

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 07-21221 CIV ALTONAGA/Turnoff

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

Plaintiffs/Class Representatives,

vs.

MARS INC., *et al*,

Defendants/Class Representatives.

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**PLAINTIFFS' OPPOSITION TO DEFENDANTS'  
MOTION TO COMPEL DEPOSITIONS OF PLAINTIFFS**

**A. Defendants' Motion To Compel Plaintiffs' Depositions Should Be Denied Because Plaintiffs Have Stipulated To Have Their Depositions Taken In Mid-September.**

Defendants motion to compel Plaintiffs' depositions should be denied as being premature and moot because, after further discussions with counsel for Defendants, Plaintiffs have agreed to the deposition schedule originally proposed by Defendants, except for the change of the Plaintiffs' depositions during the week of August 4<sup>th</sup> to the week of September 15<sup>th</sup>.

The parties initially could not reach an agreement regarding dates for Plaintiffs' depositions during the week of August 4<sup>th</sup>, given the fact of the admission of additional Plaintiffs' counsel only last month. Newly associated Plaintiffs' counsel has not yet completed their communications with these Plaintiffs, reviews the file, and legal research and factual investigations necessary to their participation in these depositions. (Keegan Decl. ¶2.) Counsel for Plaintiffs discussed the rescheduling of depositions of Plaintiffs Claire Kotzampaltiris, Donna Hopkins-Jones, Tone Gaglione and Michelle Lucarelli with Defendants' counsel on July 28,

2008, and, pursuant to Defendants' counsel's suggestion, has agreed to stipulated to the rescheduling of Plaintiffs' depositions during the week of August 4<sup>th</sup> to the week of September 15<sup>th</sup> as follows:

September 16<sup>th</sup> – Deposition of Claire Kotzampaltiris in New York;  
September 17<sup>th</sup> – Deposition of Donna Hopkins-Jones in New York;  
September 18<sup>th</sup> – Deposition of Tone Gaglione in New York;  
September 19<sup>th</sup> – Deposition of Michelle Lucarelli in New York.

(Keegan Decl. ¶3.) Further, there are no dispositive motions, ADR, hearings, or other matters between now and Plaintiffs' stipulated dates as set forth above that would necessitate "good cause" for earlier dates than those which Plaintiffs have now agreed to. (Keegan Decl. ¶4.)

As the Plaintiffs' have agreed regarding the rescheduling of Plaintiffs' depositions of Claire Kotzampaltiris, Donna Hopkins-Jones, Tone Gaglione and Michelle Lucarelli at the location and dates suggested by Defendants, and there are no circumstances warranting the depositions being taken prior to these stipulated dates, this motion to compel is premature and moot, and should be denied on those grounds.

Dated: July 28, 2008  
Miami, FL

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that the foregoing was electronically filed with the Clerk of the Court via CM/ECF on July 28, 2008. We also certify that the foregoing was served on all counsel or parties of record on the attached Service List either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronic Notices of Filing.

/s Catherine J. MacIvor  
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