

MALTZMAN FOREMAN

ATTORNEYS AT LAW

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May 28, 2008

VIA ELECTRONIC MAIL

Philip A. Sechler
Williams & Connolly LLP
725 12th Street, N.W.
Washington, DC 20005

Re: *Blaszkowski et al. vs. Mars, Inc. et al.*
Case No. 07-21221

Dear Phil:

Pursuant to our discussion this morning, this letter is the first attempt to open up a dialogue about the Plaintiffs' requests for documents. In an attempt to come to an agreement concerning the scope of the document requests that I previously sent, I am prioritizing the initial documents that I would like to receive. They are as follows:

1. **Marketing materials.** I have attached hereto Exhibit "A," which lists the specific products for the entities that you represent, Mars and Nutro. For these particular products we would like the following:
 - A. **Packaging:** An exemplar of the packaging that was used for each product between March 9, 2003 and March 9, 2007.
 - B. **Commercials:** An exemplar of each television commercial for Cesar, Sheba, the Goodlife (Cat and Dog, Pedigree and Whiskas) that ran on television, including cable stations, between March 9, 2003 and March 9, 2007.
 - C. **Print marketing:** This would encompass exemplars of printed marketing materials that ran in magazines, for display at pet specialty or other retail stores or veterinary offices for each product on Exhibit "A" between March 9, 2003 and March 9, 2007.
 - D. **In store marketing:** Exemplars of marketing materials used by employees or third parties in retail stores, including exemplars of items used for demonstration, for each product listed on Exhibit "A." This would encompass direct marketing to consumers and to pet specialty retail employees.

Exhibit 3

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2. Ingredients: Documents reflecting the specific ingredients used in each product between March 9, 2003 and March 9, 2004, including the source of where Mars or Nutro obtained the particular ingredient. This source material would include suppliers who provide vitamin pre-mixes, rendered material or other materials that are used to comprise the final wet or dry food product.

3. Marketing Plans and Strategy: Documents reflecting Mars' and Nutro's marketing strategy and plans, including competitor information and plans to increase market share, between May 9, 2003 and May 9, 2007.

4. Suppliers: A list or documents sufficient to identify the suppliers for Mars and Nutro products listed on Exhibit "A," which list would include rendering companies and co-packers as well as identify all companies from which you purchased vitamin pre-mixes, probiotics, or any other matter used in the products listed in Exhibit "A" between May 9, 2003 and May 9, 2007.

5. Marketing Materials Provided to Veterinarians and Breeders: Exemplars of marketing materials provided to veterinarians and breeders for all products listed on Exhibit "A" between May 9, 2003 and May 9, 2007, including any and all incentives for recommending the product.

6. Agreements:

- A. Copies of agreements that Nutro had or has with Pet Specialty Retailers regarding the display, marketing and sale of Nutro's pet food between May 9, 2003 and May 9, 2007, including any and all incentives for encouraging consumers to purchase Nutro brand and products listed on Exhibit "A."
- B. Copies of agreements with rendering companies for products listed on Exhibit "A."
- C. Copies of agreements for any co-packers who may manufacture any product on Exhibit "A."

While I believe that this has narrowed the scope of many of my prior requests, should you believe that any of them are nevertheless overbroad, please contact me.

Very truly yours,

Sent in her absence to avoid delay

Catherine J. MacIvor

cc: All Plaintiffs of Record

Exhibit "A"

