

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,

vs.

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

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**DECLARATION OF KRISTEN E. CAVERLY IN SUPPORT OF  
NATURA PET PRODUCTS, INC.'S MOTION FOR SUMMARY JUDGMENT**

1. I, Kristen E. Caverly, am over the age of 18 and have personal knowledge of the facts set forth herein or know of such facts from my review of the case files for this action, which are maintained by my office in the normal course of business. I am lead counsel for defendant Natura Pet Products, Inc., and admitted *pro hac vice* in this action.
2. On June 30, 2008, plaintiffs' counsel served me with plaintiff Linda Brown's Responses to Mars Incorporated's First Set of Interrogatories. A true and correct copy of relevant excerpts of that document is attached hereto as Exhibit "A" (no Natura products are identified as purchased or used).
3. On June 30, 2008, plaintiffs' counsel served me with plaintiff Tone Gaglione's Responses to Mars Incorporated's First Set of Interrogatories. A true and correct copy of relevant excerpts of that document is attached hereto as Exhibit "B" (no Natura products are identified as purchased or used).
4. On June 30, 2008, plaintiffs' counsel served me with plaintiff Patricia Hanrahan's Unexecuted Responses to Mars Incorporated's First Set of Interrogatories. A true and

correct copy of relevant excerpts of that document is attached hereto as Exhibit "C" (no Natura products are identified as purchased or used).

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

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

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

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

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

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

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

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

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

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

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

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

17. On June 30, 2008, plaintiffs' counsel served me with plaintiff Carolyn White's Responses to Mars Incorporated's First Set of Interrogatories. A true and correct copy of

relevant excerpts of that document is attached hereto as Exhibit "P" (no Natura products are identified as purchased or used).

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

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

The foregoing is stated under penalty of perjury under the laws of the United States of America. Executed in Rancho Santa Fe, California on October 9, 2008.

  
Kristen E. Caverly

## Exhibits A-R

- Exhibit A – Excerpts of Linda Brown’s Responses to Mars Inc.’s First Set of Interrogatories
- Exhibit B – Excerpts of Tone Gaglione’s Responses to Mars Inc.’s First Set of Interrogatories
- Exhibit C – Excerpts of Patricia Hanrahan’s Unexecuted Responses to Mars Inc.’s First Set of Interrogatories
- Exhibit D – Excerpts of Deborah Hock’s Responses to Mars Inc.’s First Set of Interrogatories
- Exhibit E – Excerpts of Donna Hopkins-Jones’ Responses to Mars Inc.’s First Set of Interrogatories
- Exhibit F – Excerpts of Raul Isern’s Responses to Mars Inc.’s First Set of Interrogatories
- Exhibit G – Excerpts of Claire Kotzampaltiris’ Responses to Mars Inc.’s First Set of Interrogatories
- Exhibit H – Excerpts of Michelle Lucarelli’s Responses to Mars Inc.’s First Set of Interrogatories
- Exhibit I – Excerpts of Marian Lupo’s Responses to Mars Inc.’s First Set of Interrogatories
- Exhibit J – Excerpts of Sharon Mathiesen’s Responses to Mars Inc.’s First Set of Interrogatories
- Exhibit K – Excerpts of Julie Nelson’s Responses to Mars Inc.’s First Set of Interrogatories
- Exhibit L – Excerpts of Ann Quinn’s Responses to Mars Inc.’s First Set of Interrogatories
- Exhibit M – Excerpts of Marlena Rucker’s Responses to Mars Inc.’s First Set of Interrogatories
- Exhibit N – Excerpts of Sandy Shore’s Responses to Mars Inc.’s First Set of Interrogatories
- Exhibit O – Excerpts of Danielle Valoras’ Responses to Mars Inc.’s First Set of Interrogatories
- Exhibit P – Excerpts of Carolyn White’s Responses to Mars Inc.’s First Set of Interrogatories
- Exhibit Q – Excerpts of Lou Wiggin’s Responses to Mars Inc.’s First Set of Interrogatories
- Exhibit R – Excerpts of Beth Wilson’s Responses to Mars Inc.’s First Set of Interrogatories

## Exhibit A

### Excerpts of Linda Brown's Responses to Mars Inc.'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.

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**NOTICE OF SERVING PLAINTIFF LINDA BROWN'S  
RESPONSES TO MARS INCORPORATED'S  
FIRST SET OF INTERROGATORIES**

