

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 07-21221-CIV-ALTONAGA/TURNOFF

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, MARLENA RUCKER, JULIE
NELSON, YVONNE THOMAS, DEBBIE MCGREGOR,
LINDA BROWN and TONE GAGLIONE,
individually and on behalf of others similarly situated,

Plaintiffs,

vs.

MARS INC., MARS PETCARE US, INC., PROCTER
AND GAMBLE CO., THE IAMS CO., COLGATE
PALMOLIVE COMPANY, HILL'S PET NUTRITION,
DEL MONTE FOODS, CO., NESTLÉ USA INC., NESTLÉ
PURINA PETCARE CO., NUTRO PRODUCTS INC.,
DEL MONTE PET PRODUCTS, INC., MENU FOODS, INC.,
MENU FOODS INCOME FUND, PUBLIX SUPER MARKETS,
INC., NEW ALBERTSON'S INC., ALBERTSON'S LLC,
THE KROGER CO. OF OHIO, PETCO ANIMAL
SUPPLIES STORES, INC., PET SUPERMARKET,
INC., PET SUPPLIES PLUS/USA INC., PETSMART INC.,
TARGET CORP. AND WAL-MART STORES, INC.,

Defendants.

**DEFENDANT'S, DEL MONTE FOODS CO., NOTICE OF FILING PROOF OF
SERVICE TO *PRO SE* PLAINTIFF LISA MACDONALD**

Defendant, DEL MONTE FOODS, CO. ("Del Monte"), by and through its

undersigned counsel, hereby provides notice of serving *pro se* plaintiff, Lisa MacDonald, with

CASE NO. 07-21221-CIV-ALTONAGA/BROWN
DEFENDANT DEL MONTE PET PRODUCTS, INC.'S ANSWER AND AFFIRMATIVE DEFENSES TO THE
FOURTH AMENDED COMPLAINT, AND DEMAND FOR JURY TRIAL

this Court's August 21, 2008 Order (D.E. #455), Court docket entries 456-460 and the executed Stipulation governing Plaintiffs' depositions in this cause.

Dated: August 28, 2008

Respectfully submitted,

/s/ Sherril M. Colombo
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and

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of August, 2008, I electronically filed the foregoing with the clerk of the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or *pro se* parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF system or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filings.

By: /s/ Sherril M. Colombo

RENEE BLASZKOWSKI, ET AL. vs. MARS, INCORPORATED, ET AL.
Case No. 07-21221-CIV-ALTONAGA/BROWN

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August 27, 2008

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Ms. Lisa MacDonald
1217 East 55th Street
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Re: Blaszkowski et al. v. Mars, Inc. et al.
Case No.: 07-21221-CIV-ALTONAGA/Brown

Dear Ms. MacDonald:

This office represents Del Monte Foods Co. in the above-referenced action. This letter is sent on behalf of all defendants.

As you may be aware, the Court's Order of August 21, 2008 (document numbered "455"), a copy of which is enclosed herein for your reference, requires defense counsel to send all correspondence and Court documents to you at the above-referenced address. Pursuant to the Court's Order, enclosed please find documents numbered "456" through and including "460" entered onto the Court's docket. Also, as a courtesy to you, I have enclosed for your reference a stipulation entered into by your former counsel on behalf of all named plaintiffs, including you, governing plaintiffs' depositions. This stipulation includes a date for your deposition which, as you know, is scheduled for September 3, 2008 in Miami, Florida.

While the parties have exchanged correspondence relative to the dismissal of some of the plaintiffs' claims, pursuant to Federal Rule of Evidence 408, such communications are not being provided to you.

Please feel free to contact me should you have any questions concerning the foregoing.

