

# KEEGAN & BAKER, LLP

A LIMITED LIABILITY PARTNERSHIP  
4370 LA JOLLA VILLAGE DRIVE SUITE 640  
SAN DIEGO, CA 92122

telephone – 858.552.6750

facsimile – 858.552.6749

---

July 17, 2008

## **VIA EMAIL**

Philip A. Sechler, Esq.  
WILLIAMS & CONNOLLY LLP  
725 Twelfth Street, N.W.  
Washington, D.C. 20005-5901

**Re: Blaszkowski v. Mars, Incorporated, et al.**  
**U.S. District Court, Southern District of Florida**  
**Case No.: 07-21221-CIV**  
**Our File No.: 7009**

Dear Mr. Sechler:

This letter is in furtherance of our meet and confer communications and teleconference on July 15<sup>th</sup> concerning the staging of discovery.

As you known, my firm has only recently made an appearance in this case on behalf of the plaintiffs. In order to properly advise and/or represent plaintiffs at their depositions and prepare their responses to written discovery, it is necessary for us to propose alternative dates for deposition to those proposed by Defendants. Furthermore, we believe that the discovery issues and depositions noticed by Defendant Mars Incorporated, and every other defendant in this case except those that relate to the claims of named plaintiffs Jennifer Damron, Renee Blaszkowski, Cindy Trejoe, Susan Peters, JoAnn Murphy, and Yvonne Thomas, regarding solely their purchases of pet food brands of Defendant Natura Pet Products, Inc. should be stayed given the preliminary approval of the class action settlement in *In Re: Pet Food Products Liability Litigation*, Civil Action No. 07-2867 (NLH), which is currently pending in the United States District Court, District of New Jersey (the “Menu Foods Case”). Defendants disagree and have refused to mutually agree to stay discovery until after the final approval hearing is held and an order issued determining whether or not the Menu Food Case class action settlement is granted final approval, notwithstanding the fact that the Court’s Amended Order Setting Trial and Pre-Trial Schedule, dated April 25, 2008, permits the parties to “stipulate to extend” discovery. Moreover, Defendants have refusal to exclude this case from the release of the Menu Foods Case settlement agreement. As a result, Plaintiff will file a motion seeking a stay.

**Exhibit "A"**

July 17, 2008

Philip A. Sechler, Esq.

**Re: Blaszkowski v. Mars, Incorporated, et al.**

Page No. 2

Notwithstanding Plaintiffs' intention to seek a stay, pursuant to my agreement during the teleconference, the following is Plaintiffs' proposed staging of the discovery. Since the parties are under a July 21<sup>st</sup> deadline to submit a joint discovery staging report, we request that Defendants submit a response to our proposal by no later than July 20<sup>th</sup> so that the parties may continue to meet and confer before the July 21<sup>st</sup> deadline.

**A. Plaintiffs' Proposed Written Discovery Schedule**

Plaintiffs propose the following written discovery schedule. Defendants shall respond to the discovery propounded by Plaintiffs' as follows:

<b>Response Date</b>	<b>Propounded By</b>	<b>Propounded To</b>	<b>Description</b>
11/3/08	Plaintiffs	Del Monte Foods, Co.	First Request for Documents
11/3/08	Plaintiffs	Hill's Pet Nutrition	First Request for Documents
11/3/08	Plaintiffs	Mars Petcare US, Inc.	First Request for Documents
11/3/08	Plaintiffs	Mars, Inc.	First Request for Documents
8/25/08	Plaintiffs	Natura Pet Products, Inc.	First Request for Documents
11/3/08	Plaintiffs	Nestle Purina Petcare Co.	First Request for Documents
11/3/08	Plaintiffs	Nutro Products, Inc.	First Request for Documents
11/3/08	Plaintiffs	The Iams Co.	First Request for Documents
11/3/08	Plaintiffs	Del Monte Foods, Co.	Second Request for Documents
11/3/08	Plaintiffs	Hill's Pet Nutrition	Second Request for Documents
11/3/08	Plaintiffs	Mars Petcare US, Inc.	Second Request for Documents
11/3/08	Plaintiffs	Mars, Inc.	Second Request for Documents
8/25/08	Plaintiffs	Natura Pet Products, Inc.	Second Request for Documents
11/3/08	Plaintiffs	Nestle Purina Petcare Co.	Second Request for Documents
11/3/08	Plaintiffs	Nutro Products, Inc.	Second Request for Documents
11/3/08	Plaintiffs	The Iams Co.	Second Request for Documents
11/3/08	Plaintiffs	Del Monte Foods, Co.	Third Request for Documents
11/3/08	Plaintiffs	Hills Pet Nutrition	Third Request for Documents

July 17, 2008

Philip A. Sechler, Esq.

**Re: Blaszkowski v. Mars, Incorporated, et al.**

Page No. 3

---

11/3/08	Plaintiffs	Mars Petcare US, Inc.	Third Request for Documents
11/3/08	Plaintiffs	Mars, Inc.	Third Request for Documents
8/25/08	Plaintiffs	Natura Pet Products, Inc.	Third Request for Documents
11/3/08	Plaintiffs	Nestle Purina Petcare Co.	Third Request for Documents
11/3/08	Plaintiffs	Nutro Products, Inc.	Third Request for Documents
11/3/08	Plaintiffs	The Iams Co.	Third Request for Documents

Plaintiffs shall produce all relevant documents and supplement their written responses to the written discovery propounded Defendants to Jennifer Damron, Renee Blaszkowski, Cindy Trejoe, Susan Peters, JoAnn Murphy, and Yvonne Thomas by August 11, 2008. limited solely to their purchases of pet food brands of Defendant Natura Pet Products, Inc. Plaintiffs shall produce all relevant documents and supplement their written responses to the written discovery propounded Defendants to Donna Hopkins-Jones, Tone Gaglione, Michele Lucareli, Claire Kotzampaltiris, Pat Davis, Raul Isern, Danielle Valoras, and Lisa MacDonald by October 20, 2008. Plaintiffs shall produce all relevant documents and supplement their written responses to the written discovery propounded Defendants to Ann Quinn, Deborah Hock, Marlena Rucker, Sandy Shore, Patricia Hanrahan, Stephanie Stone, Carolyn White, Jane Herring, Marian Lupo, Julie Nelson, Beth Wilson, Lou Wiggins, Sharon Mathiesen, Debbie Rice, and Linda Brown by November 25, 2008.

