Exhibit "A"

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

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 07-21221 CIV ALTONAGA/Brown

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

Plaintiffs/Class Representatives,

VS.

MARS INC., et al.

Defendants.

NOTICE OF SERVING PLAINTIFF PATRICIA DAVIS' RESPONSES TO MARS INCORPORATED'S FIRST SET OF INTERROGATORIES

Dated: June 30, 2008 Miami, FL

> /s Catherine J. MacIvor CATHERINE J. MACIVOR (FBN 932711) cmacivor@mflegal.com MALTZMAN FOREMAN, PA One Biscayne Tower 2 South Biscayne Boulevard -Suite 2300 Miami, Florida 33131 Tel: 305-358-6555 / Fax: 305-374-9077 Attorneys for Plaintiffs

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 <u>only</u>, 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 "vour" 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 <u>only</u> 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. <u>ARNOLD – Jack Russell Terrier - male</u>

| <u>Eagle Pack Holistic - dry</u> | |
|----------------------------------|--------------------------------|
| 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 |
| | |
| <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: | 1991 - 2006 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions / Alternating |
| intoune und Frequency. | f et instructions / Theor huring |
| <u>Puppy Chow – both flavors</u> | |
| Purchased at: | Stores #1 – 6, 11 - 15 |
| Time Period of Purchase: | 1991 - 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: | 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 |
| | |
| <u>DelMonte Milk Bones – Gravy, Small, Pu</u> | |
| 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 |
| <u>DelMonte Meaty Bones - small</u> | |
| 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 Sou | ıl – 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 Se | nsitive Stomach dry |
| Purchased at: | Stores #9 |
| Time Period of Purchase: | 2006 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions /Alternating |
| Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency: | Stores #1 – 6, 11 – 18 1991 – 2006 same alternating with commercial food |
| 2. <u>TIPPY – Mini Australian She</u> | pherd - female |
| Beneful - dry Healthy Harvest, Radia | ance, Weight |
| Purchased at: | Store #4, 6 |
| Time Period of Purchase: | 2006 - 2007 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions /Alternating |
| <u>Eagle Pack Holistic - dry</u> | |
| 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 |
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MALTZMAN FOREMAN, PA, 2 South Biscayne Boulevard, Miami, FL 33131 Tel: 305-358-6555 / Fax: 305-374-9077

Amount and Frequency:

Purina Moist & Meaty - cheese

Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency:

Iams Select Bites

Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency:

<u>Iams Puppy – canned</u>

Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency:

Alpo - canned

Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency:

Puppy Chow – both flavors Purchased at:

Time Period of Purchase: Time Period provided: Amount and Frequency:

<u>Pedigree – pouch, canned & dry</u> Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency:

<u>DelMonte Pup-Peroni – all types</u> Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency:

Per instructions / Alternating

Stores #1 – 6, 18 2003 - 2007 same Per instructions /Alternating – infrequently since 4/2007

Stores #4 2006 - 2007 same Per instructions / Alternating

Stores #4 2006 same Per instructions / Alternating

Stores #1 – 6, 12 - 14 2003 - 2007 same Per instructions / Alternating

Stores #1 – 6, 11 - 15 2003 - 2006 same Per instructions / Alternating

Stores #1 – 6, 11 - 15 2003 - 2006 same Per instructions / Alternating

Stores #1 – 6, 11 – 15, 17 2003 - 2007 same as treats - 1/day usually– infrequently since

4/2007

| <u>DelMonte Milk Bones – Gravy, Small, P</u> | uppy, 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 | A |
| 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 |
| 1 2 | с с с |
| <u>Pedigree Marrobones</u> | |
| 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 | alternating with commercial loou – alter 4/2007 |
| annost exclusively people loou | |
| 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 | |
| | |
| <u>Old Mother Hubbard – Bacon biscuits</u> | |
| Purchased at: | Stores #8 |
| Time Period of Purchase: | 2007 |
| Time Period provided: | same |
| | 21 |

