

# **EXHIBIT S**

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Date: June 30, 2008  
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To: Patrick Keegan  
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Fax Number: (858) 552-6749  
From: Quynh Nguyen, Assistant to  
Kristen E. Caverly

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**Attachments:**    -    Letter to Ms. MacIvor dated 06/27/08  
                          -    Deposition Stipulation

**Comments:**                    For your information

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Estate Planning

June 27, 2008

Trust  
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& Probate

**VIA E-MAIL & FACSIMILE**

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Restructuring  
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Catherine:

Commercial  
Litigation

June 13, I sent you a proposed stipulation for the plaintiffs' depositions. I have not heard anything back from you despite our efforts to lock down dates for plaintiffs' depositions going back to April and my deposition notices calling for those depositions to begin in May.


Business  
& Real Property  
Transactions

Please respond by Monday so that defendants know whether this is an issue which will need to be addressed by the Court.

Charitable  
Foundations

Very truly yours,

Intellectual  
Property Law

  
Kristen E. Caverly

KEC/qn

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 1:07-21221 CIV- ALTONAGA/BROWN

RENEE BLASZKOWSKI, et al., individually  
and on behalf of others similarly situated,

Plaintiffs,

v.

MARS INC., *et al.*,

Defendants.

**STIPULATION SCHEDULING PLAINTIFFS'  
DEPOSITION AND CONDITIONS THERETO**

Pursuant to Federal Rules of Civil Procedure Rule 29, Plaintiffs<sup>1</sup> and Defendants,<sup>2</sup>  
through their respective counsel hereby stipulate to the following schedule for Plaintiffs'  
depositions and the conditions thereto:

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<sup>1</sup> The named plaintiffs are: Renee Blaszkowski, Patricia Davis, Susan Peters, Deborah Hock, Beth Wilson, Claire Kotzampaltiris, Donna Hopkins-Jones, Marian Lupo, Jane Herring, Jo-Ann Murphy, Stephanie Stone, Patricia Hanrahan, Debbie Rice, Ann Quinn, Sharon Mathiesen, Sandy Shore, Carolyn White, Lou Wiggins, Michelle Lucarelli, Raul Isern, Danielle Valoras, Lisa MacDonald, Cindy Tregoe, Jennifer Damron, Marlana Rucker, Julie Nelson, Yvonne Thomas, Debbie McGregor, Linda Brown, and Tone Gaglione (collectively "Plaintiffs").

<sup>2</sup> The defendants include: Mars, Incorporated; Mars Petcare U.S., Inc.; The Iams Company; Hill's Pet Nutrition, Inc.; Del Monte Foods, Company; Nestle Purina PetCare Company; Nutro Products, Inc.; Natura Pet Products, Inc.; Menu Foods, Inc.; Menu Foods Income Fund; Publix Supermarkets, Inc.; New Albertson's, Inc.; Albertson's LLC; PETCO Animal Supplies, Stores Inc.; Pet Supermarket, Inc.; Pet Supplies Plus/USA, Inc.; PetSmart, Inc.; Target Corporation; and Wal-Mart Stores, Inc. (collectively "Defendants").

1. Plaintiff Donna Hopkins-Jones will be deposed in New York on August 4, 2008.
2. Plaintiff Tone Gaglione will be deposed in New York on August 5, 2008.
3. Plaintiff Michelle Lucarelli will be deposed in New York on August 6, 2008.
4. Plaintiff Claire Kotzampaltiris will be deposed in New York on August 7, 2008.
5. Plaintiff Susan Peters will be deposed in Miami on August 25, 2008.
6. Plaintiff Pat Davis will be deposed in Miami on August 26, 2008.
7. Plaintiff Raul Isern will be deposed in Miami on August 27, 2008.
8. Plaintiff Renee Blaszkowski will be deposed in Miami on August 28, 2008.
9. Plaintiff Danielle Valoras will be deposed in Miami on August 29, 2008.
10. Plaintiff Yvonne Thomas will be deposed in Miami on September 2, 2008.
11. Plaintiff Lisa MacDonald will be deposed in Miami on September 3, 2008.
12. Plaintiff Deborah Hock will be deposed in Los Angeles on September 9, 2008.
13. Plaintiff Marlana Rucker will be deposed in Los Angeles on September 10, 2008.
14. Plaintiff Sandy Shore will be deposed in Los Angeles on September 11, 2008.

