

**MALTZMAN FOREMAN**

ATTORNEYS AT LAW

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June 2, 2008

**VIA ELECTRONIC MAIL**

Kristen E. Caverly  
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Rancho Santa Fe, CA 92067-9144

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

Dear Kristen:

Below you will find documents that we request to be produced for our review that is a subset of our original requests for production. We would like to review them by June 13, 2008. However, if you are planning to object without producing documents, we would like your response by no later than June 6, 2008.

**1. Marketing materials.** I have attached hereto Exhibit "A," which lists the specific products for the entity that you represent, Natura Pet Products, Inc. ("Natura") 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. 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.
- C. 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.
- D. Website:** Exemplars of statements made on Natura's website about its pet food products generally as reflected in Exhibit 10 of the Fourth Amended Complaint and about the products listed on Exhibit "A" between May 9, 2003 and May 9, 2007.

**Exhibit 5**

2 South Biscayne Boulevard Suite 2300, Miami, Florida 33131 Tel 305-358-6555 Fax 305-374-9077  
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**2. Ingredients:**

- A. Documents reflecting the specific ingredients used in each product listed on Exhibit "A" between March 9, 2003 and March 9, 2004, including the source of where Natura 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.
- B. All documents supporting the representation made on Exhibit 10 of the Fourth Amended Complaint that "We use only ingredients that you would eat yourself; quality meats, whole grains, fresh fruits and vegetables, and complete vitamin and mineral supplements."
- C. Documents supporting the representation made on Exhibit 10 of the Fourth Amended Complaint that "All of our human grade dog and cat foods are carefully cooked and tested to ensure consistent nutrient quality and enjoyable texture and taste."
- D. Documents supporting the representation made on Exhibit 10 of the Fourth Amended Complaint that "All of the ingredients used in our pet foods are tested to make sure that they are hormone, antibiotic and pesticide-free."
- E. All documents supporting the representation made on Exhibit 10 of the Fourth Amended Complaint that "we never add artificial ingredients, chemical additives, by-products or fillers of any kind."

**3. Marketing Plans and Strategy:** Documents reflecting Natura'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 Natura 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 Natura had or has with Pet Specialty Retailers regarding the display, marketing and sale of Natura's pet food between May 9, 2003 and May 9, 2007, including any and all incentives for encouraging consumers to purchase Natura 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."
7. **Glykoalkaloids:** All documents regarding glykoalkaloid toxins found in Natura pet food products from May 9, 2003 to the present. This includes chaconine and solanine. Please see Exhibit 24 of the Fourth Amended Complaint.
8. Copies of any and all letters threatening to sue consumers for expressing concerns about your pet food products from May 9, 2003 to May 9, 2007.

This list is intended to be more narrow than the original requests. Since I am not aware of the manner or method of Natura's record keeping, electronic or otherwise, if you feel that they are nevertheless overbroad, please advise and I will try to work with you on any of the specific requests that you so identify.

If you make an overbroad objection, I would like to discuss the manner and method of how the documents are maintained and whether they are in electronic or paper format. For example, if it is stored via a program with a search engine of some sort, as I suspect that most electronic files are maintained in that manner.

Very truly yours,

*Sent in her absence to avoid delay*

Catherine J. MacIvor

cc: All Plaintiffs of Record

**Exhibit "A"**

**Brand of Pet Food:**

	<b>Pet</b>
Natura California Natural lamb meal & rice, dry adult	Dog
Natura California Natural Chicken & Brown Rice Adult	Dog
Natura California Natural Salmon & Sweet Potato Adult	Dog
Natura Evo Small Bite Dry Dog Food	Dog
Natura Innova Adult Dry Dog Food	Dog
Natura Innova baked treats for dogs	Dog
Natura Innova EVO 95% Meat Chicken & Turkey Canned Dog Food	Dog
Natura Innova Evo Ancestral Diet - small bites dog, dry	Dog
Natura Innova Evo Baked treats for dogs - no grain	Dog
Natura Innova EVO Red Meat Small Bite Dry Dog Food	Dog
Natura Innova Evo Reduced Fat Dry Dog Food	Dog
Natura Innova Health Bar baked dog treats (small bar)	Dog
Natura Innova Large Breed Dry All Natural Puppy Dog Food	Dog
Natura Innova Small Bite Dry Dog Food	Dog
Natura Innova, canned	Cat
Natura Innova, dry	Cat
Natura Innova, dry	Cat