

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.

---

**PLAINTIFFS' MOTION FOR ENLARGEMENT OF TIME TO REPLY  
TO DEFENDANT NATURA'S RESPONSE TO THE PLAINTIFFS' MOTION  
FOR VOLUNTARY DISMISSAL WITH PREJUDICE  
WITHOUT AN AWARD OF COSTS AND FEES**

Plaintiffs, Renee Blaszkowski and Jennifer Damron, pursuant to Rule 6(b) of the Federal Rules of Civil procedure, respectfully request this Court to enter an Order extending the time by which Ms. Blaszkowski and Ms. Damron (collectively the "Plaintiffs") must submit their Reply to Natura Pet Products, Inc.'s ("Natura") Response to the Plaintiffs' Motion for Voluntary Dismissal with Prejudice Without an Award of Costs and Fees, and as grounds therefor state as follows:

1. On October 13, 2008, the Plaintiffs filed their Motion for Voluntary Dismissal with Prejudice Without an Award of Costs and Fees. [DE 518].
2. On October 20, 2008, Natura filed their Response in opposition to the Motion. [DE 522]. The Reply to Natura's Response would be due on October 27, 2008.

3. Ms. Blaszkowski is out of town and will continue to be out of town until Monday, October 27, 2008.

4. Given that Natura's Response involves issues regarding the particular financial circumstances of Ms. Blaszkowski and Ms. Damron, and that the undersigned will be unable to get in touch with Ms. Blaszkowski until Monday, October 27, which is the due date of the Reply, the undersigned requests that the due date for the Reply be extended until November 6, 2008. This extension will give the undersigned an opportunity to speak with the client and discuss the issues contained in Natura's Response before the Plaintiffs file their Reply.

5. If this Motion for Enlargement is not granted, the Plaintiffs will be severely prejudiced in their ability to defend their original Motion.

6. There will be no prejudice to the Defendants if this enlargement of time is granted as Natura has already filed its Response and the arguments in the Reply are simply made in response thereto.

7. This Motion is not filed for the purpose of delay, but rather to simply give the Plaintiffs' counsel an adequate opportunity to review, analyze, and assess the law with respect to the numerous issues and facts that were raised in Natura's Response.

8. The Plaintiffs' counsel conferred with Natura's counsel, Robert Mardian. Mr. Mardian advised that Natura agrees to an extension of time for the Plaintiffs to file their Reply to November 6, 2008.

WHEREFORE, the Plaintiffs respectfully request this Court to enter an Order extending to November 6, 2008 the date by which the Plaintiffs must submit their Reply to Natura's Response to the Plaintiffs' Motion for Voluntary Dismissal with Prejudice Without an Award of

Costs and Fees for all of the reasons set forth above, and for all other relief that this court deems just and proper.

Dated: October 22, 2008  
Miami, FL

By: 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

PATRICK N. KEEGAN  
[pkeegan@keeganbaker.com](mailto:pkeegan@keeganbaker.com)  
JASON E BAKER  
[jbaker@keeganbaker.com](mailto:jbaker@keeganbaker.com)  
KEEGAN & BAKER, LLP  
4370 La Jolla Village Drive  
Suite 640  
San Diego, CA 92122  
Tel: 858-552-6750 / Fax 858-552-6749  
*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that the foregoing was electronically filed with the Clerk of the Court via CM/ECF on this 22nd day of October, 2008. We also certify that the foregoing was served on all counsel or parties of record on the attached Service List either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronic Notices of Filing.

s/ Catherine J. MacIvor \_\_\_\_\_  
Catherine J. MacIvor

**SERVICE LIST**

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

**CATHERINE J. MACIVOR**

[cmacivor@mflegal.com](mailto:cmacivor@mflegal.com)

**JEFFREY B. MALTZMAN**

[jmaltzman@mflegal.com](mailto:jmaltzman@mflegal.com)

**JEFFREY E. FOREMAN**

[jforeman@mflegal.com](mailto:jforeman@mflegal.com)

**DARREN W. FRIEDMAN**

[dfriedman@mflegal.com](mailto:dfriedman@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*

**EDGAR R. NIELD**

[enield@nieldlaw.com](mailto:enield@nieldlaw.com)

