

Exhibit “A”

EXCERPTS OF PLAINTIFF
PATRICIA DAVIS’ RESPONSES TO
DEFENDANT MARS’ INCORPORATED’S
FIRST SET OF INTERROGATORIES

**PLAINTIFF, PATRICIA DAVIS' RESPONSES TO
DEFENDANT, MARS' INCORPORATED'S
FIRST SET OF INTERROGATORIES**

**PLAINTIFFS' OBJECTIONS TO DEFINITIONS IN
DEFENDANT MARS INC.'S FIRST SET OF INTERROGATORIES**

Definition # 1

The Plaintiffs object to the definition of “you” “yours” and “yourselves” because it is overbroad to the extent that it includes a “spouse, relative, officers, employees, agents, investigators, representatives or other persons acting, or purporting to act, on behalf of the Plaintiffs. For example, in the context of interrogatory number 6, Defendant Mars, Inc., requests the Plaintiffs to “identify each website or electronic community (including weblogs, internet bulletin boards, and listservs) which you have maintained or to which you have contributed during the past five (5) years and for each, state the registered name you used, the nature of the website or electronic community, the internet address (URL), and the date or period of time during which you maintained or contributed to it.” See Interrogatory number 6. Thus, based on this definition, as to only one interrogatory, each Plaintiff would have to interview a spouse, relatives, representatives, employees, etc. about whether they maintained or contributed to any sort of electronic internet communication whether or not it was related to this case or even a single issue in this case over a five (5) year period of time.” The definition makes each and every interrogatory overbroad and unduly burdensome for the Plaintiffs to formulate a response. *Johnson v. Kraft Foods N. Am.*, 238 F.R.D. 648, 658-59 (D. Kan. 2006) (“[a] request may be overly broad on its face ‘if it is couched in such broad language as to make arduous the task of deciding which of numerous documents may conceivably fall within its scope.’ A request seeking documents ‘pertaining to’ or ‘concerning’ a broad range of items ‘requires the respondent either to guess or move through mental gymnastics . . . to determine which of many pieces of paper may conceivably contain some detail, either obvious or hidden, within the scope of the request.’”). The unnecessary definitional complexity is no less problematic with interrogatories. *In re U. S. Financial Sec. Litigation*, 74 F.R.D. 497, 498 (S.D. Cal. 1975) (“to avoid oppressiveness, interrogatories must be tailored to discover only what is reasonable and necessary to the litigation at hand”); *T&H Landscaping, LLC v. Colo. Structures Inc.*, 2007 U.S. Dist. LEXIS 63532, *5 (D. Colo. 2007) (interrogatory requesting plaintiff to identify all persons “who have any knowledge of any fact relating to the claims Plaintiffs are alleging against any Defendant” is “hopelessly broad” and must be revised); *Puerto Rico Aqueduct & Sewer Auth. v. Clow Corp.*, 108 F.R.D. 304, 313 (D.P.R. 1985) (holding that interrogatories seeking the identification of “all persons who have knowledge of any facts *pertaining to* this lawsuit” are overbroad or unduly burdensome) (emphasis added); *Alexander v. FBI*, 2000 U.S. Dist. LEXIS 8859, *9 (D.D.C. 2000) (holding that a plaintiff’s interrogatory request for all documents that “in any way contain information relevant to” interrogatory answers is vague and overly broad because it does not allow the responding party to determine what documents plaintiff considers relevant).

address the concern, and the date or time period during which the pet used each such medication or remedy.

Objection. The request is facially overbroad based upon the defined term “you” because the Plaintiffs would have to inquire as to a spouse, relatives, employees, etc. to determine whether any of these persons who are not parties to this action actually have any sort of information regarding the Plaintiffs companion cats or dogs health and/or illness. *See Kraft Foods N. Am.*, 238 F.R.D. 648, 658-59; *Socas*, 2008 U.S. Dist. LEXIS 16683, *3 (“the Court may restrain any discovery requests that are overbroad or would be unduly burdensome to produce”); *In re U. S. Financial Sec. Litigation*, 74 F.R.D. at 498 (“to avoid oppressiveness, interrogatories must be tailored to discover only what is reasonable and necessary to the litigation at hand”); *Aero Holdings, Inc.*, 2000 U.S. Dist. LEXIS 19817, at *16-17 (holding that an interrogatory was overbroad because party would have been required to identify many people who had “no relevant knowledge concerning” the case) (emphasis added); *Brooks v. S.C. Johnson & Son, Inc.*, 1990 U.S. Dist. LEXIS 19395, at *7 (stating that the prevailing law of the Seventh Circuit is that parties are limited in their interrogatories to the identity and location of “persons having knowledge of relevant facts”) (emphasis added); *Colo. Structures Inc.*, 2007 U.S. Dist. LEXIS 63532, at *5 (interrogatory requesting plaintiff to identify all persons “who have any knowledge of any fact relating to the claims Plaintiffs are alleging against any Defendant” is “hopelessly broad” and must be revised); *Clow Corp.*, 108 F.R.D. 304, 313 (D.P.R. 1985) (holding that interrogatories seeking the identification of “all persons who have knowledge of any facts pertaining to this lawsuit” are overbroad or unduly burdensome) (internal quotations omitted); *Pioneer Res. Corp.*, 2006 U.S. Dist. LEXIS 38005, at *2 (holding that a request for documents identifying “any persons with knowledge about such offers” to buy or sell the defendant company is irrelevant); *Woodford*, 2008 U.S. Dist. LEXIS 22438, at *2 (holding that interrogatories requesting defendant to “identify all witnesses with potential knowledge of the basis of your response” as well as the identity of “all witnesses past and present employees of CDC/CDCR who have personal knowledge of CDCR’s compliance with the [Religious Land Use and Institutionalized Persons Act]” are overbroad, unduly burdensome, and vague). While “[t]he legal tenet that relevancy in the discovery context is broader than in the context of admissibility . . .,” the concept of relevancy “should not be misapplied so as to allow fishing expeditions in discovery.” *Martinez v. Cornell Corrs. of Tex.*, 229 F.R.D. 215, 218 (D.N.M. 2005)(Browning, J.); *Marathon Ashland Petroleum LLC*, 2007 U.S. Dist. LEXIS 29159, at *19-20; *Wang’s Int’l, Inc.*, 2006 U.S. Dist. LEXIS 38701, at *4-5; *Haas Co.*, 1998 U.S. Dist. LEXIS 11141; *GMC*, 173 F.R.D.