Dated: June 30, 2008  
Miami, FL

/s Catherine J. MacIvor  
CATHERINE J. MACIVOR (FBN 932711)  
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*Attorneys for Plaintiffs*

period during which it occurred, the name of any individual with whom you consulted regarding the concern, the names of all medications or remedies prescribed or otherwise recommended to 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. Brown 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. Brown’s 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. Lewistown Veterinary Clinic  
440 Debra Lane  
Lewistown, MN 55852
2. Elite Kibble  
2344 State Road 16  
Suite B  
LaCrosse, WI 54603
3. Urbane Animal  
202 West 2<sup>nd</sup> Street  
Winona, MN 55987

**FOOD PURCHASED:**

1. Linus  
Hill’s Science Diet dry  
Purchased at: 1  
Time Period of Purchase: 2004 – 2005  
Time Period Provided: Same  
Amount and Frequency: 1 cup, twice per day

- Iams Chicken and Beef, canned  
Purchased at: Various stores, while shopping  
Time Period of Purchase: 2005  
Time Period Provided: Same  
Amount and Frequency: 1 can per day

Iams dry

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 2005 – early 2007  
**Time Period Provided:** Same  
**Amount and Frequency:** Per instructions

Pinnacle Trout & Sweet Potato

**Purchased at:** 2  
**Time Period of Purchase:** 2007  
**Time Period Provided:** Same  
**Amount and Frequency:** 2 cups, twice per day

Orijen dry, 6 Fish

**Purchased at:** 2  
**Time Period of Purchase:** 2007  
**Time Period Provided:** Same  
**Amount and Frequency:** 2 cups, twice per day

Fromm dry White Fish & Sweet Potato

**Purchased at:** 2  
**Time Period of Purchase:** 2007  
**Time Period Provided:** Same  
**Amount and Frequency:** 2 cups, twice per day

Life's Abundance

**Purchased at:** Online at 4 Live website  
**Time Period of Purchase:** 3/2007 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** 2 cups, twice per day

2. Ginger

Kibbles and Bits dry

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 5/2003 – 2006  
**Time Period Provided:** Same  
**Amount and Frequency:** Free fed

Pedigree Mealtime Meaty Chunks

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 3 months while feeding Kibble and Bits, but not sure exactly when  
**Time Period Provided:** Same  
**Amount and Frequency:** Free fed

NutraSource dry

**Purchased at:** 2

Time Period of Purchase: 2006 – 2007  
Time Period Provided: Same  
Amount and Frequency: 2 cups, twice per day

Fromm, dry

Purchased at: 3  
Time Period of Purchase: 2007  
Time Period Provided: Same  
Amount and Frequency: 2 cups, twice per day

Life's Abundance

Purchased at: Online at 4 Live website  
Time Period of Purchase: 3/2007 – 5/2007  
Time Period Provided: Same  
Amount and Frequency: 2 cups, twice per day

3.

Jasmine

Kibbles and Bits dry

Purchased at: Various stores, while shopping  
Time Period of Purchase: 5/2003 – 2006  
Time Period Provided: Same  
Amount and Frequency: Free fed

Pedigree Mealtime Meaty  
Chunks

Purchased at: Various stores, while shopping  
Time Period of Purchase: 3 months while feeding Kibble and Bits, but not  
sure exactly when  
Time Period Provided: Same  
Amount and Frequency: Free fed

NutraSource dry

Purchased at: 2  
Time Period of Purchase: 2006 – 2007  
Time Period Provided: Same  
Amount and Frequency: ½ cups, twice per day

Fromm, dry

Purchased at: 3  
Time Period of Purchase: 2007  
Time Period Provided: Same  
Amount and Frequency: ½ cups, twice per day

Life's Abundance

Purchased at: Online at 4 Live website  
Time Period of Purchase: 3/2007 – 5/2007

**Time Period Provided:** Same  
**Amount and Frequency:** ½ cups, twice per day

4. Ringo

Purina Kitten Chow dry

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 5/2003 – 2006  
**Time Period Provided:** Same  
**Amount and Frequency:** Free fed

Sprout Ultra High Performance canned

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 2006 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** ½ can per day

Sprout Ultra High Performance dry

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 2006 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** 2 – 3 cups per day, shared with JNX

5. Precious

Purina Kitten Chow dry

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 5/2003 – 2006  
**Time Period Provided:** Same  
**Amount and Frequency:** Free fed