Very truly yours,

COZEN O'CONNOR

By: Richard Fama

cc: All counsel with enclosures (via ECF)

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of August, 2008, a true and correct copy of the following documents has been sent to Lisa MacDonald, Plaintiff, *pro se*, 1217 East 55th Street, Savannah, Georgia 21404:

1. Letter to Lisa MacDonald dated August 27, 2008 enclosing:
 - A. Court Document Number 455
 - B. Court Document Number 456
 - C. Court Document Number 457
 - D. Court Document Number 458
 - E. Court Document Number 459
 - F. Court Document Number 460
 - G. Stipulation Scheduling Plaintiffs' Depositions and Conditions Thereof



RICHARD FAMA (5358)

NEWYORK_DOWNTOWN\400975\ 205726.000

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 07-21221-CIV-ALTONAGA/Brown

RENEE BLASZKOWSKI,
AMY HOLLUB and PATRICIA
DAVIS *et al.*,

Plaintiffs,

vs.

MARS INC., PROCTOR & GAMBLE CO.,
et al.,

Defendants.

ORDER ON PLAINTIFF'S MOTION TO WITHDRAW

THIS CAUSE came before the Court upon the Motion to Withdraw as Counsel of Record for Plaintiff Lisa MacDonald ("Motion to Withdraw") [D.E. 454] filed by Plaintiff, Lisa MacDonald's counsel of record, the law firm of Maltzman Foreman, P.A. and Keegan and Baker, LLP, on August 21, 2008. The Court has carefully considered the Motion to Withdraw and the pertinent portions of the record. Accordingly, it is


ORDERED AND ADJUDGED as follows:

1. The Motion to Withdraw [D.E. 454] is **GRANTED**. The law firm of Maltzman Foreman, P.A. and Keegan and Baker, LLP are relieved of the responsibility to represent Plaintiff, Lisa MacDonald.
2. The Plaintiff, Lisa MacDonald, shall have **twenty (20) days** from the date of this Order to (1) retain new counsel, who shall file a notice of appearance by this date, or (2) notify this Court of her intent to proceed *pro se*.

CASE NO. 07-21221-CIV-ALTONAGA/Brown

3. Until Plaintiff so notifies the Court and the parties, Defendants are ordered to send all correspondence and court documents to this Plaintiff's last known address: 1217 East 55th Street, Savannah, Georgia 31404.

DONE AND ORDERED in Chambers at Miami, Florida, this 21st day of August, 2008.


CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: counsel of record
Lisa MacDonald, *pro se*

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.

**MALTZMAN FOREMAN PA AND KEEGAN AND BAKER, LLP'S
MOTION TO WITHDRAW AS COUNSEL OF RECORD
FOR PLAINTIFF DEBBIE RICE**

Pursuant to S.D. Fla. L.R. 7.1 and 11.1, and Rule 4-1.16(b) of the Model Rules of Professional Conduct, the undersigned counsel and the law firm of Maltzman Foreman, P.A. and Keegan and Baker, LLP respectfully request this Court to grant them leave to Withdraw as Counsel of Record for Plaintiff Debbie Rice, and in support thereof, states as follows:

I. Introduction

Debbie Rice retained the law firm of Maltzman Foreman to represent her in the above styled class action litigation on approximately July 19, 2007. The last communication that any attorney at the law firm of Maltzman Foreman had with Debbie Rice was approximately at the end of May 2007 at which time she indicated that she wished to voluntarily dismiss her claims without prejudice. From the end of May 2007 until present, counsel at the law firm of Maltzman Foreman have repeatedly attempted to

contact Debbie Rice by telephone and email communication to no avail. Debbie Rice has never responded to any of these communications. Moreover, her last known telephone number is now no longer in service.

II. Representation of Debbie Rice has been rendered unreasonably difficult and there is good cause to withdraw

Rule 4-1.16 of the Rules Regulating the Florida Bar allows for counsel to withdraw from representation if: (1) withdrawal can be accomplished without material adverse effect on the interests of the client; (2) the client insists upon taking action that the lawyer considers repugnant, imprudent, or with which the lawyer has a fundamental disagreement; (3) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled; (4) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or (5) other good cause for withdrawal exists.