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| 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 - c | 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 | atter hatting with commercial food after 1/2007 |
| | |
| <u>Chicken Soup for the Pet Lover's Soul – </u> | <u>senior and puppy dry</u> |
| Purchased at: | Store #7 |
| Time Period of Purchase: | 2004 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions /Alternating |
| <u>People food</u> prepared as well – cheese, r | rice, ground beef, ground turkey, lunch meats, hot |
| dogs, cottage cheese, eggs, noodles, liver, | |
| 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. <u>Oliver – orange tabby cat - male</u> | |
| Chicken Soup for the Pet Lover's Soul – | adult canned & drv |
| Purchased at: | Store #8 |
| Time Period of Purchase: | 2004 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions /Alternating |
| 1 v | U U |
| <u>Purina Friskies – canned, pouches, treats</u> | |
| Purchased at: | Stores #1 – 6, 11 – 15, 17 |
| Time Period of Purchase: | 2003 - 2005 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions /Alternating |
| | |
| <u>9Lives – canned & dry</u> | |
| | 22 |

Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency:

<u>Meow Mix – canned, treats, & dry</u> Purchased at: Time Period of Purchase:

Time Period provided: Amount and Frequency:

Pounce Treats

Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency:

Purina Cat and Kitten Chow Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency:

Purina One dry

Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency:

<u>Purina Deli Cat</u> Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency:

Purina Kit N Kaboodle Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency:

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

Stores #1 – 6, 9 – 15, 17 - 18 2003 - 2005 same Per instructions /Alternating

Stores #1 – 6, 11 - 15 2003 - 2005 same as treats, 4-5/day/Alternating

Stores #1 – 6, 11 - 15 2003 - 2005 same Per instructions /Alternating

Stores #1 – 6, 11 - 15 2003 - 2005 same Per instructions /Alternating

Stores #1 – 6, 11 - 15 2003 - 2005 same Per instructions /Alternating

Stores #1 – 6, 11 - 15 2003 - 2005 same Per instructions /Alternating

Stores #1 – 6, 11 - 15 2003 - 2005 same Per instructions /Alternating

| <u>Puri</u> | ina 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 |
| <u>Euk</u> | <u>anuba Kitten dry</u> | |
| | Purchased at: | Stores #4 |
| | Time Period of Purchase: | 2003 - 2005 |
| | Time Period provided: | same |
| | Amount and Frequency: | Per instructions /Alternating |
| <u>Whi</u> | skas 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 |
| Tem | ptation 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 |
| Iam | <u>s Kitten dry</u> | |
| | Purchased at: | Stores #11, 16 |
| | Time Period of Purchase: | 2003 - 2005 |
| | Time Period provided: | same |
| | Amount and Frequency: | Per instructions /Alternating |
| | | e, ground beef, lunch meats, hot dogs, cottage cheese, |
| eggs | , liver, tuna fish, sardines, etc. Ta | - |
| | Purchased at: | |
| | Time Period of Purchase: | 2003 - 2005 |
| | Time Period provided: | same |
| | Amount and Frequency: | alternating with commercial food |
| 4. | <u>Stretch – orange tabby cat - ma</u> | ale |
| <u>Puri</u> | ina Friskies – canned, pouches, tro | |
| | Purchased at: | Stores #1 – 6, 11 – 15, 17 |
| | Time Period of Purchase: | 2005 - 2007 |
| | Time Period provided: | same |
| | Amount and Frequency: | Per instructions /Alternating |
| | | 24 |
| | | = - |