Notwithstanding the objection, and without waiving it, as to her pets only, Ms. Davis will produce veterinarian records for the time period between May 9, 2003 and May 9, 2007 for all of the companion pets referenced in the response to interrogatory number 1 in lieu of a response per Federal Rule of Civil Procedure 33(d).

4. For each pet identified in response to Interrogatory No. 1, please identify all foods, whether commercially available or not, provided by you to the pet since the date your care of it began and for each such food, state the brand and product name (if any), the name and address of the retail store where it was purchased (if applicable), the date or time period during which it was

purchased (if applicable), the date or time period during which it was provided to the pet, and the amount and frequency with which the food was provided to the pet.

Objection. The request is facially overbroad based upon the defined term “you” and “your” because the Plaintiffs would have to inquire as to a spouse, relatives, employees, etc. to determine whether any of these persons who are not parties to this action actually have any sort of information regarding the purchase of food for the Plaintiffs’ companion cats or dogs. *See Kraft Foods N. Am.*, 238 F.R.D. 648, 658-59; *Socas*, 2008 U.S. Dist. LEXIS 16683, *3 (“the Court may restrain any discovery requests that are overbroad or would be unduly burdensome to produce”); *Aero Holdings, Inc.*, 2000 U.S. Dist. LEXIS 19817, at *16-17 (holding that an interrogatory was overbroad because party would have been required to identify many people who had “no relevant knowledge concerning” the case) (emphasis added); *In re U. S. Financial Sec. Litigation*, 74 F.R.D. at 498 (“to avoid oppressiveness, interrogatories must be tailored to discover only what is reasonable and necessary to the litigation at hand”); *Woodford*, 2008 U.S. Dist. LEXIS 22438, at *2 (holding that interrogatories requesting defendant to “identify all witnesses with potential knowledge of the basis of your response” as well as the identity of “all witnesses past and present employees of CDC/CDCR who have personal knowledge of CDCR’s compliance with the [Religious Land Use and Institutionalized Persons Act]” are overbroad, unduly burdensome, and vague); *Brooks*, 1990 U.S. Dist. LEXIS 19395, *7 (stating that the prevailing law of the Seventh Circuit is that parties are limited in their interrogatories to the identity and location of “persons having knowledge of relevant facts”) (emphasis added); *Clow Corp.*, 108 F.R.D. at 313 (holding that interrogatories seeking the identification of “all persons who have knowledge of any facts pertaining to this lawsuit” are overbroad or unduly burdensome”) (internal quotations omitted). While “[t]he legal tenet that relevancy in the discovery context is broader than in the context of admissibility . . .,” the concept of relevancy “should not be misapplied so as to allow fishing expeditions in discovery.” *Martinez v. Cornell Corrs. of Tex.*, 229 F.R.D. 215, 218 (D.N.M. 2005)(Browning, J.); *Marathon Ashland Petroleum LLC*, 2007 U.S. Dist. LEXIS 29159, at *19-20; *Wang’s Int’l, Inc.*, 2006 U.S. Dist. LEXIS 38701, at *4-5; *Haas Co.*, 1998 U.S. Dist. LEXIS 11141; *GMC*, 173 F.R.D. at 224.

The temporal scope of this interrogatory is also unlimited in time and is therefore overbroad since it encompasses information well beyond the relevant time period of the Fourth Amended Complaint. The relative time period defined in the Fourth Amended Complaint is May 9, 2003 through May 9, 2007, which encompasses a four (4) year period of time. Cases in this jurisdiction have held that an appropriate time period for discovery is between 3 and 5 with 5 being the outermost edge of the proper scope of discovery. Ten (10) years well exceeds the outermost bound of the temporal scope of discovery. *Avirgan*, 116 F.R.D. at 593 (In limiting discovery to approximately four years, the court stated “there is no logical need to permit discovery into predicate acts alleged to have occurred ten or fifteen years ago” when the plaintiff has established that the requisite acts “occurred within a specified time frame”); *Cherenfant*, 2004 U.S. Dist. LEXIS 30458, *8 (in a discrimination case, the court held that a five year discovery time period was appropriate when it sufficiently covered the discriminatory acts in question); *Cohen v. Status-One Invs., Inc.*, 2007 U.S. Dist. LEXIS 74365, *2-3 (“if discovery is sought nationwide for a ten-year period,

and the responding party objects on the grounds that only a five-year period limited to activities in the state of Florida is appropriate, the responding party shall provide responsive discovery falling within the five-year period as to the State of Florida”); *Adkins v. Christie*, 488 F.3d at 1330 (finding no abuse of discretion when trial court reduced discovery from a seven to five years to pertain to the relevant time period); *Mawulawde v. Bd. of Regents*, 2007 U.S. Dist. LEXIS 62700, *33-34 (stating that three to f

Notwithstanding the objection, the Plaintiffs will respond to this request for the time period between May 9, 2003 and May 9, 2007, which is the Class Period defined in the Fourth Amended Complaint.

