

# **EXHIBIT I**

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**From:** Kristen Caverly [mailto:kcaverly@hcesq.com]  
**Sent:** Thursday, May 22, 2008 11:14 AM  
**To:** Catherine J. MacIvor  
**Cc:** Bjorg Eikeland; Russell Keith; Rosemarie McGhow  
**Subject:** Blaskowski - Plaintiffs' Deposition Schedule

Cathy,

The defendants as a group have given me authority to respond to the proposed deposition schedule for plaintiffs presented in your May 14 letter.

When considering this proposed agreement, please bear in mind that many of the defendants feel they are making an enormous concession in not requiring each plaintiff to travel to Miami to be deposed, as the rules provide and as noticed. In addition, since the depositions were noticed to commence in May and run through to July, it is a considerable further concession to allow the depositions not to begin until August to accommodate your schedule.

Therefore, the defendants are willing to stipulate to your proposal - but only on the following express conditions. Absent such agreement the plaintiffs will need to appear in Miami.

1. Susan Peters will be deposed in Miami on August 25 and Yvonne Thomas will be deposed in Miami on September 2. We then would like to see Sharon Mathiesen moved from October 13 in St. Louis to October 9 and Michelle Lucarelli moved to August 6 in New York, so that there is no break in the deposition days where traveling counsel will have to sit idle.
2. The depositions slated on your proposed schedule for Las Vegas would occur in Los Angeles on the dates provided. It is much easier for defense counsel around the country to get to Los Angeles, defense counsel has use of facilities in Los Angeles, and Los Angeles does not appear to be any more difficult for the witnesses given their locations.
3. Due to the fact that travel will be required by many parties for each deposition, without a prior agreement by all defense counsel planning to attend, a plaintiff will miss his/her scheduled deposition only for legitimate illness or personal emergencies, the circumstances of which must be explained to the counsel attending that particular deposition. Plaintiffs who miss their scheduled deposition date will sit for deposition in Miami during the weeks of September 2 or October 20, 2008, even if we are required to double or triple track the depositions in order to finish them that last week. Changing locations for a particular plaintiff will not be agreeable except to move the deponent to Miami the week of September 2 or October 20 since each defense counsel will not be traveling to each location.
4. Defendants will be provided all documents related to a specific plaintiff at least 30 days prior to the deposition date as scheduled. For example, your rolling production and privilege log for Ms. Kotzampaltiris must be completed no later than July 5 and so on. This agreement will apply to the originally scheduled deposition date, even if a particular plaintiff reschedules for Miami ahead of time. Defendants will reciprocate with their respective depositions.
5. Each plaintiff will disclose the purchase location for each product identified on your list, filed May 21, and the name and contact information for each treating veterinarian by June 19, 2008.
6. Defendant depositions will be conducted within the general proximity of the facility in which the witness is primarily employed and will not commence before at least the first two sets of plaintiffs' depositions (New

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York and Miami) are concluded. You will need to deal with each particular defense counsel regarding the further specifics of their client's depositions.

7. Defense counsel may observe and participate in all depositions via telephone and/or video conferencing to be arranged by defendants at their expense.
8. Defense counsel will provide a location for the plaintiffs' depositions at no charge, but you are free to select an alternative location at your expense. Defendants will be able to designate the location of their own client's deposition, at no charge to you.
9. Except as set forth above, all depositions will be subject to the local rules of the Southern District of Florida.

If the above is agreeable, please let me know promptly, and I will prepare a stipulation. Given all of the parties involved, I think we need to reduce the agreement and the schedule to a formal writing. The defendants will need to have this agreed to, if it is to be agreed, prior to your departure on May 27.

Kristen

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