| Brand of Pet Food: | Pet |
|---------------------------------------------------------------------------------|------------|
| Mars Cesar | Dog |
| Mars Cesar Canine Cuisine in Meaty Juices | Dog |
| Mars Cesar Select Chicken & Veal in Meaty Juices Dog Food Tub | Dog |
| Mars Cesar Select Dinners Pork Tenderloin Flavor in Sauce Dog Food Tub | Dog |
| Mars Cesar Select Dinners Top Sirloin Flavor in Sauce Dog Food Tub | Dog |
| Mars Cesar Select Dinners with Chicken & Beef in Meaty Juices Dog Food Tub | Dog |
| Mars Cesar Select Dinners with Chicken & Liver in Meaty Juices Dog Food Tub | Dog |
| Mars Cesar Select Dinners with Filet Mignon Flavor in Sauce Dog Food Tub | Dog |
| Mars Cesar Select Dinners with Lamb in Meaty Juices Dog Food Tub | Dog |
| Mars Cesar Select Dinners with Porterhouse Steak Flavor in Sauce Dog Food Tub | Dog |
| Mars Cesar Select Dinners with Turkey in Meaty Juices Dog Food Tub | Dog |
| Mars Cesar Select Duck in Meaty Juices Dog Food Tub | Dog |
| Mars Cesar Select for Puppies With Chicken & Beef Dog Food Tub | Dog |
| Mars Cesar Select Grilled Chicken in Sauce Dog Food Tub | Dog |
| Mars Cesar Select with Beef in Meaty Juices Dog Food Tub | Dog |
| Mars Goodlife Recipe Snacks - Salmon | Cat |
| Mars Goodlife | Cat |
| Mars Goodlife Recipe | Dog |
| Mars Goodlife Recipe Dog Food | Dog |
| Mars Goodlife Recipe Dry Food - Salmon | Cat |
| Mars GoodLife Recipe Wholesome Biscuits Medium and Large Dog Treats Bag | Dog |
| Mars GoodLife Recipe Wholesome Biscuits Small Dog Treats Bag | Dog |
| Mars GoodLife Recipe with Natural Chicken, Brown Rice & Vegetables Dry Dog Food | Dog |
| Mars Goodlife Recipe with Real Chicken, Brown Rice & Garden Greens Dry Cat Food | Cat |
| Mars Goodlife, dry | Cat |
| Mars Greenies dental chews for cats | Cat |
| Mars Greenies dental chews for dogs | Dog |
| Mars Greenies dental chews for dogs | Dog |
| Mars Pedigree Adult Dry Dog Food | Dog |
| Mars Pedigree Breath Buster Dog Food | Dog |
| Mars Pedigree Chicken, Rice & Vegetables Dry Dog Food | Dog |
| Mars Pedigree choice cuts in sauce | Dog |
| Mars Pedigree Choice Cuts in Sauce Country Stew Canned Dog Food | Dog |
| Mars Pedigree Choice Cuts in Sauce with Beef Canned Dog Food | Dog |
| Mars Pedigree Choice Cuts in Sauce with Chicken Dog Food Canned | Dog |
| Mars Pedigree Chunky Turkey & Bacon Dog Food Canned | Dog |
| Mars Pedigree Complete Nutrition Dog Food Small Crunchy Bites | Dog |
| Mars Pedigree Complete Small Crunchy Bites Original Beef Dry Dog Food | Dog |
| Mars Pedigree Dentabone Pouch Dog Food | Dog |
| Mars Pedigree DENTASStix pouch dog food | Dog |
| Mars Pedigree Healthy Maturity for Seniors Chicken Rice Dry Dog Food | Dog |
| Mars Pedigree jumbone | Dog |
| Mars Pedigree Jumbone Pouch Dog Food | Dog |
| Mars Pedigree Large Breed Adult Dry Dog Food | Dog |
| Mars Pedigree Lean Beef & Liver in Meaty Juices Canned Dog Food | Dog |
| Mars Pedigree Little Champions Beef & Chicken Variety Pack Pouch Dog Food | Dog |