Given the fact that Debbie Rice has not informed counsel at Maltzman Foreman PA of her new contact information or responded to any communication, representation of Debbie Rice has been rendered impossible, and is sufficient legal grounds for withdrawal under Rule 4-1.16(4). *Beard v. Shuttermart of Cal., Inc.*, 2008 U.S. Dist. LEXIS 10575, *7 (S.D. Cal. Feb. 13, 2008) ("A client's repeated failure to communicate with counsel in not responding to phone calls and written communication is sufficient to be considered conduct making it unreasonably difficult for counsel to carry out the litigation."); *Benefield v. City of New York*, 2006 NY Slip Op 26482, *3 (N.Y. Sup. Ct. 2006) ("Conflicts of interest, and a failure to communicate with the attorney, may be added to the list of reasons which may justify counsel's withdrawal. A client who fails to respond

to communications from his or her attorney may render continued representation unreasonably difficult.”); *Nat’l Career College, Inc. v. Spellings*, 2007 U.S. Dist. LEXIS 50705, *8 (D. Haw. July 11, 2007) (granting motion to withdraw based on based on “Plaintiffs’ failure to communicate on all aspects of handling the case”). Furthermore, by failing to communicate with counsel, Debbie Rice has failed to fulfill her obligations to counsel at Maltzman Foreman PA and Keegan and Baker, LLP and has provided good cause for withdrawal

III. Conclusion

For the reasons set forth more specifically above, the undersigned counsel and law firm of Maltzman Foreman, P.A. and Keegan and Baker, LLP respectfully request this Court to enter an Order granting their Motion to Withdraw as Counsel for Plaintiff Debbie Rice, and for all other relief that this Court deems just and proper.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(3)

Prior to filing this Motion and pursuant to this Court's local rules, the undersigned hereby certifies that she conferred with Defendants' representative and was advised that the all Defendants take no position as to the motion and Defendant Natura does not oppose the motion.

Dated: August 22, 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 this 22 day of August, 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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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.

**PLAINTIFFS' MOTION TO ADD AND/OR SUBSTITUTE
ARNA CORTAZZO AS A PLAINTIFF/CLASS REPRESENTATIVE**

Plaintiffs, Renee Blaszkowski, *et al.*, respectfully request this Court to enter an Order adding and/or substituting Arna Cortazzo as a Plaintiff/Class Representative in this case, and as grounds therefor, state as follows:

As this Court is aware, the Plaintiffs have consistently taken the position since early July 2008 that, as a result of the settlement reached in the case of *In re Pet Food Products Liability Litigation*, CIV NO.: 07-2867 (NLH/AMD), a Multi-District Litigation case in the United States District Court for the District of New Jersey (the "Multi-District Case"), the claims in this pending case have been subsumed in the broad release language of that settlement. Thus, because all of the Defendants presently before this Court, with the exception of Defendant, Natura Pet Products, Inc. ("Natura") are parties to the Multi-District Case, all claims in this case will likely be void based upon the Multi-District Case settlement. As a result, the Plaintiffs have are in the process of attempting to negotiate a settlement for the dismissal of all of the Defendants except Natura, which means that only five (5) Plaintiffs will remain in this case (not

including Ms. Cortazzo) and only one (1) Defendant. Thus, only claims against Natura will be prosecuted going forward. Accordingly, counsel for the Plaintiffs will proceed with only those Plaintiffs who incurred damages as a result of using Natura's pet food products, including Ms. Cortazzo.

The two Florida Plaintiffs in this case, Patricia Davis and Raul Isern, however, did not use pet food products manufactured by Natura. Conversely, Arna Cortazzo, a Florida resident, did purchase and use Natura's pet food products and experienced damages as a result of same. Accordingly, the Plaintiffs in this matter seek to add and/or substitute Ms. Cortazzo for Ms. Davis or Mr. Isern so that jurisdiction may be retained by this Court once the claims of Ms. Davis and/or Ms. Isern are dismissed.¹

