

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' JOINT FIRST SET OF REQUESTS FOR THE  
PRODUCTION OF DOCUMENTS TO PLAINTIFF RENEE BLASZKOWSKI**

Pursuant to Federal Rule of Civil Procedure 34 and Local Rule 26.1.G, Defendants, by their undersigned attorneys, request Plaintiff Renee Blaszkowski to produce and make available for inspection and duplication all documents specified herein. You are requested to make such production within 30 days at the offices of Williams & Connolly LLP, or at another mutually-agreeable location.

**DEFINITIONS**

1. The words "you," "yours" and/or "yourselves" means Plaintiff Renee Blaszkowski and any spouse, relative, directors, officers, employees, agents, investigators, representatives or other persons or entities acting, or purporting to act, on behalf of Plaintiff Renee Blaszkowski.
2. The singular shall include the plural and vice versa; the terms "and" or "or" shall be both conjunctive and disjunctive; and the term "including" mean "including without limitation".

**Composite  
Exhibit "D"**

3. “Date” shall mean the exact date, month and year, if ascertainable or, if not, the best approximation of the date (based upon relationship with other events).

4. The word “document” shall mean any writing, drawing, graph, chart, recording, electronically stored information, photograph, or other data compilation from which you can obtain information that is in your actual or constructive possession, custody, care or control, which pertains directly or indirectly, in whole or in part, either to any of the subjects listed below or to any other matter relevant to the issues in this action, or which are themselves listed below as specific documents, including, but not limited to: correspondence, memoranda, notes, messages, email communications, instant messages, electronic postings, weblogs, diaries, minutes, books, reports, charts, ledgers, invoices, receipts, computer printouts, PowerPoint or other software or computer-based presentations, microfilms, video tapes or tape recordings, transcripts of video tapes or tape recordings, pet food packaging, pet food labels, advertisements, transcripts of advertisements, point of sale information, veterinarian or hospital invoices, reports or records.

5. “Agent” shall mean: any agent, employee, officer, director, attorney, independent contractor or any other person acting at the direction of or on behalf of another.

6. “Person” shall mean any individual, corporation, proprietorship, partnership, trust, association or any other entity.

7. “Pet” shall mean any cat or dog for which you purchased or provided food at any time since May 9, 2003.

8. “Food” shall mean any food, whether or not marketed for pets, that is consumed by pets, including items commonly identified in the marketplace as pet treats.

9. The words “pertain to” or “pertaining to” mean: relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts.

10. The term “action” shall mean the case entitled *Renee Blaszkowski, et al. v. Mars, Inc., et al.*, Case No. 07-21221, pending in the United States District Court for the Southern District of Florida.

11. The term “Complaint” shall mean the operative complaint filed in this action.

### **INSTRUCTIONS**

1. In complying with these Document Requests, you are required to furnish all documents within your possession, custody, or control, including those documents in the possession, custody, or control of your present or former attorneys, investigators, accountants, auditors, consultants, experts, employees, or other agents, as well as any other persons acting on your behalf, wherever located.

2. Documents shall be produced as they are kept in the usual course of business, or, alternatively, shall be organized and labeled to correspond to the specifications of the requests in response to which such documents are produced.

3. If, in answering any of these Document Requests, you encounter any ambiguity in construing the Document Request or any definition or instruction relevant to the Document Request, set forth the matter deemed ambiguous and the construction selected or used in answering the Document Request.

4. If you object to producing a requested document, including electronically stored information, because of a privilege, you must nevertheless provide the following information pursuant to Local Rule 26.1.G.3.(b), unless divulging the information would disclose the privileged information:

- (1) the nature of the privilege claimed (including work product);
- (2) if the privilege is being asserted in connection with a claim or defense governed by state law, the state privilege rule being invoked;
- (3) the date of the document or electronically stored information;
- (4) if a document: its type (e.g., letter or memorandum) and, if electronically stored information, the software application used to create it (e.g., MS Word or MS Excel Spreadsheet), and the custodian, location, and such other information sufficient to identify the material for a subpoena duces tecum or a production request, including where appropriate the author, the addressee, and, if not apparent, the relationship between the author and addressee;
- (5) the general subject matter of the document or electronically stored information.

5. You are under a continuous obligation to supplement your answers to these

Document Requests under the circumstances specified in Federal Rule of Civil Procedure 26(e).