15. Plaintiff Patricia Hanrahan will be deposed in Los Angeles on September 12, 2008.
16. Plaintiff Stephanie Stone will be deposed in Washington, DC on September 22, 2008.
17. Plaintiff Carolyn White will be deposed in Washington, DC on September 23, 2008.
18. Plaintiff Joanne Murphy will be deposed in Washington, DC on September 24, 2008.
19. Plaintiff Jennifer Damron will be deposed in Washington, DC on September 25, 2008.
20. Plaintiff Jane Herring will be deposed in Washington, DC on September 26, 2008.
21. Plaintiff Cindy Tregoe will be deposed in Washington, DC on September 29, 2008.
22. Plaintiff Marian Lupo will be deposed in Washington, DC on September 30, 2008.
23. Plaintiff Julie Nelson will be deposed in St. Louis on October 6, 2008.
24. Plaintiff Beth Wilson will be deposed in St. Louis on October 7, 2008.
25. Plaintiff Lou Wiggins will be deposed in St. Louis on October 8, 2008.
26. Plaintiff Sharon Mathiesen will be deposed in St. Louis on October 9, 2008.
27. Plaintiff Debbie Rice will be deposed in St. Louis on October 10, 2008.

28. Plaintiff Linda Brown will be deposed in Minneapolis on a date to be determined in September 2008 or in Miami during the week of October 20, 2008.

29. Plaintiff Ann Quinn will be deposed in Las Vegas on September 8, 2008.

30. Without a prior agreement by all defense counsel planning to attend the deposition at issue, a plaintiff may miss his/her scheduled deposition only for legitimate illness or personal emergencies, the circumstances of which must be explained to defense counsel as soon as possible but in any event prior to the date of that particular plaintiff's deposition.

31. Plaintiffs who miss their scheduled depositions are required to sit for deposition in Miami during the weeks of September 2, 2008 or October 20, 2008, even if the parties are required to double track the depositions during those periods to complete all of the depositions.

32. As part of the interrogatory responses and mandatory disclosures that are due from Plaintiffs on or before June 23, 2008, each plaintiff agrees to disclose the name and contact information for each veterinarian who has provided treatment or advice regarding a dog or cat owned by a plaintiff.

33. At least 30 days prior to a particular plaintiff's deposition, defense counsel will propose a location for the deposition in the city in which the deposition has been set, which location will be at no charge to Plaintiffs. If Plaintiffs' counsel is dissatisfied with the location selected by the Defendants for any reason, Plaintiffs' counsel may suggest an alternate location, which will accommodate all defense counsel and telephone and videoconferencing access to the deposition, all at Plaintiffs' expense.

34. Further formal notice of the taking of Plaintiffs' depositions shall not be required, and defendant Natura Pet Products, Inc.'s prior deposition notices on behalf of all Defendants shall be deemed amended to the dates and locations set forth herein.

35. Defense counsel for each defendant and Plaintiffs' counsel may observe and participate in all depositions in person or via telephone and/or video conferencing to be arranged by the respective participating parties at their sole expense. One counsel for Plaintiffs and one counsel for each defendant attending the deposition, whether in person, by phone or by videoconferencing, shall be allowed to ask questions of the witness.

36. Each defendant will be able to designate the location of its own deposition(s) and that of its employees, at no charge to plaintiffs, provided that the deposition location shall be within the general proximity of the facility in which that defendant/witness is primarily employed.

37. No defendant will be required to sit for deposition until at least the first two sets of plaintiffs' depositions (New York and Miami) are concluded. Plaintiffs' counsel will discuss with each particular defense counsel the further specifics of his/her client's depositions.

38. Except as set forth herein, all depositions in this action will be subject to the local rules of the United States District Court, Southern District of Florida.

**STIPULATED TO AND AGREED BY:**

DATED: \_\_\_\_\_, 2008

[Signature Pages Follow]



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