When requesting a modification of a Rule 16 Scheduling Order, the moving party must demonstrate "good cause" and receive leave of the Court. Fed. R. Civ. P. 16(b); *Alexander v. AOL Time Warner, Inc.*, 132 Fed. Appx. 267, 269 (11th Cir. 2005); *Murphy v. S. Energy Homes, Inc.*, 2007 U.S. Dist. LEXIS 52111, **1-2 (M.D. Ala. July 18, 2007). "The good cause standard for modification of a scheduling order 'precludes modification unless the schedule cannot be met despite the diligence of the party seeking the extension.' *Am. Gen. Life Ins. Co. v. Schoenthal Family, LLC*, 2007 U.S. Dist. LEXIS 84076 (N.D. Ga. Nov. 14, 2007) (quoting *Sosa v. Airprint Sys., Inc.*, 133 F.3d 1417, 1418 (11th Cir. 1998)) (emphasis added). In this case, at the time the January 16 deadline expired, the Plaintiffs had no way of knowing that the Multi-District Case would encompass all of the claims in this litigation, except for those against Natura. Further, the settlement agreement in the Multi-District Case was not announced until several months *after* the January 16, 2008 deadline, making impossible compliance with the deadline under these

¹ While the Court previously set January 18, 2008 as a deadline for adding parties [DE 257], the circumstances have changed since that time dramatically based upon the settlement that was publicly announced after the deadline to add parties.

particular circumstances. Consequently, despite the Plaintiffs' diligence throughout the entire course of this litigation, it is difficult to imagine how the Plaintiffs could have otherwise avoided these unpredictable events.

Should the Court find that the Plaintiffs possess good cause to add Ms. Cortazzo, Federal Rule of Civil Procedure 21 would govern the addition of a plaintiff to this case. Rule 21 provides that "[p]arties may be dropped or added by order of the court on motion of any party or of its own initiative at any stage of the action and on such terms as are just." Fed. R. Civ. P. 21 (emphasis added). See also *Rollins Burdick Hunter, Inc. v. Lemberger*, 105 F.R.D. 631, 636 (E.D. Wis. 1985) (stating that Rule 21 "has long been invoked as a remedial device for the addition of parties where such is appropriate in the interest of justice[]" and "is specifically intended to permit the joinder of a person who, through inadvertence, mistake, or for some other reason, had not been made a party and is later found to be necessary or desirable."); *Truncale v. Universal Pictures Co.*, 82 F. Supp. 576, 578 (D.N.Y. 1949) ("In so far as this rule relates to the addition of parties, it is intended to permit the bringing in of a person who, through inadvertence, mistake or for some other reason, had not been made a party and whose presence as a party is later found necessary or desirable[.]"). In explaining Rule 21, the court in *Four Star Capital Corp. v. Nynex Corp.*, 183 F.R.D. 91, 98 (S.D.N.Y. 1997) stated:

Rule 21, F.R. Civ. P grants the court "broad discretion to permit a change in the parties at any stage of a litigation." See *Int'l Union of Bricklayers & Allied Craftsmen Local No. 5 v. Hudson Valley Dist. Council Bricklayers & Allied Craftsmen Joint Ben. Funds*, 162 F.R.D. 17, 24 (S.D.N.Y. 1995) (Conner, J.). The court's decision to permit joinder is based on whether the claims of the additional plaintiffs arose out of the same or separate acts or occurrences, see *Kahn, et al. v. Chase Manhattan Bank, N.A.*, 1995 U.S. Dist. LEXIS 11772, No. 90 Civ. 2824, 1995 WL 491067, at 3 (Aug. 17, 1995) (McKenna, J.); whether the party seeking joinder has unnecessarily delayed the proceedings; and whether the nonmovant would be prejudiced by the addition, see *Thomas v. Mitchell-Bradford Chemical Co.*, 582 F. Supp. 1373, 1376 (E.D.N.Y. 1984).