#### **REQUESTS FOR PRODUCTION**

1. All documents identified in your interrogatory responses.
2. All documents pertaining to any fact alleged in the Complaint, or any fact underlying the subject matter of this action.
3. All documents identified in, referred to, or relied upon to prepare the Complaint.
4. All documents that you may offer as evidence or use as an exhibit in connection with any hearing held on the issue of whether the alleged class should be certified.
5. All documents tending to support or rebut in any way any claim made in the Complaint.
6. All notes or other documents gathered, generated, sent, received, or maintained by you that contain any information pertaining to the claims alleged in the Complaint.

7. All notes or other documents gathered, generated, sent, received, or maintained by you that pertain to any pet, as defined above, including journals, diaries, letters, or scrapbooks referencing any pet.

8. All documents that pertain to any damages allegedly suffered by you or any pet owned by you as the result of the conduct alleged in the Complaint.

9. All documents that pertain to any consultations with or visits to a veterinarian or other professional for any pet including bills, insurance records, notes and medical records from all such visits or consultations.

10. All documents that pertain to any health concern you have or have had as to any pet, including any research regarding the causes of or treatments for that health concern.

11. All documents that pertain to any amounts spent on care for any pet, including receipts for food, medicine or medical treatments, or health care or insurance.

12. All documents that pertain to any amounts spent to purchase and/or rescue any pet.

13. All photographs, videorecordings, or other visual records of any pets.

14. All documents pertaining to any communication between you and any other person about fronting, defraying, covering, or paying for the expenses of this action.

15. All documents pertaining to any communication between you and any other person about splitting, sharing, or dividing any potential recovery in this action.

16. All documents pertaining to any communications between you and any other person regarding possible or actual participation in this or any other lawsuit regarding pet food products.

17. All documents pertaining to any lawsuits, arbitrations, or other legal or regulatory proceedings in which you have been a party or testified during the last ten (10) years.

18. A copy of any transcript of testimony given by you at any trial, evidentiary hearing, or deposition.

19. A copy of any affidavit, declaration, or sworn statement executed or signed by you relating to any lawsuits, arbitrations, or other legal or regulatory proceedings in which you have been a party or testified during the last ten (10) years.

20. All documents pertaining to any communication you sent or received, directly or indirectly, regarding pet food during the last five (5) years, including letters or newsletters.

21. All documents pertaining to any communication you sent to any federal or state agency, advocacy group, media outlet, or company involved in any way with the manufacture, distribution, or sale of pet food regarding pet food or the pet food industry.

22. All documents pertaining to any electronic communication you sent or received, directly or indirectly, regarding pet food during the last five (5) years, including emails and postings on websites, weblogs, electronic bulletin boards, or other electronic media.

23. A copy of all web sites, weblogs, electronic bulletin boards or other electronic media maintained in whole or in part by you, including any past or archived information during the last five (5) years, which in any way pertain to pet food.

24. Copies of all drivers licenses you have had during the last five (5) years.

25. Documents sufficient to identify all addresses at which you have lived or worked during the last five (5) years.

26. Documents sufficient to identify all members of your household at all times during the last five (5) years.

27. All receipts for pet foods and pet treats purchased by you or any member of your household during the last five (5) years.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing was sent via electronic mail to all counsel on the attached service list on April 16, 2008.

By: /s/ Philip A. Sechler  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

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

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

Plaintiffs,

vs.

MARS, INCORPORATED, *et al.*,

Defendants.

---

**DEFENDANT NATURA PET PRODUCTS, INC.'S JOINT FIRST SET OF  
INTERROGATORIES TO PLAINTIFF RENEE BLASZOWSKI**

Defendant Natura Pet Products, Inc, by their undersigned attorneys, propound the following interrogatories upon Plaintiff Renee Blaszowski and request that they be answered separately, fully, and under oath within thirty days of service pursuant to Federal Rule of Civil Procedure 33 and Local Rule 26.1.G.

**DEFINITIONS**

1. The words “you,” “yours” and/or “yourselves” mean Plaintiff Renee Blaszowski and any spouse, relative, directors, officers, employees, agents, investigators, representatives or other persons or entities acting, or purporting to act, on behalf of Plaintiff Renee Blaszowski.
2. The singular shall include the plural and vice versa; the terms “and” or “or” shall be both conjunctive and disjunctive; and the term “including” mean “including without limitation.”
3. “Date” shall mean the exact date, month and year, if ascertainable or, if not, the best approximation of the date (based upon relationship with other events).