| <u>9Lives – canned & dry</u> | |
|---|---------|
| Purchased at: | Stores |
| Time Period of Purchase: | 2005 - |
| Time Period provided: | same |
| Amount and Frequency: | Per in |
| <u>Meow Mix – canned, treats, & dry</u> | |
| Purchased at: | Stores |
| Time Period of Purchase: | 2005 - |
| Time Period provided: | same |
| Amount and Frequency: | Per in |
| Pounce Treats | |
| Purchased at: | Stores |
| Time Period of Purchase: | 2005 - |
| Time Period provided: | same |
| Amount and Frequency: | as trea |
| Purina Cat and Kitten Chow | |
| Purchased at: | Stores |
| Time Period of Purchase: | 2005 - |
| Time Period provided: | same |
| Amount and Frequency: | Per in |
| <u>Purina One dry</u> | |
| Purchased at: | Stores |
| Time Period of Purchase: | 2005 - |
| Time Period provided: | same |
| Amount and Frequency: | Per in |
| <u>Purina Deli Cat</u> | |
| Purchased at: | Stores |
| Time Period of Purchase: | 2005 - |
| Time Period provided: | same |
| Amount and Frequency: | Per in |
| <u>Purina Kit N Kaboodle</u> | |
| Purchased at: | Stores |
| Time Period of Purchase: | 2005 - |
| Time Period provided: | same |
| Amount and Frequency: | Per in |
| Purina Fancy Feast canned | |
| Purchased at: | Stores |
| Time Period of Purchase: | 2005 - |
| Time Period provided: | same |
| | 25 |

#1-6, 9-15, 17-18 2007 structions /Alternating

#1 - 6, 9 - 15, 17 - 18 2007 structions /Alternating

#1-6, 11-15 2007 ats, 4-5/day/Alternating

#1-6, 11-15 2007 structions /Alternating

#1 – 6, 11 - 15 2007 structions /Alternating

#1 – 6, 11 - 15 2007 structions /Alternating

#1-6, 11-15 2007 structions /Alternating

#1 – 6, 11 - 15 2007

| Amount and Frequency: | Per instructions /Alternating |
|---|---------------------------------------|
| During Whiskey Linking tweets | |
| <u>Purina Whisker Linkins treats</u> Purchased at: | Stance #1 (11 15 |
| Furchased at: Time Period of Purchase: | Stores #1 – 6, 11 - 15 2005 - 2007 |
| | |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions /Alternating |
| <u>Eukanuba Kitten dry</u> | |
| Purchased at: | Stores #4 |
| Time Period of Purchase: | 2005 - 2007 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions /Alternating |
| i v | 8 |
| <u>Whiskas canned, pouch, dry</u> | |
| Purchased at: | Stores #1 – 6, 11 - 15 |
| Time Period of Purchase: | 2005 - 2007 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions /Alternating |
| | |
| <u>Temptation Treats</u> | |
| 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 |
| <u>Iams Kitten dry</u> | |
| Purchased at: | Stores #11, 16 |
| Time Period of Purchase: | 2005 - 2007 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions /Alternating |
| Amount and Frequency. | Ter mstructions / Atter nating |
| <u>Merrick –canned</u> | |
| Purchased at: | Store #8 |
| Time Period of Purchase: | 2007 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions /Alternating |
| | |
| Eagle Pack –canned & dry | Stars #9 |
| Purchased at: | Store #8 |
| Time Period of Purchase: | 2007 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions /Alternating |

<u>People food</u> 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: Time Period of Purchase: Time Period provided: Amount and Frequency: Stores #1 – 6, 11 – 18 2005 - 2007 same alternating with some commercial food

5. <u>Spaz – Siamese - female</u>

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

| Time Period provided: Amount and Frequency: | same Per instruct |
|---|---|
| <u>Purina Kit N Kaboodle</u> Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency: | Stores #1 – 2005 - 2007 same Per instruct |
| <u>Purina Fancy Feast canned</u> Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency: | Stores #1 – 2005 - 2007 same Per instruct |
| <u>Purina Whisker Linkins treats</u> Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency: | Stores #1 – 2005 - 2007 same Per instruct |
| <u>Eukanuba Kitten dry</u> Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency: | Stores #4 2005 - 2007 same Per instruct |
| <u>Whiskas canned, pouch, dry</u> Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency: | Stores #1 – 2005 - 2007 same Per instruct |
| <u>Temptation Treats</u> Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency: | Stores #1 – 2005 - 2007 same as treats, 4- |
| <u>Iams Kitten dry</u> Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency: | Stores #11, 2005 - 2007 same Per instruct |
| | |