Based upon application of all three requirements set forth in *Four Star Capita*, the addition of Ms. Cortazzo is not only highly appropriate, but absolutely necessary so as not to deprive the Plaintiffs of whatever remedies they have left. First, Ms. Cortazzo was a victim of the same alleged acts and unlawful activity by Natura as the original Plaintiffs—namely deceptive and misleading marketing and advertising to induce purchase of Natura's pet food products. *Compare with Gropp v. United Airlines*, 847 F. Supp. 941, 944 (M.D. Fla. 1994) (although applying Federal Rule of Civil Procedure 20, the court found that "the addition of the five additional [plaintiffs was] proper as Plaintiffs assert that these five were victims of the same alleged acts of harassment and unlawful activity as were the original five Plaintiffs[']"). Second, the Plaintiffs are not filing this Motion for the purpose of delay, but rather to simply permit this case to proceed and eventually conclude in the same Honorable Court where it began and to allow at least some of the Plaintiffs a remedy. Moreover, this Motion could not have been filed sooner as the previously-mentioned agreement with all of the Defendants other than Natura had not been publicly announced until early June. Finally, although all of the Defendants have objected to adding another Plaintiff at this point simply because the deadline has expired, only Defendant Natura will be impacted by the addition and/or substitution of Ms. Cortazzo, a single Plaintiff. Yet, Natura will not be prejudiced if this Motion is granted as Ms. Cortazzo is in the process of preparing all of her discovery materials and has promised to deliver same to the undersigned within ten (10) days for prompt delivery to Natura. This would also occur prior to her deposition, which can be scheduled at a mutually convenient time. Moreover, Natura has not yet taken a deposition, so this will not impact any other Court deadlines because Ms. Cortazzo's can be scheduled within the remaining time period for all depositions. Accordingly, the Plaintiffs respectfully request that this Court enter an Order permitting the addition and/or

substitution of Ms. Cortazzo as a Plaintiff so that this Court may retain jurisdiction of this case and the Plaintiffs who remain will not be deprived of whatever remedy remains.

WHEREFORE, the Plaintiffs respectfully request this Court to enter an Order granting the Plaintiffs leave of Court to add and/or substitute Arna Cortazzo as a Plaintiff/Class Representative in this case for all of the reasons set forth above and for all other relief that this court deems just and proper.

Dated: August 22, 2008
Miami, FL

RULE 7.1 CERTIFICATE

Prior to filing this Motion, Plaintiffs counsel, Catherine J. MacIvor, conferred with the Defendants about the substance of this Motion who did not agree to the relief requested herein base upon the expiration of the deadline to add parties of January 16, 2008 notwithstanding the fact that Defendant Natura will be the only Defendant remaining in the case going forward.

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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 August 22, 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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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,

vs.

MARS, INCORPORATED, *et al.*,
Defendants.

**INTERIM OPPOSITION TO PLAINTIFFS' MOTION TO ADD AND/OR
SUBSTITUTE ARNA CORTAZZO AS A PLAINTIFF/CLASS REPRESENTATIVE**

Defendant Natura Pet Product, Inc. ("Natura") opposes Plaintiffs' Motion to Add and/or Substitute Arna Cortazzo as a Plaintiff/Class Representative in this action on the following grounds and requests leave for formal briefing of this motion before the Court rules.

1. If proposed Plaintiff Cortazzo, who purports to have purchased Natura products in Florida, is added to this case, Natura will be prejudiced. For example, all named Plaintiffs have pled a claim under Florida's Deceptive and Unfair Trade Practices Act against Defendant Natura Pet Products, Inc. Plaintiffs now admit that no Plaintiff named in the Fourth Amended Complaint purchased Natura products in Florida, which will result in judgment for Natura on this claim and allow Natura an award of attorneys' fees and costs against all of the named Plaintiffs.

2. Natura will be prejudiced because discovery has been ongoing in this action since April; Defendants have conducted extensive written discovery on Plaintiffs, including motions to compel; Defendants have completed their subpoenas of third party vet records; and Natura is only now – August 25 – taking the deposition of the first named Plaintiff. It has taken four

months; two denied stay motions; and a motion to compel to get a single Plaintiff to sit for deposition. Further, Natura is taking the only scheduled Miami depositions this week, August 25 and August 29, and Natura's lead trial counsel is not located in this District. With class motions and the close of discovery only a few months away, any change in the parties and deposition schedule at this late stage will require additional discovery and costs and make it more difficult for Natura to meet the Court's schedule, which Natura wants to maintain so that this case can be promptly resolved on the merits.

