

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,

vs.

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

**DECLARATION OF KRISTEN E. CAVERLY IN SUPPORT OF THE
OPPOSITION TO PLAINTIFFS' MOTION TO ADD AND/OR SUBSTITUTE
ARNA CORTAZZO AS A PLAINTIFF/CLASS REPRESENTATIVE**

1. I, Kristen E. Caverly, am over the age of 18 and have personal knowledge of the facts set forth herein or know of such facts from my review of the case files for this action, which are maintained by my office in the normal course of business. I am lead counsel for defendant Natura Pet Products, Inc., and admitted *pro hac vice* in the action.

2. On April 28, 2008, acting on behalf of all Defendants, I served notices of deposition directed to each of the named plaintiffs for depositions beginning May 12, 2008 in Miami, Florida.

3. Plaintiffs' counsel initially refused to produce plaintiffs for deposition. After an extensive meet and confer effort on my part failed, Defendants filed a motion to compel the plaintiffs' attendance at deposition.

4. It has taken nearly four months; two denied stay motions; and a motion to compel to get a single plaintiff to sit for deposition. The first deposition did not occur until August 25, 2008. As of last Friday, five plaintiffs were scheduled for depositions. Only

two depositions went forward this week with the other scheduled plaintiffs promising dismissals.

5. Plaintiffs' counsel even refused to produce claimed Natura-purchasing plaintiff for depositions on September 3, 2008 claiming her unavailability and rescheduled for September 26, 2008, requiring a second amended deposition notice.

6. On August 28, 2008, at the end of the day of deposition for plaintiff Blaszkowski, Catherine MacIvor informed me that plaintiff Damron, an alleged Natura-purchasing plaintiff, scheduled for deposition in September planned to dismiss.

7. On June 30, 2008, plaintiffs' counsel served me with plaintiff Patricia Davis' Responses to Mars Incorporated's First Set of Interrogatories. A true and correct copy of relevant excerpts of that document is attached hereto as Exhibit "A" (no Natura products are identified as purchased).

8. On June 30, 2008, plaintiffs' counsel served me with plaintiff Raul Isern's Responses to Mars Incorporated's First Set of Interrogatories. A true and correct copy of relevant excerpts of that document is attached hereto as Exhibit "B" (no Natura products are identified as purchased).

9. On August 8, 2008, Natura's Customer Service department forwarded an email to me from Russell Keith, a paralegal from plaintiffs' law firm. The forwarded email I received from Natura is attached hereto as Exhibit "C".

10. On August 21, 2008, I received an email from plaintiffs' counsel, Catherine MacIvor which read in part:

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.

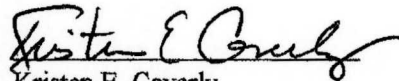
This was plaintiffs' sole communication with me on this issue, and the motion was filed the following day, after I advised of my objection. I did not elaborate on or limit my

reasons for the objection as plaintiffs' counsel represented to the Court; plaintiffs' counsel never inquires as to my reasons.

11. Plaintiff Peters' deposition was set and went forward on the Monday, August 25, 2008. Plaintiffs' counsel cancelled the depositions of three other named plaintiffs this week representing they intended to dismiss. Plaintiff Blaszkowski's deposition went forward today.

12. On August 22, 2008, I accessed the website <http://thelawyer4u.net/> which appears to be the professional homepage for Florida attorney Arna Cortazzo. Attached hereto as Exhibit "D" is a true and correct copy of the main image file from that website describing Ms. Cortazzo.

The foregoing is stated under penalty of perjury under the laws of the United States of America. Executed in Miami, Florida, on August 29, 2008.


Kristen E. Caverly