet food." Since Consumer Care responds to customers, they address the quality and contents of Iams' pet food with customers every day. Plaintiffs basically seek each and every document and piece of data that is in the possession of the Consumer Care Department since January 1, 2003 that relates in any way to the quality and contents of Iams pet food. Iams' Consumer Care Group has hundreds of thousands of documents that relate to the quality and contents of Iams pet food. Given the wide-ranging requests, it is difficult to estimate exactly how many documents and how much data would be responsive to these requests. It is clear, however, that each and every document and piece of data that is in the possession of the Consumer Care Group would need to be reviewed to respond to these requests. Given the breadth and vague nature of this request, it is impossible to determine how many documents and the amount of data that would need to be reviewed by Iams to provide responses to these requests.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 22, 2008.

  
MARTI HISSONG