

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 07-21221 CIV ALTONAGA

RENEE BLASZKOWSKI, AMY HOLLUB and
PATRICIA DAVIS, individually and on behalf
others similarly situated,

Plaintiffs,

v.

MARS INC.,
PROCTOR AND GAMBLE CO.,
COLGATE PALMOLIVE COMPANY,
DEL MONTE FOODS, CO.,
NESTLE USA INC.,
NUTRO PRODUCTS INC.,
MENU FOODS, INC.,
MENU FOODS INCOME FUND,
PUBLIX SUPERMARKETS, INC.,
WINN-DIXIE STORES, INC.,
PETCO ANIMAL SUPPLIES,
PET SUPERMARKET, INC.
PETSMART INC.
TARGET CORP.,
WAL-MART STORES, INC.

Defendants.

**JOINT MOTION FOR ENLARGEMENT OF TIME TO FILE JOINT
SCHEDULING REPORT AND CERTIFICATES OF INTERESTED PARTIES**

Defendant, DEL MONTE FOODS, CO., pursuant to Rule 6(b) of the Federal
Rules of Civil Procedure, moves for an enlargement of time to file the Joint Scheduling
Report and Certificates of Interested Parties. This joint motion is also submitted by and
on behalf of PROCTOR AND GAMBLE, COLGATE PALMOLIVE, NESTLE USA,

INC., NUTRO PRODUCTS, MENU FOODS, INC./MENU FOODS INCOME FUND, PETSMAART, INC. and PET SUPERMARKET, INC.¹

The grounds for the motion are:

1. Cozen O'Connor was only recently retained to represent DEL MONTE FOODS, CO. in the within action.

2. On May 16, 2007, before Del Monte Foods, Co. and many of its co-defendants were served with the Summons and Complaint in this action, the Court issued an Order directing all parties to file a Joint Scheduling Report and Certificates of Interested Parties.

3. As of this date, defendants, MENU FOODS, INC., MENU FOODS INCOME FUND and PROCTOR AND GAMBLE CO., have not been served with the Summons and Complaint.

4. On June 5, 2007, plaintiffs' counsel consented to the undersigned's request for an extension to respond to the Complaint until July 5, 2007. This Honorable Court granted DEL MONTE's application on June 6, 2007. It is our understanding that many other defendants' time to respond to the Complaint has been extended to July 5, 2007 as well.

5. On the afternoon of June 5, 2007, the undersigned became aware of the existence of the Court's Subject Order upon reviewing the electronic case docket. After learning of the Subject Order, the undersigned made a good faith attempt, in writing, to resolve the issue of an enlargement of time to file the Joint Scheduling Report and

¹ Defendants further state that they are making a special appearance for the sole purpose of moving for an enlargement of time to file corporate disclosures and a proposed scheduling report, and that they hereby reserve their rights to assert all available defenses

Certificates of Interested Parties as required by Local Rule 7.1(A)(3).

6. Plaintiffs' counsel opposed defendants' request for an enlargement of time to file the Joint Scheduling Report and Certificates of Interested Parties.

7. Counsel for NUTRO PRODUCTS, INC., COLGATE PALMOLIVE COMPANY and NESTLE USA, INC. also contacted plaintiffs' counsel in order to secure an enlargement of time to file a Joint Scheduling Report and Certificates of Interested Parties. Plaintiffs' counsel opposed those requests as well.

8. It was not until late in the evening of June 5, 2007 that plaintiffs' counsel circulated her proposed Joint Scheduling Report to any of the defendants, and others did not receive until June 6, 2007.

9. DEL MONTE FOODS, CO. and all other participating co-defendants, respectfully request that the timeframe of the Court's Subject Order directing a Joint Scheduling Order and Certificates of Interested Parties to be filed by June 7, be enlarged until at least after July 10, 2007, merely five days after many of the defendants' responses are due. Such an enlargement will assure that the above-named defendants will be allowed to engage in a meaningful discourse with their clients, co-defendants, and plaintiffs' counsel regarding a joint scheduling report and thereby provide for more efficient management of the case by the Court and the parties. Indeed, it makes little sense to compel defendants, some of whom have not yet been served with the Summons and Complaint and all of whom have not yet appeared in this action, to enter into a discovery schedule. This is particularly true since many of the defendants will likely be propounding pre-answer motions to dismiss pursuant to FRCP 12(b)(6).

in the future, including but not limited to lack of personal jurisdiction.

10. This application is made in good faith and not for any purpose of undue delay.

WHEREFORE, the above-named defendants respectfully request an enlargement of time to file the Joint Scheduling Report and Certificates of Interested Parties.

Dated: June 6, 2007

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been furnished via the Court's electronic e-filing this 6th day of June, 2007, upon:

CASE NO. 07-21221 ALTONAGA/Turnoff

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