

From: Patrick Keegan [pkeegan@keeganbaker.com]
Sent: Wednesday, July 09, 2008 8:12 PM
To: 'Davis, Amy'
Cc: 'Licko, Carol A.'; jmcdonough@cozen.com; rfama@cozen.com; jarden@sidley.com; jkuster@sidley.com; mgoodman@ssd.com; jbmurray@ssd.com; 'Butswinkas, Dane'; 'Houlihan, Patrick'; Ireland, D. Jeffrey; 'Troyer, Robert C.'; 'Hoover, Craig A.'; 'Berge, Miranda L.'; alexander.shaknes@dlapiper.com; jmullen@cozen.com; Wright, Brian D.; 'Sechler, Phil'; 'Hentoff, Tom'; Sanom, Laura A.; kmccall@sidley.com; breid@carltonfields.com; RLHanger@ssd.com; rd@kubickidraper.com; hugh.turner@akerman.com; agreer@richmangreer.com; scolombo@cozen.com; JReuss@lanealton.com; adober@akingump.com; rteslik@akingump.com; dtamarazzo@patinolaw.com; rpatino@patinolaw.com; acraig@carltonfields.com; kcaverly@hcesq.com; jyork@mcguirewoods.com; ckalil@aballi.com; BLitten@ssd.com; lonnie.simpson@dlapiper.com; DTamarazzo@patinolaw.com; alan.fry@akerman.com; csalup@patinolaw.com; jpoyer@aballi.com; jnegovan@cozen.com; rwheeler@cozen.com; 'Lund, Juli'; 'Hogan, E. Desmond'; psb@kubickidraper.com; tfarmani@hcesq.com; amy.schulman@dlapiper.com; ovieira@carltonfields.com; douglas.knox@dlapiper.com; william.martin@dlapiper.com; rfulmer@fulmer.leroy.com; mgjel@mcguirewoods.com; ortegalaw@bellsouth.net; mjiminez@kennynachwalter.com
Subject: Case 1:07-cv-21221-CMA Blaszkowski et al v. Mars Inc. et al - Plaintiffs' Discovery Responses Meet & Confer

Attached hereto please find my response letter to Mr. Philip Sechler letter dated July 8th.

Patrick N. Keegan, Esq.
 KEEGAN & BAKER, LLP
 4370 La Jolla Village Drive, Suite 640
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From: Davis, Amy [mailto:ADavis@wc.com]
Sent: Tuesday, July 08, 2008 2:57 PM
To: CMacIvor@mlegal.com; pkeegan@kmb-law.com
Cc: Licko, Carol A.; jmcdonough@cozen.com; rfama@cozen.com; jarden@sidley.com; jkuster@sidley.com; mgoodman@ssd.com; jbmurray@ssd.com; Butswinkas, Dane; Houlihan, Patrick; djireland@ficlaw.com; Troyer, Robert C.; Hoover, Craig A.; Berge, Miranda L.; alexander.shaknes@dlapiper.com; jmullen@cozen.com; bwright@ficlaw.com; Sechler, Phil; Hentoff, Tom; lsanom@ficlaw.com; kmccall@sidley.com; breid@carltonfields.com; RLHanger@ssd.com; rd@kubickidraper.com; hugh.turner@akerman.com; agreer@richmangreer.com; scolombo@cozen.com; JReuss@lanealton.com; adober@akingump.com; rteslik@akingump.com; dtamarazzo@patinolaw.com; rpatino@patinolaw.com; acraig@carltonfields.com; kcaverly@hcesq.com; jyork@mcguirewoods.com; ckalil@aballi.com; BLitten@ssd.com; lonnie.simpson@dlapiper.com; DTamarazzo@patinolaw.com; alan.fry@akerman.com; csalup@patinolaw.com; jpoyer@aballi.com; jnegovan@cozen.com; rwheeler@cozen.com; Lund, Juli; Davis, Amy; Hogan, E. Desmond; psb@kubickidraper.com; tfarmani@hcesq.com; amy.schulman@dlapiper.com; ovieira@carltonfields.com; douglas.knox@dlapiper.com; william.martin@dlapiper.com; rfulmer@fulmer.leroy.com;

Exhibit D

mgjel@mcguirewoods.com; ortegalaw@bellsouth.net; mjiminez@kennynachwalter.com

Subject:

Dear Mr. Keegan and Ms. MacIvor,

Please see the attached correspondence from Phil Sechler on behalf of all Defendants.

Thanks,

Amy R. Davis

Williams & Connolly LLP

725 Twelfth Street, NW

Washington, DC 20005

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July 9, 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 response to your letter dated July 8, 2008, requesting that parties meet and confer on either July 14th or July 15th concerning Plaintiffs' June 30, 2008 responses to Defendant Mars Incorporated's first sets of Interrogatories and Documents, and Defendant Natura Pet Products' first set of interrogatories. Are available to confer with you on July 15th by conference call after 1:00 p.m. PT/4:00 p.m. ET.

However, I believe that the discovery issues and depositions noticed by Defendant Mars Incorporated, and every other defendant in this case except for Defendant Natura Pet Products, is moot 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"). Consistent with this position, the named plaintiffs plan to file a motion within ten days informing the Miami Court of the stay obtained by Defendant Mars Incorporated, and every other defendant in this case except for Defendant Natura Pet Products, from the New Jersey Court and requesting that a stay be entered as to all named plaintiffs and named defendants in this case effected by the preliminary approval order in the Menu Foods Case.

As you know, I have only been recently admitted into this case as plaintiffs counsel, and my firm has thereafter undertaken a review of the hundreds of pages comprising the settlement agreement, preliminary approval order, the class action notice, and proof of claim form from the Menu Foods Case. On May 30, 2008, prior to my admission, the New Jersey Court granted a motion for preliminary approval of a class action settlement which purports to stay all actions

July 9, 2008

Philip A. Sechler, Esq.

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

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against the release parties (including Defendant Mars Incorporated, and every other defendant in this case except for Defendant Natura Pet Products) and to release all claims alleged against Defendant Mars Incorporated, and every other defendant in this case except for Defendant Natura Pet Products, regarding the sale of their pet food products. Notwithstanding the fact that Ms. MacIvor was told that the instance case would be expressly excluded from the release in the Menu Foods Case settlement agreement, this case was not excluded from the preliminary approved class action settlement in the Menu Foods Case. Therefore, the claims of the named plaintiffs who have alleged claims against Defendant Mars Incorporated, and every other defendant in this case except for Defendant Natura Pet Products, will be released in the Menu Food Case if the Menu Foods Case settlement is finally approved by the New Jersey Court in November of this year.

As a result, it would be an obvious waste of the parties' resources and judicial resources of the Miami Court for Defendant Mars Incorporated, and every other defendant in this case except for Defendant Natura Pet Products, to continue to seek written discovery responses and take the depositions of the named plaintiffs who have alleged claims against them 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. Accordingly, the named plaintiffs ask Defendant Mars Incorporated to voluntarily agree to such a stay. Please inform us by no later than July 15th at 1:00 p.m. PT/4:00 p.m. ET if Defendant Mars Incorporated would agree to stipulate to such a stay. We look forward to your response.

Sincerely,

Dictated, but not read

Patrick N. Keegan, Esq.

PNK/sj

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