The following information applies to Ms. Davis’ pets only during the Class Period defined in the Fourth Amended Complaint to the best of her recollection.

STORES WHERE PET FOOD/TREATS PURCHASED:

1. Publix Super Market, Belleview Commons, 10135 SE US 441, Belleview, FL
2. Publix Super Market, Churchill Square, 303 SE 17 St., Ocala, FL
3. Publix Super Market, Forty East Shopping Center, 3450 E Silver Springs Blvd, Ocala, FL
4. Publix Super Market, Quail Meadow Commons, 4963 N US Hwy 27, Ocala, FL
5. Sweetbay Supermarket (formerly Kash & Karry) 11310 S US Hwy 301, Belleview, FL
6. Sweetbay Supermarket (formerly Kash & Karry) 7131 N US Hwy 441, Ocala, FL
7. Ocala Breeders Feed & Supply, 6855 N US Hwy 27, Ocala, FL
8. Ocala Breeders Feed & Supply, 431 NW 27 Ave, Ocala, FL
9. Seminole Feed, 315 NE Watula Ave, Ocala, FL
10. Tractor Supply Co, 7351 N US Hwy 441, Ocala, FL

11. Wal-mart, 9570 SW Hwy 200, Ocala, FL
12. Wal-mart, 4980 E Silver Springs Blvd, Ocala, FL
13. WinnDixie, 10393 S US Hwy 441, Belleview, FL
14. WinnDixie, 3435 N. Pine, Ocala, FL
15. Petsmart, 3500 SW College Rd, Ocala, FL
16. Pet Supermarket, 1746 E Silver Springs Blvd, Ocala, FL
17. Target, 2000 SW College Rd, Ocala, FL
18. Sam's Club, 3921 SW College Rd, Ocala, FL

FOOD PURCHASED:

1. ARNOLD – Jack Russell Terrier - male

Eagle Pack Holistic - dry

| | |
|---------------------------------|--------------------------------------|
| Purchased at: | Store #8 |
| Time Period of Purchase: | 2006 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions /Alternating |

Hannaford - canned

| | |
|---------------------------------|---------------------------------------|
| Purchased at: | Store #6 |
| Time Period of Purchase: | 2005-2006 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions / Alternating |

Purina Moist & Meaty – cheese

| | |
|---------------------------------|--------------------------------------|
| Purchased at: | Stores #1 – 6, 18 |
| Time Period of Purchase: | 1991 - 2006 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions /Alternating |

Iams Select Bites

| | |
|---------------------------------|---------------------------------------|
| Purchased at: | Stores #4 |
| Time Period of Purchase: | 2006 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions / Alternating |

Mighty Dog

Purchased at: Stores #1 – 6, 12 - 14
Time Period of Purchase: 1991 - 2006
Time Period provided: same
Amount and Frequency: Per instructions / Alternating

Iams Puppy – canned

Purchased at: Stores #4
Time Period of Purchase: 2006
Time Period provided: same
Amount and Frequency: Per instructions / Alternating

Alpo - canned

Purchased at: Stores #1 – 6, 12 - 14
Time Period of Purchase: 1991 - 2006
Time Period provided: same
Amount and Frequency: Per instructions / Alternating

Puppy Chow – both flavors

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 1991 - 2006
Time Period provided: same
Amount and Frequency: Per instructions / Alternating

Pedigree – pouch, canned & dry

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 1991 - 2006
Time Period provided: same
Amount and Frequency: Per instructions / Alternating

DelMonte Pup-Peroni – all types

Purchased at: Stores #1 – 6, 11 – 15, 17
Time Period of Purchase: 2002 - 2006
Time Period provided: same
Amount and Frequency: as treats - 1/day usually

DelMonte Milk Bones – Gravy, Small, Puppy, and Flavor

Purchased at: Stores #1 – 6, 11 - 17
Time Period of Purchase: 1991 - 2006
Time Period provided: same
Amount and Frequency: as treats - 1/day usually

DelMonte Meaty Bones - small

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2006
Time Period provided: same

Amount and Frequency: as treats - 1/day usually

Pedigree Marrobones

Purchased at: Stores #4, 6, 17
Time Period of Purchase: 2005 - 2006
Time Period provided: same
Amount and Frequency: as treats - 1/day usually

Chicken Soup for the Pet Lover's Soul – senior and puppy dry

Purchased at: Stores #7
Time Period of Purchase: 2004
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Hill's Science Diet – Canine Adult Sensitive Stomach dry

Purchased at: Stores #9
Time Period of Purchase: 2006
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

People food prepared as well – cheese, rice, ground beef, ground turkey, lunch meats, hot dogs, cottage cheese, eggs, noodles, liver, etc. Table scraps also.