Sprout Ultra High Performance canned

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 2006 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** 1 can per day shared with other cats

Sprout Ultra High Performance dry

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 2006 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** 2 – 3 cups per day, shared with other cats

6. JNX

Purina Kitten Chow dry

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 5/2003 – 2006  
**Time Period Provided:** Same

**Amount and Frequency:** Free fed

**Sprout Ultra High Performance canned**

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 2006 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** ½ can per day

**Sprout Ultra High Performance dry**

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 2006 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** 2 – 3 cups per day, shared with Ringo

**7. Streak**

**Purina Kitten Chow dry**

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 5/2003 – 2006  
**Time Period Provided:** Same  
**Amount and Frequency:** Free fed

**Sprout Ultra High Performance canned**

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 2006 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** 1 can per day shared with other cats

**Sprout Ultra High Performance dry**

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 2006 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** 2 – 3 cups per day, shared with other cats

**8. JJ**

**Purina Kitten Chow dry**

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 5/2003 – 2006  
**Time Period Provided:** Same  
**Amount and Frequency:** Free fed

**Sprout Ultra High Performance canned**

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 2006 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** 1 can per day shared with other cats

**Sprout Ultra High Performance dry**

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 2006 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** 2 – 3 cups per day, shared with other cats

**9. Oreo**

**Purina Kitten Chow dry**

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 5/2003 – 2006  
**Time Period Provided:** Same  
**Amount and Frequency:** Free fed

**Sprout Ultra High Performance canned**

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 2006 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** 1 can per day shared with other cats

**Sprout Ultra High Performance dry**

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 2006 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** 2 – 3 cups per day, shared with other cats

**10. Woogie**

**Purina Kitten Chow dry**

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 5/2003 – 2006  
**Time Period Provided:** Same  
**Amount and Frequency:** Free fed

**Sprout Ultra High Performance canned**

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 2006 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** 1 can per day shared with other cats

**Sprout Ultra High Performance dry**

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 2006 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** 2 – 3 cups per day, shared with other cats

**11. Bookend I**

**Purina Kitten Chow dry**

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 5/2003 – 2006  
**Time Period Provided:** Same  
**Amount and Frequency:** Free fed

**Sprout Ultra High Performance canned**

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 2006 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** 1 can per day shared with other cats

**Sprout Ultra High Performance dry**

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 2006 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** 2 – 3 cups per day, shared with other cats

12. **Bookend II**

**Purina Kitten Chow dry**

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 5/2003 – 2006  
**Time Period Provided:** Same  
**Amount and Frequency:** Free fed

**Sprout Ultra High Performance canned**

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 2006 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** 1 can per day shared with other cats

**Sprout Ultra High Performance dry**

**Purchased at:** Various stores, while shopping  
**Time Period of Purchase:** 2006 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** 2 – 3 cups per day, shared with other cats

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, or screen names), all addresses at which you have lived for the past ten (10) years, your date of birth, and your driver's license number and state of issuance.

**Objection.** The Plaintiffs object because 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 electronic identities that they



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

Executed on June, 29<sup>th</sup>, 2008.

A handwritten signature in cursive script, reading "Linda L. Brown", is written over a solid horizontal line.

Linda Brown

## Exhibit B

### Excerpts of Tone Gaglione's Responses to Mars Inc.'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 TONE GAGLIONE'S  
RESPONSES TO MARS INCORPORATED'S  
FIRST SET OF INTERROGATORIES**

Dated: June 30, 2008  
Miami, FL

/s Catherine J. MacIvor  
CATHERINE J. MACIVOR (FBN 932711)  
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Tel: 305-358-6555 / Fax: 305-374-9077  
*Attorneys for Plaintiffs*

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. Gaglione 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. Gaglione's 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. Shop Rite  
50 WalMart Plaza  
Clinton, NJ 08809
2. Pet Value  
55 WalMart Plaza  
Clinton, NJ 08809

**FOOD PURCHASED:**

1. Daisy  
Mars Pedigree, dry  
Purchased at: 1  
Time Period of Purchase: 06/16/2006 – 08/10/2006  
Time Period Provided: Same  
Amount and Frequency: Per package instructions  
  
Shop-rite treats beef basted  
Purchased at: 1  
Time Period of Purchase: 01/28/2006 – 04/01/2007  
Time Period Provided: Same  
Amount and Frequency: Per package instructions  
  
Shop-rite treats plain  
Purchased at: 1  
Time Period of Purchase: 02/17/2006 – 04/28/2007  
Time Period Provided: Same  
Amount and Frequency: Per package instructions  
  
Sunshine Co. Lassie, dry  
Purchased at: 1  
Time Period of Purchase: 08/28/2006 – 08/10/2006  
Time Period Provided: Same  
Amount and Frequency: Per package instructions  
  
Wellness, pouches (all four varieties)  
Purchased at: 2  
Time Period of Purchase: 06/16/2006 – 08/10/2006  
Time Period Provided: Same  
Amount and Frequency: Per package instructions

2.