4. The word “document” shall mean any writing, drawing, graph, chart, recording, electronically stored information, photograph, or other data compilation from which you can obtain information that is in your actual or constructive possession, custody, care or control, which pertains directly or indirectly, in whole or in part, either to any of the subjects listed below or to any other matter relevant to the issues in this action, or which are themselves listed below as specific documents, including, but not limited to: correspondence, memoranda, notes, messages, email communications, instant messages, electronic postings, weblogs, diaries, minutes, books, reports, charts, ledgers, invoices, receipts, computer printouts, PowerPoint or other software or computer-based presentations, microfilms, video tapes or tape recordings, transcripts of video tapes or tape recordings, pet food packaging, pet food labels, advertisements, transcripts of advertisements, point of sale information, veterinarian or hospital invoices, reports or records.

5. “Agent” shall mean: any agent, employee, officer, director, attorney, independent contractor or any other person acting at the direction of or on behalf of another.

6. “Person” shall mean any individual, corporation, proprietorship, partnership, trust, association or any other entity.

7. The words “pertain to” or “pertaining to” mean: relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts.

8. “Pet” shall mean any cat or dog for which you purchased or provided food at any time since May 9, 2003.

9. “Food” shall mean any food, whether or not marketed for pets, that is consumed by pets, including items commonly identified in the marketplace as pet treats.

10. The term “action” shall mean the case entitled *Renee Blaszkowski, et al. v. Mars, Inc., et al.*, Case No. 07-21221, pending in the United States District Court for the Southern District of Florida.

11. The term “Complaint” shall mean the operative complaint filed in this action.

12. The word “identify”, when used in reference to a document (including electronically stored information), means and includes the name and address of the custodian of the document, the location of the document, and a general description of the document, including (1) the type of document (*e.g.*, letter or memorandum) and, if electronically stored information, the software application used to create it (*e.g.*, MS Word or MS Excel Spreadsheet); (2) the general subject matter of the document or electronically stored information; (3) the date of the document or electronically stored information; (4) the author of the document or electronically stored information; (5) the addressee of the document or electronically stored information; and (6) the relationship of the author and addressee to each other.

13. “Identify” or “state the identity of”, when used with respect to a natural person or pet (as defined above), means to provide the following:

- a. full name and any alias, including user names, screen names and registered reader names used in connection with posting comments to websites;
- b. current or last known home address;
- c. current or last known business address;
- d. current or last known employment position; and
- e. relationship if any, to the parties in this action.

### INSTRUCTIONS

1. You shall answer each interrogatory fully, in writing and under oath, unless it is objected to, in which event the reasons for the objections shall be stated in lieu of an answer. Your answers shall include all information available to you, including hearsay, which is in the possession, custody, or control of you, your agents, or attorneys. If you cannot provide all of the information requested in each interrogatory, you should provide the information which you can provide and explain all efforts made to obtain the information which you are unable to provide.

2. If you object to fully identifying a document, electronically stored information or oral communication because of a privilege, you must nevertheless provide the following information pursuant to Local Rule 26.1.G.3.(b), unless divulging the information would disclose the privileged information:

- a. the nature of the privilege claimed (including work product);
- b. if the privilege is being asserted in connection with a claim or defense governed by state law, the state privilege rule being invoked;
- c. the date of the document, electronically stored information or oral communication;
- d. if a document: its type (*e.g.*, letter or memorandum) and, if electronically stored information, the software application used to create it (*e.g.*, MS Word or MS Excel Spreadsheet), and the custodian, location, and such other information sufficient to identify the material for a subpoena *duces tecum* or a production request, including where appropriate the author, the addressee, and, if not apparent, the relationship between the author and addressee;

- e. if an oral communication: the place where it was made, the names of the persons present while it was made, and, if not apparent, the relationship of the persons present to the declarant; and
- f. the general subject matter of the document, electronically stored information or oral communication.

3. You are under a continuous obligation to supplement your answers to these interrogatories under the circumstances specified in Federal Rule of Civil Procedure 26(e).

