

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.

**DEFENDANTS' JOINDER OF THE IAMS COMPANY'S MOTION TO SEQUENCE
DOCUMENT PRODUCTION AND TO LIMIT PLAINTIFFS' DOCUMENT REQUESTS**

Defendants Mars, Incorporated, Mars Petcare US, Inc., Hill's Pet Nutrition, Inc., Del Monte Foods, Co., Nestlé Purina PetCare Company, Nutro Products, Inc., and Natura Pet Products, Inc. (collectively, "Manufacturer Defendants") hereby join the motion filed by Defendant The Iams Company ("Iams") (D.E. # 382) requesting that the Court sequence document production in this matter in order to ensure the parties' ability to comply with the agreed-upon schedule for a hearing on class certification and to relieve the Manufacturer Defendants from extensive and burdensome discovery that may be obviated – or at least substantially narrowed – by the results of the class certification hearing.

The Manufacturer Defendants, together with Iams, represent the largest manufacturers in the commercial pet food industry in the United States. As set forth in Iams' motion, Plaintiffs served on Iams and each of the Manufacturer Defendants three sets of document requests that together include 376 separate requests for the production of documents. These requests are broadly directed at virtually every aspect of the Manufacturer Defendants' businesses, from the

creation of recipes for pet food, to the acquisition of ingredients, to the processing of ingredients into a finished product, to the marketing and sales of the finished products. Plaintiffs' document requests also seek every document relating to the Manufacturer Defendants' dealings with each other, with retailers, with consumers, with third-party businesses, such as breeders, shelters, veterinarians, and other industry groups, and with state and federal regulatory agencies. Simply put, Plaintiffs' requests would necessitate the review of practically every document and database used by the Manufacturer Defendants – an enormous and enormously burdensome undertaking.¹

Iams' motion seeks a sequencing of discovery to ensure that Plaintiffs' motion for class certification is addressed expeditiously, with full discovery in Phase I of documents relevant to class certification, while also moving towards a resolution on the merits by providing significant discovery on overlapping class and merits issues, including merits discovery relating to the named Plaintiffs' specific allegations. The plan for sequenced discovery appropriately defers until Phase II the discovery of additional merits information that is irrelevant and unnecessary to the class certification inquiry and, because of its voluminous nature, would serve only to delay the prompt resolution of class certification as contemplated by the Federal Rules of Civil Procedure. The Manufacturer Defendants therefore join Iams' motion.

¹ Iams submitted four declarations in support of its motion, detailing the enormous amount of time and expense that would be required to respond to Plaintiffs' requests absent a phased approach to discovery at this time. Should the Court determine it would be helpful for the other Manufacturer Defendants to submit similar affidavits in connection with the pending motion, the Manufacturer Defendants will promptly provide them to the Court.

Respectfully submitted,

By: /s/ Omar Ortega

Omar Ortega

Florida Bar Number 0095117

DORTA AND ORTEGA, P.A.

Douglas Entrance

800 S. Douglas Road, Suite 149

Coral Gables, FL 33134

Telephone: (305) 461-5454

Facsimile: (305) 461-5226

Dane H. Butswinkas

Philip A. Sechler

Thomas G. Hentoff

Juli Ann Lund

Patrick J. Houlihan

Amy R. Davis

WILLIAMS & CONNOLLY LLP

725 Twelfth Street, N.W.

Washington, D.C. 20005

*Attorneys for Defendants Mars, Incorporated,
Mars Petcare US, Inc. and Nutro Products,
Inc.*

By: /s/ Benjamine Reid _____
Benjamine Reid
Florida Bar Number 183522
Ana M. Craig
Florida Bar Number 091847
CARLTON FIELDS, P.A.
100 S.E. Second Street, Suite 4000
Bank of America Tower at International Place
Miami, FL 33131-9101
Telephone: (305) 530-0050
Facsimile: (305) 530-0055

James D. Arden
John J. Kuster
Kara L. McCall
SIDLEY AUSTIN LLP
787 Seventh Avenue
New York, NY 10019
Telephone: (212) 839-5300
Facsimile: (212) 839-5599