| Brand of Pet Food: | Pet |
|-------------------------------------------------------------------------------------------|------------|
| Mars Pedigree Little Champions Casserole Beef, Noodles & Vegetables Pouch Dog Food | Dog |
| Mars Pedigree Little Champions Chunks in Gravy with Chicken Pouch Dog Food | Dog |
| Mars Pedigree Little Champions Grilled Cuts in Sauce With Beef Pouch Dog Food | Dog |
| Mars Pedigree Little Champions Healthy Start Morsels in Sauce with Chicken Dog Food Pouch | Dog |
| Mars Pedigree Little Champions Pouched Dog Food | Dog |
| Mars Pedigree Little Champions pouches | Dog |
| Mars Pedigree Marrobone Dog Treat Pouch | Dog |
| Mars Pedigree Marrobones | Dog |
| Mars Pedigree Pet Food Traditional Ground with Chunky Chicken Canned Dog Food | Dog |
| Mars Pedigree Pet Foods Canned Dog Food | Dog |
| Mars Pedigree Puppy Original Chicken Dry Dog Food | Dog |
| Mars Pedigree Puppy Traditional Ground Dinner Chicken & Beef Canned Dog Food | Dog |
| Mars Pedigree Puppy Traditional Ground Dinner with Lamb & Rice Canned Dog Food | Dog |
| Mars Pedigree Small Breed Adult Dry Dog Food | Dog |
| Mars Pedigree Super Chew Treat Pouch Dog Food | Dog |
| Mars Pedigree Traditional Ground Dinner with Chopped Beef Canned Dog Food | Dog |
| Mars Pedigree Traditional Ground Dinner with Chopped Chicken Canned Dog Food | Dog |
| Mars Pedigree Traditional Ground Dinner with Chopped Liver & Beef Canned Dog Food Pouch | Dog |
| Mars Pedigree Traditional Ground Dinner with Chunky Liver & Beef Canned Dog Food | Dog |
| Mars Pedigree Traditional Ground with Chunky Beef Canned Dog Food | Dog |
| Mars Pedigree Traditional Ground with Chunky Beef, Bacon & Cheese Canned Dog Food | Dog |
| Mars Pedigree Weight Maintenance Dry Dog Food | Dog |
| Mars Pedigree with Real Lamb & Rice Dry Dog Food | Dog |
| Mars Pedigree, canned | Dog |
| Mars Pedigree, canned | Dog |
| Mars Pedigree, canned | Dog |
| Mars Pedigree, dry | Dog |
| Mars Pedigree, dry | Dog |
| Mars Pedigree, pouches | Dog |
| Mars Sheba | Cat |
| Mars Sheba Cat Food - Alaskan King Crab Tub | Cat |
| Mars Sheba Chicken & Tuna | Cat |
| Mars Sheba Tuna | Cat |
| Mars Sheba Tuna & Egg | Cat |
| Mars Sheba, prawn dinner with aspic | Cat |
| Mars Whiskas adult maintenance formulas, dry | Cat |
| Mars Whiskas Catmilk | Cat |
| Mars Whiskas CatMilk Drink Carton | Cat |
| Mars Whiskas Choice Cuts (Pouch): Ocean Mars Whitefish & Tuna Dinner | Cat |
| Mars Whiskas Choice Cuts (Pouch): Poached Salmon in Sauce | Cat |
| Mars Whiskas Choice Cuts (Pouch): Tuna in Sauce | Cat |
| Mars Whiskas Choice Cuts Chicken Cat Food Pouch | Cat |
| Mars Whiskas Choice Cuts With Poached Salmon in Sauce Pouch Cat Food | Cat |
| Mars Whiskas Meaty Selections Dry Cat Food | Cat |