Maam

Mars Pedigree, dry

Purchased at: 1  
Time Period of Purchase: 06/16/2006 – 08/10/2006  
Time Period Provided: Same  
Amount and Frequency: Per package instructions

Shop-rite treats beef basted

Purchased at: 1  
Time Period of Purchase: 01/28/2006 – 04/01/2007  
Time Period Provided: Same  
Amount and Frequency: Per package instructions

Shop-rite treats plain

Purchased at: 1  
Time Period of Purchase: 02/17/2006 – 04/28/2007  
Time Period Provided: Same  
Amount and Frequency: Per package instructions

Sunshine Co. Lassie, dry

Purchased at: 1  
Time Period of Purchase: 8/2006  
Time Period Provided: Same  
Amount and Frequency: Per package instructions

Wellness, pouches (all four varieties)

Purchased at: 2  
Time Period of Purchase: 06/16/2006 – 08/10/2006  
Time Period Provided: Same  
Amount and Frequency: Per package instructions

3.

Spice

Purina Fancy Feast, dry chicken & turkey (gold and purple bag)

Purchased at: 1  
Time Period of Purchase: 5/2003 – 5/2007  
Time Period Provided: Same  
Amount and Frequency: Per package instructions

Purina Fancy Feast, moist gourmet chicken feast

Purchased at: 1  
Time Period of Purchase: 5/2003 – 5/2007  
Time Period Provided: Same  
Amount and Frequency: Per package instructions

Purina Fancy Feast, moist turkey & giblet

**Purchased at:** 1  
**Time Period of Purchase:** 5/2003 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** Per package instructions

**Purina Friskies, dry (pink bag, discontinued)**

**Purchased at:** 1  
**Time Period of Purchase:** 5/2003 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** Per package instructions

4. **Misty**

**Purina Fancy Feast, moist flaked salmon and ocean whitefish**

**Purchased at:** 1  
**Time Period of Purchase:** 5/2003 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** Per package instructions

**Purina Fancy Feast, moist flaked tuna**

**Purchased at:** 1  
**Time Period of Purchase:** 5/2003 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** Per package instructions

**Purina Fancy Feast, moist flaked tuna and mackerel**

**Purchased at:** 1  
**Time Period of Purchase:** 5/2003 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** Per package instructions

**Purina Fancy Feast, chicken and tuna**

**Purchased at:** 1  
**Time Period of Purchase:** 5/2003 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** Per package instructions

**Purina Fancy Feast, cod, sole, shrimp**

**Purchased at:** 1  
**Time Period of Purchase:** 5/2003 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** Per package instructions

**Purina Fancy Feast, moist liver & chicken**

**Purchased at:** 1  
**Time Period of Purchase:** 5/2003 – 5/2007  
**Time Period Provided:** Same



**Amount and Frequency:** Per package instructions

**Purina Fancy Feast, seafood feast**

**Purchased at:** 1  
**Time Period of Purchase:** 5/2003 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** Per package instructions

**Purina Fancy Feast, moist roasted chicken**

**Purchased at:** 1  
**Time Period of Purchase:** 5/2003 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** Per package instructions

**Purina Fancy Feast, moist roasted turkey**

**Purchased at:** 1  
**Time Period of Purchase:** 5/2003 – 04/22/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** Per package instructions

**Purina Fancy Feast, moist savory salmon**

**Purchased at:** 1  
**Time Period of Purchase:** 5/2003 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** Per package instructions

**Purina Fancy Feast, moist turkey & giblet**

**Purchased at:** 1  
**Time Period of Purchase:** 5/2003 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** Per package instructions

**Purina Fancy Feast, grilled liver & chicken**

**Purchased at:** 1  
**Time Period of Purchase:** 5/2003 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** Per package instructions

**Purina Friskies, dry (pink bag, discontinued)**

**Purchased at:** 1  
**Time Period of Purchase:** 5/2003 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** Per package instructions

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, Tone Gaglione, declare and state the foregoing responses to interrogatories are true and correct under penalty of perjury.