Merrick -canned

same Per instructions /Alternating

Stores #1 – 6, 11 - 15 2005 - 2007 same Per instructions /Alternating

Stores #1 – 6, 11 - 15 2005 - 2007 same Per instructions /Alternating

Stores #1 – 6, 11 - 15 2005 - 2007 same Per instructions /Alternating

Stores #4 2005 - 2007 same Per instructions /Alternating

Stores #1 – 6, 11 - 15 2005 - 2007 same Per instructions /Alternating

Stores #1 – 6, 11 - 15 2005 - 2007 same as treats, 4-5/day/Alternating

Stores #11, 16 2005 - 2007 same Per instructions /Alternating

| Purchased at: | Store #8 |
|---|---|
| Time Period of Purchase: | 2007 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions /Alternating |
| Amount and Proquency. | f er mstructions / fitter nutling |
| 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 | |
| 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. <u>Barnacle – black short-hair - ma</u> | ale |
| Purina Friskies – canned, pouches, trea | nte & 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 |
| | |
| <u>9Lives – canned & dry</u> | |
| 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 |
| <u>Meow Mix – canned, treats, & dry</u> | |
| 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 |
| 1 | 5 |
| 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 |
| i urchascu at. | $500105 \pi 1 = 0, 11 = 15$ |
| | 29 |

| Time Period of Purchase: | 2005 - 2007 |
|--------------------------------------|--------------------------|
| Time Period provided: | same |
| Amount and Frequency: | Per instructions / |
| | |
| <u>Purina One dry</u> | |
| Purchased at: | Stores #1 – 6, 11 |
| Time Period of Purchase: | 2005 - 2007 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions / |
| <u>Purina Deli Cat</u> | |
| Purchased at: | Stores #1 – 6, 11 |
| Time Period of Purchase: | 2005 - 2007 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions / |
| Amount and Frequency. | 1 ci msti uctions / |
| <u>Purina Kit N Kaboodle</u> | |
| Purchased at: | Stores #1 – 6, 11 |
| Time Period of Purchase: | 2005 - 2007 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions / |
| <u>Purina Fancy Feast canned</u> | |
| Purchased at: | Stores #1 – 6, 11 |
| Time Period of Purchase: | 2005 - 2007 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions / |
| Amount and Frequency. | r er mstructions / |
| <u>Purina Whisker Linkins treats</u> | |
| Purchased at: | Stores #1 – 6, 11 |
| Time Period of Purchase: | 2005 - 2007 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions / |
| <u>Eukanuba Kitten dry</u> | |
| Purchased at: | Stores #4 |
| Time Period of Purchase: | 2005 - 2007 |
| Time Period provided: | |
| - | same Don instructions |
| Amount and Frequency: | Per instructions / |
| Whiskas canned, pouch, dry | |
| Purchased at: | Stores #1 – 6, 11 |
| Time Period of Purchase: | 2005 - 2007 |
| Time Period provided: | same |
| Amount and Frequency: | Per instructions / |
| | |

/Alternating

- 15 /Alternating

/Alternating

- 15 /Alternating

| <u>Temptation Treats</u> | |
|---|---|
| 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 |
| <u>Merrick –canned</u> | |
| 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 |
| <u>People food</u> prepared as well – cheese, | , ground beef, lunch meats, hot dogs, cottage cheese, |
| eggs, liver, tuna fish, etc. Table scraps | |
| 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. <u>HAIRY – Jack Russell Terrier - male</u>

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 |

| <u>Eagle Pack Holistic - dry</u> | |
|----------------------------------|-------------------------------|
| 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: Time Period of Purchase: Time Period provided: Amount and Frequency: | Stores #1 – 6, 18 2007 same infrequently |
|---|---|
| <u>Puppy Chow – both flavors</u> Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency: | Stores #1 – 6, 11 - 15 2007 same Per instructions / Alternating |
| <u>Pedigree – pouch, canned & dry</u> Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency: | Stores #1 – 6, 11 - 15 2007 same Per instructions / Alternating |
| <u>DelMonte Pup-Peroni – all types</u> Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency: | Stores #1 – 6, 11 – 15, 17 2007 same infrequently |
| <u>DelMonte Milk Bones – Gravy, Small, F</u> Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency: | <u>Puppy, and Flavor</u> Stores #1 – 6, 11 - 17 2007 same as treats - 1/day usually |
| <u>Publix Dog Snacks</u> Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency: | Store #4 2007 same ½ /day usually |
| <u>Pedigree Marrobones</u> Purchased at: Time Period of Purchase: Time Period provided: Amount and Frequency: | Stores #4, 6, 17 2007 same as treats - 1/day usually |
| <u>Wellness- Puppy dry</u> Purchased at: Time Period of Purchase: Time Period provided: | Stores #16 2007 same 32 |