4370 La Jolla Village Drive

Suite 640

San Diego, CA 92122

Telephone: 858-552-6745

Facsimile: 858-552-6749

*Attorney for Plaintiffs*

**LONNIE L. SIMPSON**

E-Mail: [Lonnie.Simpson@dlapiper.com](mailto:Lonnie.Simpson@dlapiper.com)

**S. DOUGLAS KNOX**

E-Mail: [Douglas.knox@dlapiper.com](mailto:Douglas.knox@dlapiper.com)

**DLA PIPER US LLP**

100 N. Tampa Street, Suite 2200

Tampa, Florida 33602-5809

Telephone: (813) 229-2111

Facsimile: (813) 229-1447

*Attorneys for Defendants Menu Foods, Inc.  
and Menu Foods Income Fund*

**PATRICK N. KEEGAN**

[pkeegan@keeganbaker.com](mailto:pkeegan@keeganbaker.com)

**JASON E BAKER**

[jbaker@keeganbaker.com](mailto:jbaker@keeganbaker.com)

**KEEGAN & BAKER, LLP**

4370 La Jolla Village Drive

Suite 640

San Diego, CA 92122

Telephone: 858-552-6750

Facsimile: 858-552-6749

*Attorneys for Plaintiffs*

**ALEXANDER SHAKNES**

E-Mail: [Alex.Shaknes@dlapiper.com](mailto:Alex.Shaknes@dlapiper.com)

**AMY W. SCHULMAN**

E-Mail: [Amy.schulman@dlapiper.com](mailto:Amy.schulman@dlapiper.com)

**DLA PIPER US LLP**

1251 Avenue of the Americas

New York, New York 10020

Telephone: (212) 335-4829

*Attorneys for Defendants Menu Foods, Inc.  
and Menu Foods Income Fund*

**WILLIAM C. MARTIN**

E-Mail: [william.martin@dlapiper.com](mailto:william.martin@dlapiper.com)

**DLA PIPER RUDNICK GRAY CARY US  
LLP**

203 North LaSalle Street

Suite 1900

Chicago, Illinois 60601-1293

*Attorneys for Defendants Menu Foods, Inc.  
and Menu Foods Income Fund*

**MARK C. GOODMAN**  
[mgoodman@ssd.com](mailto:mgoodman@ssd.com)  
**SQUIRE, SANDERS & DEMPSEY LLP**  
One Maritime Plaza  
Suite 300  
San Francisco, CA 94111-3492  
Telephone: (415) 954-0200  
Facsimile: (415) 393-9887

*Attorneys for Defendants PETCO Animal Supplies Stores Inc., PetSmart, Inc., Wal-Mart Stores, Inc. and Target Corporation*

**JEFFREY S. YORK**  
E-Mail: [jjork@mcguirewoods.com](mailto:jjork@mcguirewoods.com)  
**MICHAEL GIEL**  
E-Mail: [mgiel@mcguirewoods.com](mailto:mgiel@mcguirewoods.com)  
**McGUIRE WOODS LLP**  
50 N. Laura Street, Suite 3300  
Jacksonville, FL 32202  
Telephone: (904) 798-2680  
Facsimile: (904) 360-6330

*Attorneys for Defendant Natura Pet Products, Inc.*

**OMAR ORTEGA**  
Email: [ortegalaw@bellsouth.net](mailto:ortegalaw@bellsouth.net)  
**DORTA & ORTEGA, P.A.**  
Douglas Entrance  
800 S. Douglas Road, Suite 149  
Coral Gables, Florida 33134  
Telephone: (305) 461-5454  
Facsimile: (305) 461-5226

*Attorneys for Defendant Mars, Inc. and Mars Petcare U.S. and Nutro Products, Inc.*

**BARBARA BOLTON LITTEN**  
[blitten@ssd.com](mailto:blitten@ssd.com)  
**SQUIRE, SANDERS & DEMPSEY LLP**  
1900 Phillips Point West  
777 South Flagler Drive  
West Palm Beach, Florida 33401-6198  
Telephone: (561) 650-7200  
Facsimile: (561) 655-1509

*Attorneys for Defendants PETCO Animal Supplies Stores Inc., PetSmart, Inc., Wal-Mart Stores, Inc. and Target Corporation*