*Attorneys for Defendant Hill's Pet Nutrition,
Inc.*

By: /s/ Carol A. Licko
Carol A. Licko
Florida Bar Number 435872
HOGAN & HARTSON L.L.P.
Mellon Financial Center
1111 Brickell Avenue, Suite 1900
Miami, FL 33131
Telephone: (305) 459-6500
Facsimile: (305) 459-6550

Craig A. Hoover
Miranda L. Berge
HOGAN & HARTSON L.L.P.
555 13TH Street, NW
Washington, D.C. 20004
Telephone: (202) 637-5600
Facsimile: (202) 637-5910

Robert C. Troyer
HOGAN & HARTSON L.L.P.
1200 17th Street
One Tabor Center, suite 1500
Denver, Colorado 80202
Telephone: (303) 899-7300
Facsimile: (303) 899-7333

*Attorneys for Defendant Nestlé Purina Petcare
Company*

By: /s/ Sherril M. Colombo

Sherril M. Colombo
Florida Bar Number 948799
COZEN O'CONNOR
Wachovia Center, Suite 4410
200 South Biscayne Boulevard
Miami, FL 33131
Telephone: (305) 704-5945
Facsimile: (305) 704-5955

Richard Fama
COZEN O'CONNOR
45 Broadway
New York, New York 10006
Telephone: (212) 509-9400
Facsimile: (212) 509-9492

Julie Negovan
COZEN O'CONNOR
1900 Market Street
Philadelphia, PA 19103
Telephone: (215) 665-2000
Facsimile: (215) 665-2013

Attorneys for Defendant Del Monte Foods, Co.

By: /s/ Kristen E. Caverly
Jeffrey S. York
Florida Bar Number 987069
McGUIRE WOODS LLP
50 N. Laura Street, Suite 3300
Jacksonville, FL 32202
Telephone: (904) 798-2680
Facsimile: (904) 360-6330

Kristen E. Caverly
Tony F. Farmani
HENDERSON & CAVERLY LLP
P.O. Box 9144
16236 San Dieguito Road, Suite 4-13
Rancho Santa Fe, California 92067-9144

*Attorneys for Defendant Natura Pet Products,
Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 20, 2008, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the counsel so indicated on the attached Service List.

By: /s/ Omar Ortega
Omar Ortega

RENEE BLASZKOWSKI, ET AL. vs. MARS, INCORPORATED, ET AL.
Case No. 07-21221-CIV-ALTONAGA/BROWN

SERVICE LIST

Catherine J. MacIvor
E-mail: cmacivor@mflegal.com
Jeffrey Eric Foreman
E-mail: jforeman@mflegal.com
Jeffrey Bradford Maltzman
E-mail: jmaltzman@mflegal.com
Darren W. Friedman
E-mail: dfriedman@mflegal.com
Bjorg Eikeland
E-mail: beikeland@mflegal.com
MALTZMAN FOREMAN PA
One Biscayne Tower
2 South Biscayne Boulevard, Suite 2300
Miami, FL 33131-1803
Telephone: (305) 358-6555
Facsimile: (305) 374-9077

Attorneys for Plaintiffs

Rolando Andres Diaz
E-Mail: rd@kubickdraper.com
Maria Kayanan
E-mail: mek@kubickdraper.com
KUBICKI DRAPER
25 W. Flagler Street
Penthouse
Miami, FL 33130-1712
Telephone: (305) 982-6708
Facsimile: (305) 374-7846

Attorneys for Defendant Pet Supermarket, Inc.

John B.T. Murray, Jr.
E-mail: jbmurray@ssd.com
SQUIRE, SANDERS & DEMPSEY L.L.P.
1900 Phillips Point West
777 South Flagler Drive
West Palm Beach, FL 33401-6198
Telephone: (561) 650-7200
Facsimile: (561) 655-1509

*Attorneys for Defendants PETCO Animal
Supplies Stores, Inc., PetSmart, Inc., Wal-Mart
Stores, Inc., Target Corporation*

Amy W. Schulman
E-mail: amy.schulman@dlapiper.com
Alexander Shaknes
E-mail: Alex.Shaknes@dlapiper.com
DLA PIPER US LLP
1251 Avenue of the Americas
New York, New York 10020

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

Lonnie L. Simpson
E-mail: Lonnie.simpson@dlapiper.com
S. Douglas Knox
E-mail: Douglas.knox@dlapiper.com
DLA PIPER US LLP
101 East Kennedy Boulevard
Suite 2000
Tampa, FL 33602-5149
Telephone: (813) 229-2111
Facsimile: (813) 229-1447