Executed on June 27, 2008.

  
\_\_\_\_\_  
Tone Gaglione

## Exhibit C

Excerpts of Patricia Hanrahan's Unexecuted Responses to  
Mars Inc.'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.

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**NOTICE OF SERVING PLAINTIFF PATRICIA HANRAHAN'S  
UNEXECUTED 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@mlegal.com](mailto:cmacivor@mlegal.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*

period during which it occurred, the name of any individual with whom you consulted regarding the concern, the names of all medications or remedies prescribed or otherwise recommended to 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. Hanrahan 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. Hanrahan’s 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. Petsmart  
18820 Hwy 99  
Lynwood, WA 98036
2. Petco  
1203 SE Everett Mall Way, #F  
Everett, WA 98208
3. Pet Pros  
13402 Bothell Evt Hwy #106  
Mill Creek, WA 98012
4. Petcare Hospital  
4210 148<sup>th</sup> St SE  
Mill Creek, WA 98012

**FOOD PURCHASED:**

1. Duffy  
Nutro Lam and Rice dry  
Purchased at: 1, 2 and 3  
Time Period of Purchase: 2003  
Time Period Provided: Same  
Amount and Frequency: 1/2 - 2/3 cup, 2 times per day  
  
Wellness Senior Lamb & Rice dry  
Purchased at: 1, 2 and 3  
Time Period of Purchase: 2003 – 11/2006

Time Period Provided: Same  
Amount and Frequency: 1/2 - 2/3 cup, 2 times per day

Nutro Sr and Misc senior canned dog food

Nutro Senior 12.5 oz (upc 79105373135)

Nutro Natural Choice Senior Chicken and Rice

Nutro Natural Choice Senior Lamb and Rice

Nutro Natural Choice Turkey and Veggie Casserole (Pouch)

Nutro Natural Choice Lamb Stew (Pouch)

Nutro Natural Choice Beef Stew (Pouch)

Canidae Platinum Senior

Avoderm Senior Lamb and Rice

Iams Active Maturity

Iams Sr Chicken and Rice

Iams Lamb and Rice

Purchased at: 1, 2 and 3  
Time Period of Purchase: 2003 – 11/2006  
Time Period Provided: Same  
Amount and Frequency: Mixed 1/4 - 2/3 cup canned food with dry food 2 times per day. Pouches purchased for special occasions.

Hill's Prescription Diet m/d canned

Purchased at: 4  
Time Period of Purchase: November 2006  
Time Period Provided: Same  
Amount and Frequency: 1 can 2 times per day

2. Samson, Jocco, Madison and Alexis

Iams Eukanuba Prescription low residue

Purchased at: 4  
Time Period of Purchase: 5/2003 – 9/2003  
Time Period Provided: Same  
Amount and Frequency: 1 ½ cups per day

3. Alexis

Wellness Senior Lamb & Rice

Purchased at: 3  
Time Period of Purchase: 9/2006 – 5/2007  
Time Period Provided: Same  
Amount and Frequency: 1 ½ cups per day

4. Samson, Jocco, Madison

Avoderm Lamb and Rice

Wellness Super 5 Lamb & Rice

Nutro Natural Choice Chicken & Rice (mixed together, equal parts)



**Purchased at:** 1, 2 and 3  
**Time Period of Purchase:** 9/2003 – 8/2006  
**Time Period Provided:** Same  
**Amount and Frequency:** 1/2 - 2/3 cup, 2 times per day

Avoderm Lamb and Rice

Wellness Super 5 Lamb & Rice (mixed together, equal parts)

**Purchased at:** 1, 2 and 3  
**Time Period of Purchase:** 9/2003 – 8/2006  
**Time Period Provided:** Same  
**Amount and Frequency:** 1 ½ cups per day

5. Sheena, Rascal, Missy and Hanson

Nutro CC Indoor Senior

**Purchased at:** 1, 2 and 3  
**Time Period of Purchase:** 5/2003 – 8/2006  
**Time Period Provided:** Same  
**Amount and Frequency:** 1 ¼ cups per day

Hill's Science Diet Hairball Formula

Hill's Science Diet Less Active Formula

**Purchased at:** 1, 2 and 3  
**Time Period of Purchase:** 5/2004 – 5/2007  
**Time Period Provided:** Same  
**Amount and Frequency:** 1 ¼ cups per day

56 Hanson

Hill's Science Diet m/d

**Purchased at:** 4  
**Time Period of Purchase:** 9/2006  
**Time Period Provided:** Same  
**Amount and Frequency:** Per instructions

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, or screen names), all addresses at which you have lived for the past ten (10) years, your date of birth, and your driver's license number and state of issuance.

