

**MALTZMAN FOREMAN**

ATTORNEYS AT LAW

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June 2, 2008

**VIA ELECTRONIC MAIL**

Richard Fama, Esquire  
Cozen O'Connor  
45 Broadway  
New York, New York 10006

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

Dear Mr. Fama:

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 only plan to object, we would request your response by no later than June 6, 2008. If that is not feasible, please let me know.

**1. Marketing materials.** I have attached hereto Exhibit "A," which lists the specific products for the entity that you represent, Del Monte Foods Co. ("Del Monte For these particular products we would like the following:

- A. Packaging:** An exemplar of the packaging that was used for each product on Exhibit "A" between March 9, 2003 and March 9, 2007.
- B. Commercials:** An exemplar of each television commercial for the Iams / Eukanuba products listed on Exhibit "A" that ran on television, including cable stations, between March 9, 2003 and March 9, 2007.
- C. Print marketing:** This would encompass exemplars of each printed marketing material that ran in magazines or on displays 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. Urinary Tract Health Claims:** Please provide documents to support the statements made in Exhibit 21 regarding urinary tract health, including a copy of the patent on the pet food, if any. Please refer to ¶80 of the Fourth Amended Complaint and Exhibit 21.

**Exhibit 7**

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- E. Added Vitamin E and selenium.** Please provide documents to support that extra vitamin E and selenium help maintain a cat's healthy immune system as described on Exhibit 21.
  - F. High Quality Protein.** Please provide a summary or a list of the high quality protein used in the pet food described in Exhibit 21.
- 2. Ingredients:** 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 Iams / Eukanuba 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 products listed on Exhibit "A."
- 3. Marketing Plans and Strategy:** Documents reflecting Del Monte's marketing strategy and plans, including competitor information and plans to increase market share, between May 9, 2003 and May 9, 2007. This would specifically include the marketing strategy and plans behind the veterinarian recommended statements referenced in 1(E) above and in the Fourth Amended Complaint. Marketing strategy would include internal as well as market reports such as that prepared by Euromonitor or Packaged Facts.
- 4. Suppliers:** A list or documents sufficient to identify the suppliers for the Del Monte 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 incentives, financial or otherwise, for recommending the product.
- 6. Agreements:**
- A.** Copies of agreements with rendering companies for products listed on Exhibit "A."
  - B.** Copies of agreements for any co-packers who may manufacture any product on Exhibit "A."
- 7.** 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 Del Monte'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"