3. Natura will be prejudiced if Ms. Cortazzo is allowed to join and her claims relate back to the filing of the complaint against Natura as she will gain nearly a year on claims otherwise barred by the statute of limitations.

4. The time for addition of parties was once extended by the Court and that extended deadline passed many months ago. Plaintiffs have shown no cause why proposed plaintiff Cortazzo could not have been added to the case before the January 2008 deadline. Not being needed earlier for jurisdiction is not good cause to add parties just because some Plaintiffs are now abandoning their claims.

5. Plaintiffs' counsel did not meet and confer regarding this motion pursuant to Rule 7.1. In an email on August 21, 2008, Catherine MacIvor wrote:

Based on the dismissals, we are also seeking to add and/or substitute a Plaintiff, Arna Cortazzo, as to Defendant Natura only. Please advise as to your position by close of business tomorrow.

No information at all was provided as to Ms. Cortazzo (who apparently is a Florida attorney), her purchases or her explanation of why she could not have joined the case prior to the deadline to add parties. Counsel for Natura responded on August 22 that it opposed adding any parties. Natura did not limit its reasons for the objection as plaintiffs' counsel represented to the Court;

Plaintiffs' counsel did not even inquire as to Natura's reasons. Plaintiffs' counsel then filed the motion on Friday after working hours knowing that Natura's counsel would be conducting Plaintiff Peters' deposition on Monday and perhaps would not even be able to respond before the Court ruled on the motion as unopposed. Such a pitiful effort to meet and confer should not satisfy Rule 7.1.

Natura will be prejudiced by the addition of any parties at this late date, but particularly parties with unique claims against Natura such as Ms. Cortazzo is represented to have and which would otherwise be time barred from much of the class period represented by the currently named plaintiffs. Natura respectfully requests that the Court deny the motion or allow Natura time to fully brief the issues presented before ruling on the motion.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 25, 2008, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the counsel so indicated on the attached Service List.

s/Jeffrey S. York

Attorney

CERTIFICATE OF SERVICE
RENEE BLASZKOWSKI, ET AL., VS. MARS, INCORPORATED, ET AL.
Case No. 1:07-21221-CIV-ALTONAGA/TURNOFF
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 07-21221-CIV-ALTONAGA/Brown

RENEE BLASZKOWSKI,
AMY HOLLUB and PATRICIA
DAVIS, *et al.*,

Plaintiffs,

vs.

MARS INC., PROCTOR & GAMBLE CO.,
et al.,

Defendants.

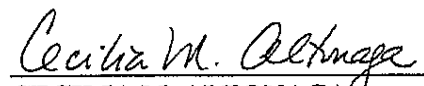
ORDER

THIS CAUSE came before the Court upon Plaintiffs' Motion to Add and/or Substitute Arna Cortazzo as a Plaintiff/Class Representative ("Motion") [D.E. 457], filed on August 22, 2008, and Defendant, Natura Pet Product, Inc.'s Interim Opposition to Plaintiffs' Motion ("Interim Opposition") [D.E. 458], filed on August 25, 2008. The Court has carefully considered the Motion, the Interim Opposition, and the pertinent portions of the record. Accordingly, it is

ORDERED AND ADJUDGED as follows:

1. Defendants shall have until **August 29, 2008** to file any additional responses in opposition to the Motion.
2. Plaintiffs shall have until **September 3, 2008** to file their reply.

DONE AND ORDERED in Chambers at Miami, Florida, this 26th day of August, 2008.



CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: counsel of record

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 07-21221-CIV-ALTONAGA/Brown

RENEE BLASZKOWSKI,
AMY HOLLUB and PATRICIA
DAVIS *et al.*,

Plaintiffs,

vs.

MARS INC., PROCTOR & GAMBLE CO.,
et al.,

Defendants.