| Brand of Pet Food: | Pet |
|------------------------------------------------------------------------------|------------|
| Mars Whiskas Seafood Selections Dry Cat Food | Cat |
| Mars Whiskas Temptation Snacks: Hairball Control | Cat |
| Mars Whiskas Temptation Snacks: Savory Salmon | Cat |
| Mars Whiskas Temptation Snacks: Seafood Medley | Cat |
| Mars Whiskas Temptations cat treats all flavors | Dog |
| Mars Whiskas Temptations Chicken Treat Pouch Cat Food | Cat |
| Mars Whiskas Tender Bites (Pouch): Ocean Whitefish and Tuna Dinner in Juices | Cat |
| Mars Whiskas, canned | Cat |
| Mars Whiskas, canned ground kitty stew | Cat |
| Mars Whiskas, canned mealtime ground savory paté | Cat |
| Mars Whiskas, dry | Cat |
| Mars Whiskas, dry | Cat |
| Mars Whiskas, pouches | Cat |
| Nutro canned, various flavors | Dog |
| Nutro Complete Care weight management, dry | Cat |
| Nutro Crunchers Dog Treats Box | Dog |
| Nutro Crunchers Dog Treats Box | Dog |
| Nutro dry lamb & rice | Dog |
| Nutro dry lamb & rice | Dog |
| Nutro Max | Cat |
| Nutro Max Adult | Dog |
| Nutro Max Adult Cat Hairball Management Chicken & Rice Formula Canned | Cat |
| Nutro Max Adult Chicken & Lamb Protein Bagged Dog Food | Dog |
| Nutro Max Adult Chicken, Rice & Lamb Dinner Canned Dog Food | Dog |
| Nutro Max Adult Chicken, Rice & Lamb Dinner Canned Dog Food | Dog |
| Nutro Max Adult Chicken, Rice & Turkey Dinner Canned Dog Food | Dog |
| Nutro Max Adult Chicken, Rice & Turkey Dinner Canned Dog Food | Dog |
| Nutro Max Adult Natural | Dog |
| Nutro Max Bones Chicken & Lamb Flavor Dog Treats | Dog |
| Nutro Max canned, various flavors | Dog |
| Nutro Max Cat Gourmet Kitty Treats: Albacore Tuna Flavor | Cat |
| Nutro Max Cat Gourmet Kitty Treats: Grilled Salmon Favor | Cat |
| Nutro Max Cat Gourmet Kitty Treats: Tartar Control | Cat |
| Nutro Max chicken & rice dry | Dog |
| Nutro Max lamb & rice dry | Dog |
| Nutro Max Mini Size Dog Food | Dog |
| Nutro Max Naturally Preserved Dog Food | Dog |
| Nutro Max Naturally Preserved Dog Food | Dog |
| Nutro Max Puppy | Dog |
| Nutro Max, canned | Cat |
| Nutro Max, canned | Dog |
| Nutro Max, dry | Cat |
| Nutro Max, dry | Dog |
| Nutro Max, dry lamb & rice | Dog |
| Nutro Natural Choice Adult Lamb and Pasta Canned Dog Food | Dog |
| Nutro Natural Choice Adult Lamb and Pasta Canned Dog Food | Dog |
| Nutro Natural Choice Adult Lamb and Rice Canned Dog Food | Dog |
| Nutro Natural Choice Adult Lamb and Rice Canned Dog Food | Dog |