<b>Brand of Pet Food:</b>	<b>Pet</b>
Del Monte 9 Lives Super Supper	Cat
Del Monte 9 Lives, canned	Cat
Del Monte 9 Lives, canned	Cat
Del Monte 9 Lives, canned	Cat
Del Monte 9 Lives, canned	Cat
Del Monte 9 Lives, dry	Cat
Del Monte 9 Lives, dry	Cat
Del Monte 9Lives 4 Flavor Canned Cat Food	Cat
Del Monte 9Lives Canned Ground Entrees Ocean Whitefish with Tuna	Cat
Del Monte 9Lives Canned Ground Entrees Seafood Platter	Cat
Del Monte 9Lives Canned Ground Entrees Super Supper	Cat
Del Monte 9Lives Chicken & Tuna Dinner Canned Cat Food	Cat
Del Monte 9Lives Daily Essentials Roasted Chicken & Smoked Salmon Flavor Dry Cat Food	Cat
Del Monte 9Lives Dry Cat Food Bagged	Cat
Del Monte 9Lives Flaked Entrees Real Flaked Tuna in Sauce	Cat
Del Monte 9Lives Grilled Tuna & Egg Flavor Dry Cat Food	Cat
Del Monte 9Lives Liver & Bacon Canned Cat Food	Cat
Del Monte 9Lives Ocean Whitefish Canned Cat Food	Cat
Del Monte 9Lives Prime Entree with Real Salmon Canned Cat Food	Cat
Del Monte 9Lives Primed Grill with Beef Canned Cat Food	Cat
Del Monte 9Lives Savory Shreds with Real Gravy Real Beef in Gravy	Cat
Del Monte 9Lives Savory Shreds with Real Gravy Real Ocean Whitefish in Gravy	Cat
Del Monte 9Lives Seafood Platter Canned Cat Food	Cat
Del Monte 9Lives Shredded Turkey in Gravy Canned Cat Food	Cat
Del Monte 9Lives Sliced Beef in Gravy Canned Cat Food	Cat
Del Monte 9Lives Sliced Chicken in Gravy Canned Cat Food	Cat
Del Monte 9Lives Sliced Veal in Gravy Canned Cat Food	Cat
Del Monte 9Lives Super Supper Canned Cat Food	Cat
Del Monte 9Lives Tender Carvings Salmon and Crab Canned Cat Food	Cat
Del Monte 9Lives Tender Cuts with Chicken Canned Cat Food	Cat
Del Monte 9Lives Tender Dinners Real Beef in Gravy	Cat
Del Monte 9Lives Tender Dinners Real Ocean Whitefish in Gravy	Cat
Del Monte 9Lives Tender Nibbles with Ocean Whitefish & Tuna in Gravy Canned Cat Food	Cat
Del Monte 9Lives Tender Slices with Real Gravy Tender Real Beef in Gravy	Cat
Del Monte 9Lives Tuna Select Flaked Tuna and Egg Bits in Sauce Canned Cat Food	Cat
Del Monte 9Lives Tuna Select Flaked Tuna in Sauce Canned Cat Food	Cat
Del Monte 9Lives Tuna Select Tuna & Cheese Bits in Sauce Canned Cat Food	Cat
Del Monte 9Lives Turkey & Giblet Canned Cat Food	Cat
Del Monte 9Lives, Dry, Urinary Tract Health	Cat
Del Monte Canine Carry Outs flavored dog treats pouch	Dog
Del Monte Canine Carry Outs flavored dog treats pouch - Beef Cuts, Bacon, Chicken Strips	Dog
Del Monte Gravy Train Chunks in Gravy with Beef Dog Food	Dog
Del Monte Gravy Train Chunks in Gravy with Chicken Canned Dog Food	Dog
Del Monte Gravy Train Strips in Gravy with Turkey Dog Food	Dog
Del Monte Meaty Bones (small)	Dog

<b>Brand of Pet Food:</b>	<b>Pet</b>
Del Monte Meow Mix Cluck-a-Doodle-Do with Chicken & Liver in Gravy Cat Pouches	Cat
Del Monte Meow Mix Deep Sea Delight with Mackerel in Sauce Pouch	Cat
Del Monte Meow Mix Fillet Meow with Beef in Gravy Cat Pouches	Cat
Del Monte Meow Mix Go Fish Moist Cat Treats Pouch	Cat
Del Monte Meow Mix Original Dry Bag Cat Food	Cat
Del Monte Meow Mix, canned	Cat
Del Monte Meow Mix, dry	Cat
Del Monte Meow Mix, dry	Cat
Del Monte Meow Mix, Dry	Cat
Del Monte Meow Mix, dry	Cat
Del Monte Meow mix, dry original	Cat
Del Monte Meow mix, dry seafood	Cat
Del Monte Meow Mix, dry wholesome goodness	Cat
Del Monte Meow Mix, moist	Cat
Del Monte Meow Mix, treats	Cat
Del Monte Milk Bone flavor snacks	Dog
Del Monte Milk Bone gravy bones	Dog
Del Monte Milk Bones	Dog
Del Monte Milk Bones (gravy, small, puppy)	Dog
Del Monte Milk Bones, large	Dog
Del Monte Milk-Bone Chewy Dog Treats	Dog
Del Monte Milk-Bone Flavor Snacks Biscuits for Dogs	Dog
Del Monte Milk-Bone Mar-O-Snacks Dog Treats	Dog
Del Monte Milk-Bone Original Bacon Dog Training Treats	Dog
Del Monte Milk-Bone Original Dog Biscuits	Dog
Del Monte Nature's Recipe Adult Chicken Meal & Rice Recipe Cat Food Dry	Cat
Del Monte Nature's Recipe Carved Chicken & Rice with Vegetables Canned	Cat
Del Monte Nature's Recipe Easy-To-Digest Chicken Meal Rice & Barley Dog Food Dry	Dog
Del Monte Nature's Recipe Easy-To-Digest Fish Meal & Potato Bag Dog Food	Dog
Del Monte Nature's Recipe Easy-To-Digest Lamb, Rice & Barley Dog Food Dry	Dog
Del Monte Nature's Recipe Farm Stand Selects Dry Dog Food	Dog
Del Monte Nature's Recipe Healthy Skin Venison Meal & Rice Recipe Dog Food	Dog
Del Monte Nature's Recipe Lamb Meal & Rice Dog Food Dry Dog Food	Dog
Del Monte Nature's Recipe Large Breed Puppy Recipe Dog Food Dry Dog Food	Dog
Del Monte Nature's Recipe Puppy Carved Lamb & Rice with Vegetables Canned Dog Food	Dog
Del Monte Nature's Recipe, Dry	Cat
Del Monte Pounce Caribbean Catch Tuna Flavor Crunchy Cat Treats Cat Food	Cat
Del Monte Pounce Caribbean Catch Tuna Flavor Soft Cat Treats Cat Food	Cat
Del Monte Pounce Cat Treat - Crunchy Tartar & Plaque Control Cat Food	Cat
Del Monte Pounce Cat Treat - Tartar & Plaque Crunchy Salmon Cat Food	Cat
Del Monte Pounce Cat Treat -Tartar & Plaque Control Ocean Whitefish & Crab Cat Food	Cat
Del Monte Pounce Cat Treats Moist Tuna Flavor Cat Food	Cat
Del Monte Pounce cat treats, chicken, fish and shrimp flavors	Cat
Del Monte Pounce cat treats, various flavors	Cat
Del Monte Pounce Crunchy Tartar & Plaque Control Tuna & Salmon Treats Cat Food	Cat
Del Monte Pounce Crunchy with Tartar & Plaque 3 Cheese Treats Cat Food	Cat

