

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 07-21221 CIV ALTONAGA/Brown

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

Plaintiffs/Class Representatives,
vs.

MARS INC., *et al.*

Defendants.

**PLAINTIFFS' MOTION TO CONTINUE THE
HEARING SET BEFOR JUDGE BROWN JULY 31, 2008**

Plaintiffs, Renee Blaszkowski, *et al.*, respectfully request this Court to enter an Order continuing the hearing on the Defendants' Motions to Compel that is currently scheduled to be heard on July 31, 2008 and as grounds thereof, states as follows:

1. On July 21, 2008, The Defendants filed several Motions with voluminous supporting documentation and a request for oral argument, relating to Compelling Depositions and Better Answers to Interrogatories and Requests for Production. [DE 428-30].

2. This Court set a hearing for July 31, 2008.

3. Since the time that the Court set the hearing up to the time that this Motion is filed, Co-Lead Counsel, Patrick Keegan, has essentially worked out the issues with the depositions

4. In the interim, the Plaintiffs have moved to stay the case because co-lead counsel, Patrick Keegan, has determined that the settlement in a pending a pending Multi-District Litigation case may release the claims in this lawsuit except for Defendant, Natura, if the broad

release language is ultimately approved by the Court in that case. Judge Altonaga denied the Motion for Stay without prejudice and invited the Plaintiffs to confer with the Defendants regarding whether to stay the entire case pending a resolution of the Objection to the MDL settlement.

5. The Plaintiffs have conferred with the Defendants and while the Defendants take the position that the broad release language does not include this case, they also refuse to stipulate that it does not. This has placed the Plaintiffs in an extremely prejudicial position since the Defendants are aggressively pursuing this case, but will not stipulate that the MDL settlement release the claims that are the subject of multiple depositions in various states and written discovery that will be narrowed to one defendant if all other Plaintiffs claims are released. If that occurs judicial resources will be wasted on claims that may never go forward and the parties will spend significant time, effort and money litigating moot issues.

6. Judge Altonaga has entered an Order requiring the parties to appear for a hearing on the Plaintiffs' Motion for Stay on July 31, 2008 at 11:00 a.m. If the stay order is entered, the hearing on discovery will be rendered moot.

7. Additionally, the undersigned is scheduled to appear at a pre-trial conference where numerous motions will be argued before the Court in *Levenshon v. Randall*, Case No. 05-61664. Moreover, this case is set for trial to commence on August 4, 2008. Thus, because of the conflict and the impending trial, the undersigned requests that the hearing be continued until August 11, 2008.

8. Prior to having to file this Motion, the undersigned determined that Co_Lead Counsel, Patrick Keegan, is also unavailable.

8. If this Motion is not granted, the Plaintiffs' will be severely prejudiced in their ability to defend this Motion.

9. There will be no prejudice to the Defendants if it is granted.

10. This Motion is not filed for the purpose of delay, but rather to simply give the Plaintiffs' counsel an adequate opportunity to argue the objections to the Defendants' discovery requests.

11. The Plaintiffs' counsel requested the Defendants' position regarding a continuance prior to filing this Motion. One Defendant contacted the undersigned and asked to hold off on the filing of this Motion and the undersigned responded that the Motion would be filed after 1:00 p.m. Nothing further has been heard from any Defendant.

WHEREFORE, the Plaintiffs respectfully request this Court to continue the July 31, 2008 hearing to August 11, 2008 for all of the reasons set forth above and for all other relief that this court deems just and proper.

Dated: July 29, 2008
Miami, FL

/s Catherine J. MacIvor

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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 29, 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.

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