**B. Plaintiffs' Proposed Deposition Schedule**

Plaintiffs propose the following deposition schedule as follows:

<b>Deponent</b>	<b>Deposition Date</b>	<b>Deposition Location</b>
Plaintiff, Susan Peters	August 25, 2008	Miami
Plaintiff, Renee Blaszkowski	August 28, 2008	Miami
Plaintiff, Yvonne Thomas	September 2, 2008	Miami
Plaintiff, Joanne Murphy	September 24, 2008	Washington, DC
Plaintiff, Jennifer Damron	September 25, 2008	Washington, DC
Plaintiff, Cindy Tregoe	September 29, 2008	Washington, DC

July 17, 2008

Philip A. Sechler, Esq.

**Re: Blaszkowski v. Mars, Incorporated, et al.**

Page No. 4

---

Plaintiff, Donna Hopkins-Jones	November 3, 2008	New York
Plaintiff, Tone Gaglione	November 4, 2008	New York
Plaintiff, Michele Lucareli	November 5, 2008	New York
Plaintiff, Claire Kotzampaltiris	November 6, 2008	New York
Plaintiff, Pat Davis	November 24, 2008	Miami
Plaintiff, Raul Isern	November 25, 2008	Miami
Plaintiff, Danielle Valoras	December 1, 2008	Miami
Plaintiff, Lisa MacDonald	December 2, 2008	Miami
Plaintiff, Ann Quinn	December 8, 2008	Las Vegas
Plaintiff, Deborah Hock	December 9, 2008	Los Angeles
Plaintiff, Marlena Rucker	December 10, 2008	Los Angeles
Plaintiff, Sandy Shore	December 11, 2008	Los Angeles
Plaintiff, Patricia Hanrahan	December 12, 2008	Los Angeles
Plaintiff, Stephanie Stone	December 22, 2008	Washington, DC
Plaintiff, Carolyn White	December 23, 2008	Washington, DC
Plaintiff, Jane Herring	December 26, 2008	Washington, DC
Plaintiff, Marian Lupo	December 29, 2008	Washington, DC
Plaintiff, Julie Nelson	January 5, 2009	St. Louis
Plaintiff, Beth Wilson	January 6, 2009	St. Louis
Plaintiff, Lou Wiggins	January 7, 2009	St. Louis
Plaintiff, Sharon Mathiesen	January 8, 2009	St. Louis
Plaintiff, Debbie Rice	January 9, 2009	St. Louis
Plaintiff, Linda Brown	January 12, 2009	Minneapolis

The depositions of Jennifer Damron, Renee Blaszkowski, Cindy Trejoe, Susan Peters, JoAnn Murphy, and Yvonne Thomas limited solely to their purchases of pet food brands of Defendant Natura Pet Products, Inc. Plaintiffs Jennifer Damron, Renee Blaszkowski, Cindy Trejoe, Susan Peters, JoAnn Murphy, and Yvonne Thomas agree to be deposed for a second day by after completion of the remaining Plaintiffs' depositions. After completion of depositions of Jennifer Damron, Renee Blaszkowski, Cindy Trejoe, Susan Peters, JoAnn Murphy, and Yvonne

July 17, 2008

Philip A. Sechler, Esq.

**Re: Blaszkowski v. Mars, Incorporated, et al.**

Page No. 5

---

Thomas limited solely to their purchases of pet food brands of Defendant Natura Pet Products, Inc., the depositions of Defendant Natura Pet Products, Inc. will be required to sit for depositions on mutually dates to be completed before October 31, 2008. After completion of depositions of Donna Hopkins-Jones, Tone Gaglione, Michele Lucareli, Claire Kotzampaliris, Pat Davis, Raul Isern, Danielle Valoras, and Lisa MacDonald, the depositions of all Defendants will be required to sit for depositions on mutually dates to be completed before February 2, 2009.

**C. Plaintiffs' Proposed Revisions to the Trial and Pre-Trial Schedule**

Plaintiffs would also stipulate to the following dates for the following trial and per-trial dates:

Plaintiffs shall file their motion(s) for class certification by February 23, 2009.

The parties shall select a mediator on or before May 4, 2009, and complete the mediation by May 26, 2009.

All fact discovery shall be completed by May 11, 2009.

Exchange expert witness summaries and reports required by June 18, 2009, exchange rebuttal expert witness summaries and reports by July 9, 2009, and all expert discovery completed by September 14, 2009.

All pre-trial motions, other than motions *in limine*, filed by November 2, 2009.

Parties submit joint pre-trial stipulation and motions *in limine* by January 4, 2010, and submit proposed jury instructions by January 18, 2010.

We look forward to your response.

Sincerely,

Patrick N. Keegan, Esq.

PNK/sj

cc: Catherine J. MacIvor, Esq. (by email)

All Defendants' counsel (by email)