### **INTERROGATORIES**

1. Please provide the name, address, telephone number, place of employment and job title of any person who has, claims to have or whom you believe may have knowledge or information pertaining to any fact alleged in the pleadings (as defined in Federal Rule of Civil Procedure 7(a)) filed in this action, or any fact underlying the subject matter of this action.

2. Please provide the name of each person whom you may use as an expert witness at the class certification hearing.

3. For each person identified in Interrogatory No. 2, please state in detail the substance of the opinions to be provided by that person.

4. Please identify each document (including electronically stored information) pertaining to any fact alleged in any pleading (as defined in Federal Rule of Civil Procedure 7(a) filed in this action).

5. Please state each item of damage that you claim, whether as an affirmative claim or as a setoff, and include in your answer: the count or defense to which the item of damages relates; the category into which each item of damages falls, *i.e.*, general damages, special or consequential damages (such as lost profits), interest, and any other relevant categories; the



factual basis for each item of damages; and an explanation of how you computed each item of damages, including any mathematical formula used.

Respectfully submitted,

/s/ Kristen E. Caverly

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#### **CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that the foregoing was sent via electronic mail to all counsel on the attached service list on April 16, 2008.

/s/ Kristen E. Caverly

Kristen E. Caverly

**CERTIFICATE OF SERVICE**  
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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.

---

**DEFENDANT MARS, INCORPORATED'S FIRST SET OF INTERROGATORIES  
TO PLAINTIFF RENEE BLASZKOWSKI**

Defendant Mars, Incorporated, by its undersigned attorneys, propounds the following interrogatories upon Plaintiff Renee Blaszkowski and requests that they be answered separately, fully, and under oath within thirty days of service pursuant to Federal Rule of Civil Procedure 33 and Local Rule 26.1.G.

**DEFINITIONS**

1. The words "you," "yours" and/or "yourselves" mean Plaintiff Renee Blaszkowski and any spouse, relative, directors, officers, employees, agents, investigators, representatives or other persons or entities acting, or purporting to act, on behalf of Plaintiff Renee Blaszkowski.
2. The singular shall include the plural and vice versa; the terms "and" or "or" shall be both conjunctive and disjunctive; and the term "including" mean "including without limitation."
3. "Date" shall mean the exact date, month and year, if ascertainable or, if not, the best approximation of the date (based upon relationship with other events).

4. The word “document” shall mean any writing, drawing, graph, chart, recording, electronically stored information, photograph, or other data compilation from which you can obtain information that is in your actual or constructive possession, custody, care or control, which pertains directly or indirectly, in whole or in part, either to any of the subjects listed below or to any other matter relevant to the issues in this action, or which are themselves listed below as specific documents, including, but not limited to: correspondence, memoranda, notes, messages, email communications, instant messages, electronic postings, weblogs, diaries, minutes, books, reports, charts, ledgers, invoices, receipts, computer printouts, PowerPoint or other software or computer-based presentations, microfilms, video tapes or tape recordings, transcripts of video tapes or tape recordings, pet food packaging, pet food labels, advertisements, transcripts of advertisements, point of sale information, veterinarian or hospital invoices, reports or records.

5. “Agent” shall mean: any agent, employee, officer, director, attorney, independent contractor or any other person acting at the direction of or on behalf of another.

6. “Person” shall mean any individual, corporation, proprietorship, partnership, trust, association or any other entity.

7. The words “pertain to” or “pertaining to” mean: relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts.

8. “Pet” shall mean any cat or dog for which you purchased or provided food at any time since May 9, 2003.

9. “Food” shall mean any food, whether or not marketed for pets, that is consumed by pets, including items commonly identified in the marketplace as pet treats.

10. The term “action” shall mean the case entitled *Renee Blaszkowski, et al. v. Mars, Inc., et al.*, Case No. 07-21221, pending in the United States District Court for the Southern District of Florida.

11. The term “Complaint” shall mean the operative complaint filed in this action.

12. The word “identify”, when used in reference to a document (including electronically stored information), means and includes the name and address of the custodian of the document, the location of the document, and a general description of the document, including (1) the type of document (*e.g.*, letter or memorandum) and, if electronically stored information, the software application used to create it (*e.g.*, MS Word or MS Excel Spreadsheet); (2) the general subject matter of the document or electronically stored information; (3) the date of the document or electronically stored information; (4) the author of the document or electronically stored information; (5) the addressee of the document or electronically stored information; and (6) the relationship of the author and addressee to each other.