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

Omar Ortega
E-mail: oortega@dortaandortega.com
DORTA AND ORTEGA, P.A.
Douglas Entrance
800 S. Douglas Road, Suite 149
Coral Gables, FL 33134
Telephone: (305) 461-5454
Facsimile: (305) 461-5226

*Attorneys for Defendants Mars, Incorporated,
Mars Petcare US, Inc. and Nutro Products,
Inc.*

Hugh J. Turner, Jr.
E-mail: hugh.turner@akerman.com
AKERMAN SENTERFITT
350 E. Las Olas Boulevard
Suite 1600
Fort Lauderdale, FL 33301-2229
Telephone: (954) 463-2700
Facsimile: (954) 463-2224

*Attorneys for Defendant Publix Super Markets,
Inc*

Dane H. Butswinkas
E-mail: dbutswinkas@wc.com
Philip A. Sechler
E-mail: psechler@wc.com
Thomas G. Hentoff
E-mail: thentoff@wc.com
Patrick J. Houlihan
E-mail: phoulihan@wc.com
Juli Ann Lund
E-mail: jlund@wc.com
Amy R. Davis
E-mail: adavis@wc.com
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, D.C. 200005

*Attorneys for Defendants Mars, Incorporated,
Mars Petcare US, Inc. and Nutro Products,
Inc.*

Benjamine Reid
E-mail: breid@carltonfields.com
Olga M. Vieira
E-mail: ovieira@carltonfields.com
Ana M. Craig
E-mail: acraig@carltonfields.com
CARLTON FIELDS, P.A.
100 S.E. Second Street, Suite 4000
Bank of America Tower at International Place
Miami, FL 33131-9101
Telephone: (305) 530-0050
Facsimile: (305) 530-0055

Attorneys for Defendant Hill's Pet Nutrition, Inc.

Kara L. McCall
E-mail: kmccall@Sidley.com
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, Illinois 60603
Telephone: (312) 853-2666

Attorneys for Defendant Hill's Pet Nutrition, Inc.

Richard Fama
E-mail: rfama@cozen.com
John J. McDonough
E-mail: jmcdonough@cozen.com
COZEN O'CONNOR
45 Broadway
New York, New York 10006
Telephone: (212) 509-9400
Facsimile: (212) 509-9492

Attorneys for Defendant Del Monte Foods

John J. Kuster
E-mail: jkuster@sidley.com
James D. Arden
E-mail: jarden@sidley.com
SIDLEY AUSTIN LLP
787 Seventh Avenue
New York, NY 10019
Telephone: (212) 839-5300
Facsimile: (212) 839-5599

Attorneys for Defendant Hill's Pet Nutrition, Inc.

Sherril M. Colombo
E-mail: scolombo@cozen.com
COZEN O'CONNOR
Wachovia Center, Suite 4410
200 South Biscayne Boulevard
Miami, FL 33131
Telephone: (305) 704-5945
Facsimile: (305) 704-5955

Attorneys for Defendant Del Monte Foods, Co.

John F. Mullen
E-mail: jmullen@cozen.com
Julie Negovan
E-mail: jnegovan@cozen.com
COZEN O'CONNOR
1900 Market Street
Philadelphia, PA 19103
Telephone: (215) 665-2000
Facsimile: (215) 665-2013

Attorneys for Defendant Del Monte Foods, Co.

Carol A. Licko
E-mail: calicko@hhlaw.com
HOGAN & HARTSON L.L.P.
Mellon Financial Center
1111 Brickell Avenue, Suite 1900
Miami, FL 33131
Telephone: (305) 459-6500
Facsimile: (305) 459-6550

Attorneys for Defendant Nestlé Purina Petcare Company

Craig A. Hoover
E-mail: cahoover@hhlaw.com
Miranda L. Berge
E-mail: mlberge@hhlaw.com
HOGAN & HARTSON L.L.P.
555 13TH Street, NW
Washington, D.C. 20004
Telephone: (202) 637-5600
Facsimile: (202) 637-5910