**Objection.** The Plaintiffs object because 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 electronic identities that they used during the past five (5) years, which is wholly irrelevant. *See Kraft Foods N. Am.*, 238 F.R.D. 648, 658-59; *Socas*, 2008 U.S. Dist. LEXIS 16683, at \*3 ("the Court may restrain any discovery requests that are overbroad or would be unduly burdensome to produce");

Exhibit D

Excerpts of Deborah Hock's Responses to Mars Inc.'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.

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**NOTICE OF SERVING PLAINTIFF DEBORAH HOCK'S  
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](mailto: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*

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. Hock has produced 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. Hock’s 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. Safeway  
70 N Cabrillo Highway  
Half Moon Bay, CA 94019

2. **Kibbles & Klips**  
80B Cabrillo Highway N  
Half Moon Bay, CA 94019
3. **Susan MacInnes, DVM**  
All Animal Mobile Vet Clinic  
PO Box 1094  
Half Moon Bay, CA
4. **Feed & Fuel**  
331 Main Street  
Half Moon Bay, CA 94019
5. **Longs Drugs**  
Half Moon Bay, CA
6. **More 4 Less**  
Half Moon Bay, CA

**FOOD PURCHASED:**

1. **BooKitty**  
**Whiskas – Canned**  
Purchased at: 1 and 6  
Time Period of Purchase: Between May 9, 2003 and May 9, 2007  
Time Period Provided: Same  
Amount and Frequency: Per instructions/Alternating
  
- Whiskas – Canned**  
Purchased at: 1 and 6  
Time Period of Purchase: Between May 9, 2003 and May 9, 2007  
Time Period Provided: Same  
Amount and Frequency: Per instructions/Alternating
  
- Hill's Science Diet, Dry, Hairball Formula**  
Purchased at: 2  
Time Period of Purchase: Between May 9, 2003 and May 9, 2007  
Time Period Provided: Same  
Amount and Frequency: Per instructions/Alternating
  
- Hill's Science Diet, Dry, Senior Formula**  
Purchased at: 2  
Time Period of Purchase: Between May 9, 2003 and May 9, 2007  
Time Period Provided: Same  
Amount and Frequency: Per instructions/Alternating

**Hill's Science Diet, Dry, Uretic Formula**

**Purchased at:** 2  
**Time Period of Purchase:** Between May 9, 2003 and May 9, 2007  
**Time Period Provided:** Same  
**Amount and Frequency:** Per instructions/Alternating

**Sheeba, various flavors**

**Purchased at:** 1  
**Time Period of Purchase:** Between May 9, 2003 and May 9, 2007  
**Time Period Provided:** Same  
**Amount and Frequency:** Per instructions/Alternating

**Fancy Feast – Canned, various flavors**

**Purchased at:** 1  
**Time Period of Purchase:** Between May 9, 2003 and May 9, 2007  
**Time Period Provided:** Same  
**Amount and Frequency:** Per instructions/Alternating

**Iams, canned, various flavors**

**Purchased at:** 1, 3 and 4  
**Time Period of Purchase:** Fall/winter 2006 – 2007  
**Time Period Provided:** Same  
**Amount and Frequency:** Per instructions/Alternating

**Human Baby Food (after he became deathly sick from the Iams canned food)**

**Purchased at:** 1 and 5  
**Time Period of Purchase:** Spring and summer, 2007  
**Time Period Provided:** Same  
**Amount and Frequency:** As he could eat

**Newman's Own**

**Purchased at:** 1  
**Time Period of Purchase:** May, 2007  
**Time Period Provided:** Same  
**Amount and Frequency:** Per instructions, only purchased once. Due to excessive vomiting from Iams, his teeth disintegrated and could not chew and was to ill for dental work

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, or screen names), all addresses at which you have lived for the past ten (10) years, your date of birth, and your driver's license number and state of issuance.

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

Executed on June 30, 2008.

  
Deborah Hock