Purchased at: Stores #1 – 6, 11 – 18
Time Period of Purchase: 1991 – 2006
Time Period provided: same
Amount and Frequency: alternating with commercial food

2. TIPPY – Mini Australian Shepherd - female

Beneful - dry Healthy Harvest, Radiance, Weight

Purchased at: Store #4, 6
Time Period of Purchase: 2006 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Eagle Pack Holistic - dry

Purchased at: Store #8
Time Period of Purchase: 2006 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Hannaford - canned

Purchased at: Store #6
Time Period of Purchase: 2005-2007
Time Period provided: same

| | |
|--|--|
| Amount and Frequency: | Per instructions / Alternating |
| <u>Purina Moist & Meaty – cheese</u> | |
| Purchased at: | Stores #1 – 6, 18 |
| Time Period of Purchase: | 2003 - 2007 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions /Alternating – infrequently since 4/2007 |
| <u>Iams Select Bites</u> | |
| Purchased at: | Stores #4 |
| Time Period of Purchase: | 2006 - 2007 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions / Alternating |
| <u>Iams Puppy – canned</u> | |
| Purchased at: | Stores #4 |
| Time Period of Purchase: | 2006 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions / Alternating |
| <u>Alpo - canned</u> | |
| Purchased at: | Stores #1 – 6, 12 - 14 |
| Time Period of Purchase: | 2003 - 2007 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions / Alternating |
| <u>Puppy Chow – both flavors</u> | |
| Purchased at: | Stores #1 – 6, 11 - 15 |
| Time Period of Purchase: | 2003 - 2006 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions / Alternating |
| <u>Pedigree – pouch, canned & dry</u> | |
| Purchased at: | Stores #1 – 6, 11 - 15 |
| Time Period of Purchase: | 2003 - 2006 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions / Alternating |
| <u>DelMonte Pup-Peroni – all types</u> | |
| Purchased at: | Stores #1 – 6, 11 – 15, 17 |
| Time Period of Purchase: | 2003 - 2007 |
| Time Period provided: | same |
| Amount and Frequency: | as treats - 1/day usually– infrequently since 4/2007 |

DelMonte Milk Bones – Gravy, Small, Puppy, and Flavor

Purchased at: Stores #1 – 6, 11 - 17
Time Period of Purchase: 2003 - 2007
Time Period provided: same
Amount and Frequency: as treats - 1/day usually– infrequently since
4/2007

DelMonte Meaty Bones

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: as treats - 1/day usually– infrequently since
4/2007

Publix Dog Snacks

Purchased at: Store #4
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: 1/day usually

Pedigree Marrobones

Purchased at: Stores #4, 6, 17
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: as treats - 1/day usually

Wellness- Puppy dry

Purchased at: Stores #16
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: alternating with commercial food – after 4/2007
almost exclusively people food

Wellness- Just for Puppy Treats

Purchased at: Stores #16
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: as treats – 3/day usually – after 4/2007 almost
exclusively people food

Old Mother Hubbard – Bacon biscuits

Purchased at: Stores #8
Time Period of Purchase: 2007
Time Period provided: same

Amount and Frequency: as treats – 1/day usually – after 4/2007 almost exclusively people food

Purina Beggin Strips

Purchased at: Stores #10
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: as treats – 3/day usually – after 4/2007 almost exclusively people food

Chicken Soup for the Pet Lover's Soul - canned

Purchased at: Stores #8
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: alternating with commercial food – after 4/2007 almost exclusively people food

Chicken Soup for the Pet Lover's Soul – senior and puppy dry

Purchased at: Store #7
Time Period of Purchase: 2004
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

People food prepared as well – cheese, rice, ground beef, ground turkey, lunch meats, hot dogs, cottage cheese, eggs, noodles, liver, cookies, etc. Table scraps also.

Purchased at: Stores #1 – 6, 11 – 18
Time Period of Purchase: 2003 - 2007
Time Period provided: same
Amount and Frequency: alternating with commercial food – after 4/2007 almost exclusively people food

3. Oliver – orange tabby cat - male

Chicken Soup for the Pet Lover's Soul – adult canned & dry

Purchased at: Store #8
Time Period of Purchase: 2004
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Purina Friskies – canned, pouches, treats, & dry

Purchased at: Stores #1 – 6, 11 – 15, 17
Time Period of Purchase: 2003 - 2005
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

9Lives – canned & dry

Purchased at: Stores #1 – 6, 9 – 15, 17 - 18
Time Period of Purchase: 2003 - 2005
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Meow Mix – canned, treats, & dry

Purchased at: Stores #1 – 6, 9 – 15, 17 - 18
Time Period of Purchase: 2003 - 2005
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Pounce Treats

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2003 - 2005
Time Period provided: same
Amount and Frequency: as treats, 4-5/day/Alternating

Purina Cat and Kitten Chow

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2003 - 2005
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Purina One dry

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2003 - 2005
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Purina Deli Cat

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2003 - 2005
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Purina Kit N Kaboodle

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2003 - 2005
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Purina Fancy Feast canned

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2003 - 2005
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Purina Whisker Linkins treats

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2003 - 2005
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Eukanuba Kitten dry

Purchased at: Stores #4
Time Period of Purchase: 2003 - 2005
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Whiskas canned, pouch, dry

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2003 - 2005
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Temptation Treats

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2003 - 2005
Time Period provided: same
Amount and Frequency: as treats, 4-5/day/Alternating

Iams Kitten dry

Purchased at: Stores #11, 16
Time Period of Purchase: 2003 - 2005
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

People food prepared as well – cheese, ground beef, lunch meats, hot dogs, cottage cheese, eggs, liver, tuna fish, sardines, etc. Table scraps also.

