

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.

**PLAINTIFFS' EMERGENCY MOTION TO CONTINUE THE
HEARING SET MAY 23, 2008**

Plaintiffs, Renee Blaszkowski, *et al.*, respectfully request this Court to enter an Order continuing the hearing on the Defendants' Motion to Sequence Document Production and to Limit Plaintiffs' Document Requests that is currently scheduled to be heard on May 23, 2008 and as grounds thereof, states as follows:

1. On May 16, 2008, The Iams Company filed a Motion with voluminous supporting declarations and a request for oral argument, which Iams had over 1 ½ months to prepare. [DE 382].
2. On May 19, 2008, this Court set a hearing for May 23, 2008, which constitutes an expedited hearing on this matter and shortens any opportunity for a response by the Plaintiffs. A response would be due on May 27, 2008, but for the Courts order.
3. On May 20, 2008 all of the remaining Defendant Manufacturers filed a Motion to Join Iams' Motion which this Court granted on May 21, 2008.[DE 388, 389].

4. The undersigned's associates have been assisting with a trial currently before this Court, which has limited the Plaintiffs' counsel's ability to respond to the numerous issues raised in the Motion that were never brought to the Plaintiffs' attention prior to filing.

5. Additionally, based upon having a brief due before the Third District Court of Appeal and numerous other federal court deadlines, it is impossible for the undersigned to file a response to the voluminous, particularly without assistance from the undersigned's associates.

6. Even more significantly, it is impossible for the undersigned to be able to be prepare to argue the merits of the Motion based upon the lack of associate availability due to the trial and the undersigned's other pending workload, which also includes depositions and trial preparation for two cases that are set and/or will likely go to trial in August and September, which pre-date the filing of this case.

7. The Plaintiffs' counsel thus requests that the hearing be continued to May 29-30, 2008 to give the Plaintiffs an adequate opportunity to respond and to be able to be prepared to argue Iams' motion.

8. If this Motion is not granted, the Plaintiffs' will be severely prejudiced in their ability to defend this Motion.

9. There will be no prejudice to the Defendants if it is granted.

10. This Motion is not filed for the purpose of delay, but rather to simply give the Plaintiffs' counsel an adequate opportunity to review, analyze and assess the law with respect to the numerous issues that were never raised prior to the time that the Defendants' Motion was filed.

11. The Plaintiffs' counsel requested the Defendants' position regarding a continuance prior to filing this Motion this morning. There is insufficient time for the

Defendants' to respond, prior to the filing of this motion, but the Plaintiffs will provide the Court with their position once they respond.

WHEREFORE, The Plaintiffs respectfully request this Court to continue the May 23, 2008 hearing to May 29-30 for all of the reasons set forth above and for all other relief that this court deems just and proper.

Dated: May 22, 2008
Miami, FL

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CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that the foregoing was electronically filed with the Clerk of the Court via CM/ECF on May 22, 2008. We also certify that the foregoing was served on all counsel or parties of record on the attached Service List either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronic Notices of Filing.

/s Catherine J. MacIvor

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