13. “Identify” or “state the identity of”, when used with respect to a natural person or pet (as defined above), means to provide the following:

- a. full name and any alias, including user names, screen names and registered reader names used in connection with posting comments to websites;
- b. current or last known home address;
- c. current or last known business address;
- d. current or last known employment position; and
- e. relationship if any, to the parties in this action.

### **INSTRUCTIONS**

1. You shall answer each interrogatory fully, in writing and under oath, unless it is objected to, in which event the reasons for the objections shall be stated in lieu of an answer. Your answers shall include all information available to you, including hearsay, which is in the possession, custody, or control of you, your agents, or attorneys. If you cannot provide all of the information requested in each interrogatory, you should provide the information which you can provide and explain all efforts made to obtain the information which you are unable to provide.

2. If you object to fully identifying a document, electronically stored information or oral communication because of a privilege, you must nevertheless provide the following information pursuant to Local Rule 26.1.G.3.(b), unless divulging the information would disclose the privileged information:

- a. the nature of the privilege claimed (including work product);
- b. if the privilege is being asserted in connection with a claim or defense governed by state law, the state privilege rule being invoked;
- c. the date of the document, electronically stored information or oral communication;
- d. if a document: its type (*e.g.*, letter or memorandum) and, if electronically stored information, the software application used to create it (*e.g.*, MS Word or MS Excel Spreadsheet), and the custodian, location, and such other information sufficient to identify the material for a subpoena *duces tecum* or a production request, including where appropriate the author, the addressee, and, if not apparent, the relationship between the author and addressee;

- e. if an oral communication: the place where it was made, the names of the persons present while it was made, and, if not apparent, the relationship of the persons present to the declarant; and
- f. the general subject matter of the document, electronically stored information or oral communication.

3. You are under a continuous obligation to supplement your answers to these interrogatories under the circumstances specified in Federal Rule of Civil Procedure 26(e).

### **INTERROGATORIES**

1. Please identify each of your pets, as defined above, and for each, state the name, the breed, the date your ownership and/or care of the pet began, the age of the pet when your ownership and/or care of it began, the date your ownership and/or care of the pet ended (if any), the date of the pet's death (if any), and the name of its owner and/or primary care-giver.

2. For each pet identified in response to Interrogatory No. 1, please identify any veterinarian or other professional who examined, treated, or provided any care to or advice regarding that pet, including the name, address, telephone number, place of employment and job title of each such person.

3. For each pet identified in response to Interrogatory No. 1, please identify any health concerns for which you consulted with, or sought treatment by, any veterinarian or other professional and, for each such health concern, state the nature of the concern, the date or time period during which it occurred, the name of any individual with whom you consulted regarding the concern, the names of all medications or remedies prescribed or otherwise recommended to address the concern, and the date or time period during which the pet used each such medication or remedy.

4. For each pet identified in response to Interrogatory No. 1, please identify all foods, whether commercially available or not, provided by you to the pet since the date your care of it began and for each such food, state the brand and product name (if any), the name and address of the retail store where it was purchased (if applicable), the date or time period during which it was purchased (if applicable), the date or time period during which it was provided to the pet, and the amount and frequency with which the food was provided to the pet.

5. Please identify yourself, including your full name and any prior names used, all electronic identities used at any time during the past five (5) years (including email addresses, user names, or screen names), all addresses at which you have lived for the past ten (10) years, your date of birth, and your driver's license number and state of issuance.

6. Please identify each website or electronic community (including weblogs, internet bulletin boards, and listservs) which you have maintained or to which you have contributed during the past five (5) years and for each, state the registered name you used, the nature of the website or electronic community, the internet address (URL), and the date or period of time during which you maintained or contributed to it.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing was sent via electronic mail to all counsel on the attached service list on April 16, 2008.

By: /s/ Philip A. Sechler  
Philip A. Sechler

**CERTIFICATE OF SERVICE**

**RENEE BLASZKOWSKI, ET AL., VS. MARS, INCORPORATED, ET AL.**  
**Case No. 07-21221-CIV-ALTONAGA/TURNOFF**

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