| Brand of Pet Food: | Pet |
|---------------------------------------------------------------------------------------|------------|
| Nutro Natural Choice Chicken & Brown Rice in Gravy Pouch Dog Food | Dog |
| Nutro Natural Choice Chicken & Brown Rice in Gravy Pouch Dog Food | Dog |
| Nutro Natural Choice chicken and rice adult | Dog |
| Nutro Natural Choice Chicken and Rice Canned Senior Dog Food | Dog |
| Nutro Natural Choice Chicken and Rice Canned Senior Dog Food | Dog |
| Nutro Natural Choice chicken and rice small bites puppy | Dog |
| Nutro Natural Choice Chicken, Rice & Oatmeal Canned Dog Food | Dog |
| Nutro Natural Choice Chicken, Rice & Oatmeal Canned Dog Food | Dog |
| Nutro Natural Choice Dog Savory Lamb Stew Slices in Gravy Pouch Dog Food | Dog |
| Nutro Natural Choice Dog Savory Lamb Stew Slices in Gravy Pouch Dog Food | Dog |
| Nutro Natural Choice Dry Complete Care Indoor Adult, Ocean Fish Flavor | Cat |
| Nutro Natural Choice for sensitive stomach chicken, oatmeal & rice | Dog |
| Nutro Natural Choice High Energy Formula Canned Dog Food | Dog |
| Nutro Natural Choice High Energy Formula Canned Dog Food | Dog |
| Nutro Natural Choice Lamb & Rice Large Breed Adult Canned | Dog |
| Nutro Natural Choice Lamb & Rice Large Breed Puppy Canned Formula | Dog |
| Nutro Natural Choice Lamb & Rice Senior Can Dog Food | Dog |
| Nutro Natural Choice Lamb & Rice Senior Can Dog Food | Dog |
| Nutro Natural Choice lamb and rice adult | Dog |
| Nutro Natural Choice Lamb Duck and Pasta Canned Dog Food | Dog |
| Nutro Natural Choice Lamb Duck and Pasta Canned Dog Food | Dog |
| Nutro Natural Choice Lamb Meal Senior Dog Food Dry | Dog |
| Nutro Natural Choice Large Breed Adult Chicken & Rice Canned Dog Food | Dog |
| Nutro Natural Choice Large Breed Puppy Chicken & Rice Chunks in Gravy Canned Dog Food | Dog |
| Nutro Natural Choice Large Breed Senior Dry Dog Food Bagged | Dog |
| Nutro Natural Choice Large Breed Weight Management Chicken & Rice Canned Dog Food | Dog |
| Nutro Natural Choice Lite Lamb and Rice Canned Dog Food | Dog |
| Nutro Natural Choice Lite Lamb and Rice Canned Dog Food | Dog |
| Nutro Natural Choice Midwest Beef Stew Chunks in Gravy Pouch Dog Food | Dog |
| Nutro Natural Choice Midwest Beef Stew Chunks in Gravy Pouch Dog Food | Dog |
| Nutro Natural Choice Original Lamb and Rice Dry Dog Food | Dog |
| Nutro Natural Choice pouches | Dog |
| Nutro Natural Choice pouches | Cat |
| Nutro Natural Choice Puppy Yankee Pot Roast Chunks in Gravy Pouch Dog Food | Dog |
| Nutro Natural Choice Puppy Yankee Pot Roast Chunks in Gravy Pouch Dog Food | Dog |
| Nutro Natural Choice Senior Chicken & Rice Canned Dog Food | Dog |
| Nutro Natural Choice Senior Chicken & Rice Canned Dog Food | Dog |
| Nutro Natural Choice Senior Dry Dog Food Bagged | Dog |
| Nutro Natural Choice Senior Lamb and Rice Canned Dog Food | Dog |
| Nutro Natural Choice Senior Lamb and Rice Canned Dog Food | Dog |
| Nutro Natural Choice Senior Large Breed Canned Dog Food | Dog |
| Nutro Natural Choice Senior Turkey and Rice Canned Dog Food | Dog |
| Nutro Natural Choice Senior Turkey and Rice Canned Dog Food | Dog |
| Nutro Natural Choice Small Bites Senior Dry Dog Food | Dog |
| Nutro Natural Choice Turkey & Veggie Casserole Chunks in Gravy Pouch Dog Food | Dog |
| Nutro Natural Choice Turkey & Veggie Casserole Chunks in Gravy Pouch Dog Food | Dog |
| Nutro Natural Choice Turkey, Lamb & Pasta Canned Dog Food | Dog |

Brand of Pet Food:

| | Pet |
|----------------------------------------------------------------------|------------|
| Nutro Natural Choice Turkey, Lamb & Pasta Canned Dog Food | Dog |
| Nutro Natural Choice Wet Complete Car Indoor Adult Ocean Fish & Rice | Cat |
| Nutro Natural Choices Senior Biscuits Dog Food | Dog |
| Nutro Natural Choices Senior Biscuits Dog Food | Dog |
| Nutro pouches, various flavors | Dog |
| Nutro senior canned | Dog |
| Nutro Ultra adult | Dog |
| Nutro Ultra puppy | Dog |
| Nutro Ultra Senior Dog Food | Dog |
| Nutro Ultra Senior Dog Food | Dog |
| Nutro Ultra Small Breed Dog Food | Dog |