Purchased at: Stores #1 – 6, 11 – 18
Time Period of Purchase: 2003 - 2005
Time Period provided: same
Amount and Frequency: alternating with commercial food

4. Stretch – orange tabby cat - male

Purina Friskies – canned, pouches, treats, & dry

Purchased at: Stores #1 – 6, 11 – 15, 17
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

9Lives – canned & dry

Purchased at: Stores #1 – 6, 9 – 15, 17 - 18
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Meow Mix – canned, treats, & dry

Purchased at: Stores #1 – 6, 9 – 15, 17 - 18
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Pounce Treats

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: as treats, 4-5/day/Alternating

Purina Cat and Kitten Chow

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Purina One dry

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Purina Deli Cat

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Purina Kit N Kaboodle

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Purina Fancy Feast canned

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same

Amount and Frequency: Per instructions /Alternating

Purina Whisker Linkins treats

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Eukanuba Kitten dry

Purchased at: Stores #4
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Whiskas canned, pouch, dry

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Temptation Treats

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: as treats, 4-5/day/Alternating

Iams Kitten dry

Purchased at: Stores #11, 16
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Merrick –canned

Purchased at: Store #8
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Eagle Pack –canned & dry

Purchased at: Store #8
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

People food prepared as well – especially after 4/2007 – cheese, ground beef, lunch meats, hot dogs, cottage cheese, eggs, liver, tuna fish, sardines, kippers, etc. Table scraps also.

Purchased at: Stores #1 – 6, 11 – 18
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: alternating with some commercial food

5. Spaz – Siamese - female

Purina Friskies – canned, pouches, treats, & dry

Purchased at: Stores #1 – 6, 11 – 15, 17
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

9Lives – canned & dry

Purchased at: Stores #1 – 6, 9 – 15, 17 - 18
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Meow Mix – canned, treats, & dry

Purchased at: Stores #1 – 6, 9 – 15, 17 - 18
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Pounce Treats

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: as treats, 4-5/day/Alternating

Purina Cat and Kitten Chow

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Purina One dry

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Purina Deli Cat

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007

Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Purina Kit N Kaboodle

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Purina Fancy Feast canned

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Purina Whisker Linkins treats

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Eukanuba Kitten dry

Purchased at: Stores #4
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Whiskas canned, pouch, dry

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Temptation Treats

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: as treats, 4-5/day/Alternating

Iams Kitten dry

Purchased at: Stores #11, 16
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Merrick –canned

Purchased at: Store #8
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Eagle Pack –canned & dry

Purchased at: Store #8
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

People food prepared as well – cheese, ground beef, lunch meats, hot dogs, cottage cheese, eggs, liver, tuna fish, etc. Table scraps also.

Purchased at: Stores #1 – 6, 11 – 18
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: alternating with commercial food

6. Barnacle – black short-hair - male

Purina Friskies – canned, pouches, treats, & dry

Purchased at: Stores #1 – 6, 11 – 15, 17
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

9Lives – canned & dry

Purchased at: Stores #1 – 6, 9 – 15, 17 - 18
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Meow Mix – canned, treats, & dry

Purchased at: Stores #1 – 6, 9 – 15, 17 - 18
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Pounce Treats

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: as treats, 4-5/day/Alternating

Purina Cat and Kitten Chow

Purchased at: Stores #1 – 6, 11 - 15

Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Purina One dry

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Purina Deli Cat

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Purina Kit N Kaboodle

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Purina Fancy Feast canned

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Purina Whisker Linkins treats

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Eukanuba Kitten dry

Purchased at: Stores #4
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Whiskas canned, pouch, dry

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Temptation Treats

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: as treats, 4-5/day/Alternating

Iams Kitten dry

Purchased at: Stores #11, 16
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Merrick –canned

Purchased at: Store #8
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Eagle Pack –canned & dry

Purchased at: Store #8
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

People food prepared as well – cheese, ground beef, lunch meats, hot dogs, cottage cheese, eggs, liver, tuna fish, etc. Table scraps also.

Purchased at: Stores #1 – 6, 11 – 18
Time Period of Purchase: 2005 - 2007
Time Period provided: same
Amount and Frequency: alternating with commercial food

7. HAIRY – Jack Russell Terrier - male

Beneful - dry Healthy Harvest, Healthy Radiance

Purchased at: Store #4, 6
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Eagle Pack Holistic - dry

Purchased at: Store #8
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Purina Moist & Meaty – cheese

Purchased at: Stores #1 – 6, 18
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: infrequently

Puppy Chow – both flavors

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: Per instructions / Alternating

Pedigree – pouch, canned & dry

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: Per instructions / Alternating

DelMonte Pup-Peroni – all types

Purchased at: Stores #1 – 6, 11 – 15, 17
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: infrequently

DelMonte Milk Bones – Gravy, Small, Puppy, and Flavor

Purchased at: Stores #1 – 6, 11 - 17
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: as treats - 1/day usually

Publix Dog Snacks

Purchased at: Store #4
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: ½ /day usually

Pedigree Marrobones

Purchased at: Stores #4, 6, 17
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: as treats - 1/day usually

Wellness- Puppy dry

Purchased at: Stores #16
Time Period of Purchase: 2007
Time Period provided: same

Amount and Frequency: alternating

Wellness- Just for Puppy Treats

Purchased at: Stores #16
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: as treats – 3/day usually

Old Mother Hubbard – Bacon biscuits

Purchased at: Stores #8
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: as treats – 1/day usually

People food prepared as well – cheese, rice, ground beef, ground turkey, lunch meats, hot dogs, cottage cheese, eggs, noodles, liver, gizzards, cookies, etc. Table scraps also.