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| 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 |
| <u>Old Mother Hubbard – Bacon biscuits</u> | |
| Purchased at: | Stores #8 |
| Time Period of Purchase: | 2007 |
| Time Period provided: | same |
| Amount and Frequency: | as treats – 1/day usually |
| <u>People food</u> 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. <u>COOPER – Boxer - male</u> | |
| 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 |
| <u>Eagle Pack Holistic - dry</u> | |
| Purchased at: | Store #8 |
| Time Period of Purchase: | 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: | 2007 |
| Time Period provided: | same |
| Amount and Frequency: | infrequently |
| <u>Puppy Chow – both flavors</u> | |
| Purchased at: | Stores #1 – 6, 11 - 15 |
| Time Period of Purchase: | 2007 |
| 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: | 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, Pu | ippy, 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 |
| | |
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| Time Period of Purchase: | 2007 |
|--------------------------|---------------------------|
| Time Period provided: | same |
| Amount and Frequency: | as treats – 1/day usually |

<u>People food</u> 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. <u>BoBo and Lilly – Brown, short-hair mixed – male and female</u>

| <u>Purina Moist & Meaty – cheese</u> | |
|---|---------------------------------------|
| Purchased at: | Stores #1 – 6, 18 |
| Time Period of Purchase: | 2007 |
| Time Period provided: | same |
| Amount and Frequency: | infrequently |
| 1 5 | 1 0 |
| <u> DelMonte Pup-Peroni – all types</u> | |
| 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 |
| · · | |
| <u>DelMonte Milk Bones – Gravy, Small, Pu</u> | <u>ippy, and Flavor</u> |
| 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 |
| | |
| <u>Publix Dog Snacks</u> | |
| 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 |
| *** | | |
| Welln | ness- Just for Puppy Treats | Starra #1(|
| | Purchased at: | Stores #16 |
| | Time Period of Purchase: | 2007 |
| | Time Period provided: | same |
| | Amount and Frequency: | as treats – 3/day usually |
| | cottage cheese, eggs, noodles, liver, | rice, ground beef, ground turkey, lunch meats, hot 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. | <u>Oreo – black short-hair - male</u> | |
| Purin | <u>a Friskies Signature Blend dry</u> | |
| | Purchased at: | Stores #4 |
| | Time Period of Purchase: | 2007 |
| | Time Period provided: | same |
| | Amount and Frequency: | Per instructions /Alternating |
| Meow | y Mix Wholesome Goodness – dry | |
| | Purchased at: | Stores #4 |
| | Time Period of Purchase: | 2007 |
| | Time Period provided: | same |
| | Amount and Frequency: | Per instructions /Alternating |
| Uilla | Sajango Diot Kitton duy | |
| | <u>Science Diet Kitten – dry</u> Purchased at: | Stores #16 |
| | Time Period of Purchase: | 2007 |
| | Time Period provided: | same |
| | Amount and Frequency: | Per instructions /Alternating |
| | Amount and Frequency. | Ter msu ucuons /Aner nating |
| Poonl | e food propered as well tupe fish | , sardines, kippers, etc. Table scraps also. |
| <u>1 cohi</u> | Purchased at: | Stores #4 |
| | Time Period of Purchase: | 2007 |
| | Time Period provided: | same |
| | Amount and Frequency: | alternating with some commercial food |
| | · · · · · · · · · · · · · · · · · · · | more maning with some commercial root |
| | | |

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. Dairs Pat Davis

MALTZMAN FOREMAN, PA, 2 South Biscayne Boulevard, Miami, FL 33131 Tel: 305-358-6555 / Fax: 305-374-9077