<b>Brand of Pet Food:</b>	<b>Pet</b>
Del Monte Pounce Crunchy with Tartar & Plaque Control Catnip Flavor Treats Cat Food	Cat
Del Monte Pounce Moist Chicken Flavor Cat Treats Cat Food	Cat
Del Monte Pounce Tartar & Plaque Control Albacore Tuna Flavor Cat Food	Cat
Del Monte Pounce Tartar & Plaque Original Chicken & Roasted Turkey Cat Food	Cat
Del Monte Pounce Tartar & Plaque Original Chicken Cat Food	Cat
Del Monte Pounce treats	Cat
Del Monte Pounce treats	Cat
Del Monte Pounce Treats Seafood Medley Cat Food	Cat
Del Monte Pounce treats, crunchy tartar & plaque control	Cat
Del Monte Pounce: Crunchy with Tartar & Plaque Control Tuna	Cat
Del Monte Pounce: Hairball Remedy Tuna	Cat
Del Monte Pounce: Moist Chicken	Cat
Del Monte Pounce: Moist Tuna	Cat
Del Monte Pup-Peroni	Dog
Del Monte Pup-Peroni (all types)	Dog
Del Monte Pup-Peroni (all types)	Dog
Del Monte Pup-Peroni Oven Roasted Chicken Pouch Dog Treat	Dog
Del Monte Pup-Peroni Oven Roasted Chicken Pouch Dog Treat	Dog
Del Monte Sausages Bacon & Cheese Flavor Treat Dog Food	Dog
Del Monte Sausages Bacon & Cheese Flavor Treat Dog Food	Dog
Del Monte Sausages Beef & Cheese In a Blanket Flavor Dog Treat	Dog
Del Monte Sausages Beef & Cheese In a Blanket Flavor Dog Treat	Dog
Del Monte Sausages Beef In a Blanket Treat Dog Food	Dog
Del Monte Sausages Beef In a Blanket Treat Dog Food	Dog
Del Monte Sausages Fortune Snookies Chicken Chewy Treats Dog Food	Dog
Del Monte Sausages Party Sack Treat Dog Food	Dog
Del Monte Sausages Party Sack Treat Dog Food	Dog
Del Monte Sausages to Go! Mini Training Treats Dog Food	Dog
Del Monte WagWells Treats Dog Food - Pouch	Dog
Del Monte WagWells Treats Dog Food – Pouch	Dog