Purchased at: Stores #1 – 6, 11 – 18
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: alternating with commercial food – after 4/2007
almost exclusively people food

8. COOPER – Boxer - male

Beneful - dry Healthy Harvest, Healthy Radiance

Purchased at: Store #4, 6
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Eagle Pack Holistic - dry

Purchased at: Store #8
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Purina Moist & Meaty – cheese

Purchased at: Stores #1 – 6, 18
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: infrequently

Puppy Chow – both flavors

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2007
Time Period provided: same

Amount and Frequency: Per instructions / Alternating

Pedigree – pouch, canned & dry

Purchased at: Stores #1 – 6, 11 - 15
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: Per instructions / Alternating

DelMonte Pup-Peroni – all types

Purchased at: Stores #1 – 6, 11 – 15, 17
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: as treats - 1/day usually/alternating

DelMonte Milk Bones – Gravy, Small, Puppy, and Flavor

Purchased at: Stores #1 – 6, 11 - 17
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: as treats - 1/day usually/alternating

Publix Dog Snacks

Purchased at: Store #4
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: 2 /day usually/alternating

Pedigree Marrobones

Purchased at: Stores #4, 6, 17
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: as treats - 2/day usually/alternating

Wellness- Puppy dry

Purchased at: Stores #16
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: alternating

Wellness- Just for Puppy Treats

Purchased at: Stores #16
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: as treats – 3/day usually

Old Mother Hubbard – Bacon biscuits

Purchased at: Stores #8

Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: as treats – 1/day usually

People food prepared as well – cheese, rice, ground beef, ground turkey, lunch meats, hot dogs, cottage cheese, eggs, noodles, liver, gizzards, cookies, etc. Table scraps also.

Purchased at: Stores #1 – 6, 11 – 18
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: alternating with commercial food – after 4/2007
almost exclusively people food

9 and 10. BoBo and Lilly – Brown, short-hair mixed – male and female

Purina Moist & Meaty – cheese

Purchased at: Stores #1 – 6, 18
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: infrequently

DelMonte Pup-Peroni – all types

Purchased at: Stores #1 – 6, 11 – 15, 17
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: as treats - 1/day usually/alternating

DelMonte Milk Bones – Gravy, Small, Puppy, and Flavor

Purchased at: Stores #1 – 6, 11 - 17
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: as treats - 1/day usually/alternating

Publix Dog Snacks

Purchased at: Store #4
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: 2 /day usually/alternating

Pedigree Marrobones

Purchased at: Stores #4, 6, 17
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: as treats - 2/day usually/alternating

Wellness- Puppy dry

Purchased at: Stores #16
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: alternating

Wellness- Just for Puppy Treats

Purchased at: Stores #16
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: as treats – 3/day usually

People food prepared as well – cheese, rice, ground beef, ground turkey, lunch meats, hot dogs, cottage cheese, eggs, noodles, liver, gizzards, cookies, etc. Table scraps also.

Purchased at: Stores #1 – 6, 11 – 18
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: alternating very rarely with commercial food

11. Oreo – black short-hair - male

Purina Friskies Signature Blend dry

Purchased at: Stores #4
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Meow Mix Wholesome Goodness – dry

Purchased at: Stores #4
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

Hills Science Diet Kitten – dry

Purchased at: Stores #16
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: Per instructions /Alternating

People food prepared as well -- tuna fish, sardines, kippers, etc. Table scraps also.

Purchased at: Stores #4
Time Period of Purchase: 2007
Time Period provided: same
Amount and Frequency: alternating with some commercial food

I, Pat Davis, declare and state the foregoing responses to interrogatories are true and correct under penalty of perjury.

Executed on June 21, 2008.

Patricia M. Davis
Pat Davis

Exhibit “B”

EXCERPTS OF PLAINTIFF
RAUL ISERN’S RESPONSES TO
DEFENDANT MARS’ INCORPORATED’S
FIRST SET OF INTERROGATORIES

**PLAINTIFF, RAUL ISERN'S RESPONSES TO
DEFENDANT, MARS' INCORPORATED'S
FIRST SET OF INTERROGATORIES**

**PLAINTIFFS' OBJECTIONS TO DEFINITIONS IN
DEFENDANT MARS INC.'S FIRST SET OF INTERROGATORIES**

Definition # 1

The Plaintiffs object to the definition of “you” “yours” and “yourselves” because it is overbroad to the extent that it includes a “spouse, relative, officers, employees, agents, investigators, representatives or other persons acting, or purporting to act, on behalf of the Plaintiffs. For example, in the context of interrogatory number 6, Defendant Mars, Inc., requests the Plaintiffs to “identify each website or electronic community (including weblogs, internet bulletin boards, and listservs) which you have maintained or to which you have contributed during the past five (5) years and for each, state the registered name you used, the nature of the website or electronic community, the internet address (URL), and the date or period of time during which you maintained or contributed to it.” See Interrogatory number 6. Thus, based on this definition, as to only one interrogatory, each Plaintiff would have to interview a spouse, relatives, representatives, employees, etc. about whether they maintained or contributed to any sort of electronic internet communication whether or not it was related to this case or even a single issue in this case over a five (5) year period of time.” The definition makes each and every interrogatory overbroad and unduly burdensome for the Plaintiffs to formulate a response. *Johnson v. Kraft Foods N. Am.*, 238 F.R.D. 648, 658-59 (D. Kan. 2006) (“[a] request may be overly broad on its face ‘if it is couched in such broad language as to make arduous the task of deciding which of numerous documents may conceivably fall within its scope.’ A request seeking documents ‘pertaining to’ or ‘concerning’ a broad range of items ‘requires the respondent either to guess or move through mental gymnastics . . . to determine which of many pieces of paper may conceivably contain some detail, either obvious or hidden, within the scope of the request.’”). The unnecessary definitional complexity is no less problematic with interrogatories. *In re U. S. Financial Sec. Litigation*, 74 F.R.D. 497, 498 (S.D. Cal. 1975) (“to avoid oppressiveness, interrogatories must be tailored to discover only what is reasonable and necessary to the litigation at hand”); *T&H Landscaping, LLC v. Colo. Structures Inc.*, 2007 U.S. Dist. LEXIS 63532, *5 (D. Colo. 2007) (interrogatory requesting plaintiff to identify all persons “who have any knowledge of any fact relating to the claims Plaintiffs are alleging against any Defendant” is “hopelessly broad” and must be revised); *Puerto Rico Aqueduct & Sewer Auth. v. Clow Corp.*, 108 F.R.D. 304, 313 (D.P.R. 1985) (holding that interrogatories seeking the identification of “all persons who have knowledge of any facts *pertaining to* this lawsuit” are overbroad or unduly burdensome) (emphasis added); *Alexander v. FBI*, 2000 U.S. Dist. LEXIS 8859, *9 (D.D.C. 2000) (holding that a plaintiff’s interrogatory request for all documents that “in any way contain information relevant to” interrogatory answers is vague and overly broad because it does not allow the responding party to determine what documents plaintiff considers relevant).