ORDER ON PLAINTIFF'S MOTION TO WITHDRAW

THIS CAUSE came before the Court upon the Motion to Withdraw as Counsel of Record for Plaintiff Debbie Rice ("Motion to Withdraw") [D.E. 456] filed by Plaintiff, Debbie Rice's counsel of record, the law firm of Maltzman Foreman, P.A. and Keegan and Baker, LLP, on August 22, 2008. The Court has carefully considered the Motion to Withdraw and the pertinent portions of the record. Accordingly, it is


ORDERED AND ADJUDGED as follows:

1. The Motion to Withdraw [D.E. 456] is **GRANTED**. The law firms of Maltzman Foreman, P.A. and Keegan and Baker, LLP are relieved of the responsibility to represent Plaintiff, Debbie Rice.
2. Plaintiff, Debbie Rice, shall have **twenty (20) days** from the date of this Order to (1) retain new counsel, who shall file a notice of appearance by this date, or (2) notify this Court of her intent to proceed *pro se*.

CASE NO. 07-21221-CIV-ALTONAGA/Brown

3. Until Plaintiff so notifies the Court and the parties, Defendants are ordered to send all correspondence and court documents to this Plaintiff's last known address: 4292 Vilas Hope Road, Cottage Grove, Wisconsin 53527.

DONE AND ORDERED in Chambers at Miami, Florida, this 25th day of August, 2008.



CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: counsel of record
Debbie Rice, *pro se*

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, Plaintiffs¹ and Defendants,²
through their respective counsel hereby stipulate to the following schedule for Plaintiffs'
depositions and the conditions thereto:

1. Plaintiff Susan Peters will be deposed in Miami on August 25, 2008.

¹ The named plaintiffs are: Renee Blaszkowski, Patricia Davis, Susan Peters, Deborah Hock, Beth Wilson, Claire Kotzampaliris, 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, Marlena Rucker, Julie Nelson, Yvonne Thomas, Debbie McGregor, Linda Brown, and Tone Gaglione (collectively "Plaintiffs").

² 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").

2. Plaintiff Pat Davis will be deposed in Miami on August 26, 2008.
3. Plaintiff Raul Isern will be deposed in Miami on August 27, 2008.
4. Plaintiff Renee Blaszkowski will be deposed in Miami on August 28,
2008.
5. Plaintiff Danielle Valoras will be deposed in Miami on August 29, 2008.
6. Plaintiff Yvonne Thomas will be deposed in Miami on September 2,
2008.
7. Plaintiff Lisa MacDonald will be deposed in Miami on September 3,
2008.
8. Plaintiff Deborah Hock will be deposed in Los Angeles on September 9,
2008.
9. Plaintiff Marlana Rucker will be deposed in Los Angeles on September
10, 2008.
10. Plaintiff Sandy Shore will be deposed in Los Angeles on September 11,
2008.
11. Plaintiff Patricia Hanrahan will be deposed in Los Angeles on September
12, 2008.
12. Plaintiff Michelle Lucarelli will be deposed in New York on September
16, 2008.
13. Plaintiff Claire Kotzampaltiris will be deposed in New York on
September 17, 2008.
14. Plaintiff Tone Gaglione will be deposed in New York on September 18,
2008.

15. Plaintiff Donna Hopkins-Jones will be deposed in New York on September 19, 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.

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. At least 20 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.

33. 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.

34. 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.

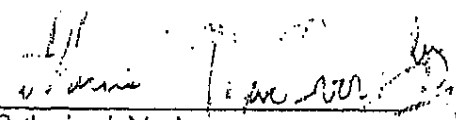
35. Each defendant will be able to designate the location of its own deposition(s) and that of its employees, at no charge to plaintiffs, provided that the deposition location shall be within the general proximity of the facility in which that defendant/witness is primarily employed.

36. No defendant will be required to sit for deposition until after September 15, 2008. Plaintiffs' counsel will discuss with each particular defense counsel the further specifics of his/her client's depositions.

37. 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


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