Attorneys for Defendant Nestlé Purina Petcare Company

Alan G. Greer
E-mail: agreer@richmangreer.com
RICHMAN GREER, P.A.
Miami Center – Suite 1000
201 South Biscayne Boulevard
Miami, FL 33131
Telephone: (305) 373-4000
Facsimile: (305) 373-4099

Attorneys for Defendant The Iams Company

Robert C. Troyer
E-mail: rctroyer@hhlaw.com
HOGAN & HARTSON L.L.P.
1200 17th Street
One Tabor Center, suite 1500
Denver, Colorado 80202
Telephone: (303) 899-7300
Facsimile: (303) 899-7333

Attorneys for Defendant Nestlé Purina Petcare Company

James K. Reuss
E-mail: JReuss@lanealton.com
LANE ALTON & HORST, LLC
Two Miranova Place
Suite 500
Columbus, Ohio 43215
Telephone: (614) 233-4719

Attorneys for Defendant The Kroger Co. of Ohio

D. Jeffrey Ireland
E-mail: djireland@ficlaw.com
Brian D. Wright
E-mail: Bwright@ficlaw.com
Laura A. Sanom
E-mail: lsanom@ficlaw.com
FARUKI IRELAND & COX P.L.L.
500 Courthouse Plaza, S.W.
10 North Ludlow Street
Dayton, Ohio 45402

Attorneys for Defendant The Iams Company

Robin L. Hanger
E-mail: rlhanger@ssd.com
SQUIRE, SANDERS & DEMPSEY L.L.P.
200 S. Biscayne Boulevard
40th Floor
Miami, FL 33131-2398
Telephone: (305) 577-7040
Facsimile: (305) 577-7001

*Attorneys for Defendants PETCO Animal
Supplies Stores, Inc.*

C. Richard Fulmer, Jr.
E-mail: rfulmer@Fulmer.LeRoy.com
**FULMER, LeROY, ALBEE, BAUMANN &
GLASS, PLC**
2866 East Oakland Park Boulevard
Fort Lauderdale, FL 33306
Telephone: (954) 707-4430
Facsimile: (954) 707-4431

*Attorneys for Defendant The Kroger Co. of
Ohio*

W. Randolph Teslik, P.C.
E-mail: rteslik@akingump.com
Andrew Dober
E-mail: adober@akingump.com
**AKIN GUMP STRAUSS HAUER & FELD
LLP**
1333 New Hampshire Avenue, NW
Washington, D.C. 20036
Telephone: (202) 887-4000
Facsimile: (202) 887-4288

*Attorneys for Defendants New Albertson's Inc.
and Albertson's LLC*

Ralph G. Patino
E-mail: rpatino@patinolaw.com
Dominick V. Tamarazzo
E-mail: dtamarazzo@patinolaw.com
Carlos B. Salup
E-mail: csalup@patinolaw.com
PATINO & ASSOCIATES, P.A.
225 Alcazar Avenue
Coral Gables, FL 33134
Telephone: (305) 443-6163
Facsimile: (305) 443-5635

*Attorneys for Defendants Pet Supplies "Plus"
and Pet Supplies Plus/USA, Inc.*

Craig P. Kalil
E-mail: ckalil@aballi.com
Joshua D. Poyer
E-mail: jpyoyer@abaili.com
**ABALLI, MILNE, KALIL & ESCAGEDO,
P.A.**
2250 Sun Trust International Center
One Southeast Third Avenue
Miami, FL 33131
Telephone: (305) 373-6600
Facsimile: (305) 373-7929

*Attorneys for Defendant New Albertson's Inc.
and Albertson's LLC*

Jeffrey S. York
E-mail: jyork@mcguirewoods.com
Michael M. Giel
E-mail: mgiel@mcguirewoods.com
McGUIRE WOODS LLP
50 N. Laura Street, Suite 3300
Jacksonville, FL 32202
Telephone: (904) 798-2680
Facsimile: (904) 360-6330

*Attorneys for Defendant Natura Pet Products,
Inc.*

Kristen E. Caverly

E-mail: kcaverly@hcesq.com

Tony F. Farmani

E-mail: tfarmani@hcesq.com

HENDERSON & CAVERLY LLP

P.O. Box 9144

16236 San Dieguito Road, Suite 4-13

Rancho Santa Fe, California 92067-9144

*Attorneys for Defendant Natura Pet Products,
Inc.*