prevailing law of the Seventh Circuit is that parties are limited in their interrogatories to the identity and location of “persons having knowledge of *relevant facts*” (emphasis added); *Colo. Structures Inc.*, 2007 U.S. Dist. LEXIS 63532, at *5 (interrogatory requesting plaintiff to identify all persons “who have any knowledge of any fact relating to the claims Plaintiffs are alleging against any Defendant” is “hopelessly broad” and must be revised); *Clow Corp.*, 108 F.R.D. 304, 313 (D.P.R. 1985) (holding that interrogatories seeking the identification of “all persons who have knowledge of any facts pertaining to this lawsuit” are overbroad or unduly burdensome) (internal quotations omitted); *Pioneer Res. Corp.*, 2006 U.S. Dist. LEXIS 38005, at *2 (holding that a request for documents identifying “any persons with knowledge about such offers” to buy or sell the defendant company is irrelevant); *Woodford*, 2008 U.S. Dist. LEXIS 22438, at *2 (holding that interrogatories requesting defendant to “identify all witnesses with potential knowledge of the basis of your response” as well as the identity of “all witnesses past and present employees of CDC/CDCR who have personal knowledge of CDCR’s compliance with the [Religious Land Use and Institutionalized Persons Act]” are overbroad, unduly burdensome, and vague). While “[t]he legal tenet that relevancy in the discovery context is broader than in the context of admissibility . . .,” the concept of relevancy “should not be misapplied so as to allow fishing expeditions in discovery.” *Martinez v. Cornell Corrs. of Tex.*, 229 F.R.D. 215, 218 (D.N.M. 2005)(Browning, J.); *Marathon Ashland Petroleum LLC*, 2007 U.S. Dist. LEXIS 29159, at *19-20; *Wang's Int'l, Inc.*, 2006 U.S. Dist. LEXIS 38701, at *4-5; *Haas Co.*, 1998 U.S. Dist. LEXIS 11141; *GMC*, 173 F.R.D.

Notwithstanding the objection, and without waiving it, as to his pets only, Mr. Isern will produce veterinarian records for the time period between May 9, 2003 and May 9, 2007 for all of the companion pets referenced in the response to interrogatory number 1 in lieu of a response per Federal Rule of Civil Procedure 33(d).

4. For each pet identified in response to Interrogatory No. 1, please identify all foods, whether commercially available or not, provided by you to the pet since the date your care of it began and for each such food, state the brand and product name (if any), the name and address of the retail store where it was purchased (if applicable), the date or time period during which it was purchased (if applicable), the date or time period during which it was provided to the pet, and the amount and frequency with which the food was provided to the pet.

Objection. The request is facially overbroad based upon the defined term “you” and “your” because the Plaintiffs would have to inquire as to a spouse, relatives, employees, etc. to determine whether any of these persons who are not parties to this action actually have any sort of information regarding the purchase of food for the Plaintiffs’ companion cats or dogs. *See Kraft Foods N. Am.*, 238 F.R.D. 648, 658-59; *Socas*, 2008 U.S. Dist. LEXIS 16683, *3 (“the Court may restrain any discovery requests that are overbroad or would be unduly burdensome to produce”); *Aero Holdings, Inc.*, 2000 U.S. Dist. LEXIS 19817, at *16-17 (holding that an interrogatory was overbroad because party would have been required to identify many people who had “*no relevant knowledge concerning*” the case) (emphasis added); *In re U. S. Financial Sec. Litigation*, 74 F.R.D. at 498 (“to avoid oppressiveness, interrogatories must be tailored to discover only what is reasonable and necessary to the litigation at hand”); *Woodford*, 2008 U.S. Dist. LEXIS 22438, at *2 (holding that

interrogatories requesting defendant to “identify all witnesses with potential knowledge of the basis of your response” as well as the identity of “all witnesses past and present employees of CDC/CDCR who have personal knowledge of CDCR’s compliance with the [Religious Land Use and Institutionalized Persons Act]” are overbroad, unduly burdensome, and vague); *Brooks*, 1990 U.S. Dist. LEXIS 19395, *7 (stating that the prevailing law of the Seventh Circuit is that parties are limited in their interrogatories to the identity and location of “persons having knowledge of *relevant facts*”) (emphasis added); *Clow Corp.*, 108 F.R.D. at 313 (holding that interrogatories seeking the identification of “all persons who have knowledge of any facts pertaining to this lawsuit” are overbroad or unduly burdensome”) (internal quotations omitted). While “[t]he legal tenet that relevancy in the discovery context is broader than in the context of admissibility . . .,” the concept of relevancy “should not be misapplied so as to allow fishing expeditions in discovery.” *Martinez v. Cornell Corrs. of Tex.*, 229 F.R.D. 215, 218 (D.N.M. 2005)(Browning, J.); *Marathon Ashland Petroleum LLC*, 2007 U.S. Dist. LEXIS 29159, at *19-20; *Wang’s Int’l, Inc.*, 2006 U.S. Dist. LEXIS 38701, at *4-5; *Haas Co.*, 1998 U.S. Dist. LEXIS 11141; *GMC*, 173 F.R.D. at 224.

The temporal scope of this interrogatory is also unlimited in time and is therefore overbroad since it encompasses information well beyond the relevant time period of the Fourth Amended Complaint. The relative time period defined in the Fourth Amended Complaint is May 9, 2003 through May 9, 2007, which encompasses a four (4) year period of time. Cases in this jurisdiction have held that an appropriate time period for discovery is between 3 and 5 with 5 being the outermost edge of the proper scope of discovery. Ten (10) years well exceeds the outermost bound of the temporal scope of discovery. *Avirgan*, 116 F.R.D. at 593 (In limiting discovery to approximately four years, the court stated “there is no logical need to permit discovery into predicate acts alleged to have occurred ten or fifteen years ago” when the plaintiff has established that the requisite acts “occurred within a specified time frame”); *Cherenfant*, 2004 U.S. Dist. LEXIS 30458, *8 (in a discrimination case, the court held that a five year discovery time period was appropriate when it sufficiently covered the discriminatory acts in question); *Cohen v. Status-One Invs., Inc.*, 2007 U.S. Dist. LEXIS 74365, *2-3 (“if discovery is sought nationwide for a ten-year period, and the responding party objects on the grounds that only a five-year period limited to activities in the state of Florida is appropriate, the responding party shall provide responsive discovery falling within the five-year period as to the State of Florida”); *Adkins v. Christie*, 488 F.3d at 1330 (finding no abuse of discretion when trial court reduced discovery from a seven to five years to pertain to the relevant time period); *Mawulawde v. Bd. of Regents*, 2007 U.S. Dist. LEXIS 62700, *33-34 (stating that three to f

Notwithstanding the objection, the Plaintiffs will respond to this request for the time period between May 9, 2003 and May 9, 2007, which is the Class Period defined in the Fourth Amended Complaint.

The following information applies to Mr. Isern’s pets only during the Class Period defined in the Fourth Amended Complaint to the best of his recollection.

STORES WHERE PET FOOD/TREATS PURCHASED:

1. Winn Dixie
2. Publix
3. Target
4. Wholefoods
5. Petco

FOOD PURCHASED:

1. Titi
9 Lives, Nestle Cat Chow, Del Monte Kibble n' Bits, Eukanuba, Nestle Friskies, Iams Cat food, Kit n' Kaboodle, Whiskas, various cat treats
Purchased at: 1, 2 and 3
Time Period of Purchase: 2003 – 2007
Time Period Provided: 2003 – 2007
Amount and Frequency: Per instructions/Alternating

2. Nikki
Iams, Eukanuba, Pedigree, Puppy Chow, Beneful, Wellness
Purchased at: 1, 2, 3 and 4
Time Period of Purchase: 2003 – 2007
Time Period Provided: 2003 – 2007
Amount and Frequency: Per instructions/Alternating

3. Bubbles and Nemo
Tetramin Beta Food and Bloodworms
Purchased at: 5
Time Period of Purchase: From purchase to death
Time Period Provided: Same
Amount and Frequency: Per instructions/Alternating

4. Chuchi 1, 3 and 4
Hamster Pellets
Purchased at: 5
Time Period of Purchase: From purchase
Time Period Provided: Same
Amount and Frequency: Per instructions/Alternating

5. Please identify yourself, including your full name and any prior names used, all electronic identities used at any time during the past five (5) years (including email addresses, user names,

I, Raul Isern, declare and state the foregoing responses to interrogatories are true and correct under penalty of perjury.

Executed on June 27, 2008.



Raul Isern

Exhibit “C”

FORWARDED COPY OF
EMAIL SOLICITATION
FROM PLAINTIFFS’ LAW FIRM

From: inoahnewf [mailto:dmazzenga@ameritech.net]
Sent: Thursday, August 07, 2008 1:28 PM
To: Customer Service
Subject: Pet Food Class Action Lawsuit - URGENT Natura Products

What's going on w/Natura???

Russell Keith <rkeith@mflegal.com> wrote:
Subject: Pet Food Class Action Lawsuit - URGENT Natura Products
Date: Thu, 7 Aug 2008 15:51:53 -0400
From: "Russell Keith" <rkeith@mflegal.com>
To: <dmazzenga@ameritech.net>

Dear All,

We have an immediate need for information. If any of you have ever had any problems with the products listed below, please immediately respond to this e-mail as it is very important:

Innova
Evo
California Natural
HealthWise
Mother Nature
Karma

We would appreciate any photographs, testing, records or any other information you may have.

Thank you,

RUSSELL KEITH
Paralegal
Maltzman Foreman, PA
2 South Biscayne Boulevard
Suite 2300
Miami, Florida 33131
Tel : (305) 358-6555
Fax: (305) 374-9077
Email: rkeith@mflegal.com

MALTZMAN FOREMAN

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Exhibit “D”

MAIN IMAGE FROM
ARNA CORTAZZO’S HOMEPAGE

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Powers of Attorney

Pet Trusts

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ELDER LAW

BANKRUPTCY

Bankruptcy May Help Eliminate Debt

Stop Harassing Phone Calls

Save Your Home & Car

Wipe Out Medical Bills

Reasonable Fees/Payment Plans Available

WORKERS' COMPENSATION

SOCIAL SECURITY DISABILITY

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Kennel Negligence

Veterinarian Malpractice

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Loss of Pet

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