**KRISTEN E. CAVERLY**  
E-Mail: [kcaverly@hcesq.com](mailto:kcaverly@hcesq.com)  
**ROBERT C. MARDIAN III**  
[rmardian@hcesq.com](mailto:rmardian@hcesq.com)  
**HENDERSON CAVERLY PUM & CHARNEY LLP**  
16236 San Dieguito Road, Suite 4-13  
P.O. Box 9144 (all US Mail)  
Rancho Santa Fe, CA 92067-9144  
Telephone: 858-756-6342 x)101  
Facsimile: 858-756-4732

*Attorneys for Natura Pet Products, Inc.*

**ALAN G. GREER**  
[agreer@richmangreer.com](mailto:agreer@richmangreer.com)  
**RICHMAN GREER WEIL BRUMBAUGH MIRABITO & CHRISTENSEN**  
201 South Biscayne Boulevard  
Suite 1000  
Miami, Florida 33131  
Telephone: (305) 373-4000  
Facsimile: (305) 373-4099

*Attorneys for Defendants The Iams Co.*

**BENJAMIN REID**

E-Mail: [bried@carltonfields.com](mailto:bried@carltonfields.com)

**ANA CRAIG**

E-Mail: [acraig@carltonfields.com](mailto:acraig@carltonfields.com)

**CARLTON FIELDS, P.A.**

100 S.E. Second Street, Suite 4000

Miami, Florida 33131-0050

Telephone: (305)530-0050

Facsimile: (305) 530-0050

*Attorneys for Defendants Hill's Pet Nutrition,  
Inc.*

**KARA L. McCALL**

[kmccall@sidley.com](mailto:kmccall@sidley.com)

**SIDLEY AUSTIN LLP**

One S. Dearborn Street

Chicago, ILL 60633

Telephone: (312) 853-2666

*Attorneys for Defendants Hill's Pet Nutrition,  
Inc.*

**SHERRIL M. COLOMBO**

E-Mail: [scolombo@cozen.com](mailto:scolombo@cozen.com)

**COZEN O'CONNOR**

200 South Biscayne Boulevard

Suite 4410

Miami, Florida 33131

Telephone: (305) 704-5945

Facsimile: (305) 704-5955

*Attorneys for Defendant Del Monte Foods Co.*

**JOHN J. KUSTER**

[jkuster@sidley.com](mailto:jkuster@sidley.com)

**JAMES D. ARDEN**

[jarden@sidley.com](mailto:jarden@sidley.com)

**SIDLEY AUSTIN LLP**

787 Seventh Avenue

New York, New York 10019-6018

Telephone: (212) 839-5300

*Attorneys for Defendants Hill's Pet Nutrition,  
Inc.*

**RICHARD FAMA**

E-Mail: [rfama@cozen.com](mailto:rfama@cozen.com)

**JOHN J. McDONOUGH**

E-Mail: [jmcdonough@cozen.com](mailto:jmcdonough@cozen.com)

**COZEN O'CONNOR**

45 Broadway

New York, New York 10006

Telephone: (212) 509-9400

Facsimile: (212) 509-9492

*Attorneys for Defendant Del Monte Foods*

**JOHN F. MULLEN**

E-Mail: [jmullen@cozen.com](mailto:jmullen@cozen.com)

**COZEN O'CONNOR**

1900 Market Street

Philadelphia, PA 19103

Telephone: (215) 665-2179

Facsimile: (215) 665-2013

*Attorneys for Defendant Del Monte Foods, Co.*

**CAROL A. LICKO**

E-Mail: [calicko@hhlaw.com](mailto:calicko@hhlaw.com)

**HOGAN & HARTSON**

Mellon Financial Center

1111 Brickell Avenue, Suite 1900

Miami, Florida 33131

Telephone (305) 459-6500

Facsimile (305) 459-6550

*Attorneys for Defendants Nestle Purina  
Petcare Co.*

**ROBERT C. TROYER**

E-Mail: [rtroyer@hhlaw.com](mailto:rtroyer@hhlaw.com)

**HOGAN & HARTSON**

1200 17<sup>th</sup> Street

One Tabor Center, Suite 1500

Denver, Colorado 80202

Telephone: (303) 899-7300

Facsimile: (303) 899-7333

*Attorneys for Defendants Nestle Purina  
Petcare Co.*

**CRAIG A. HOOVER**

E-Mail: [cahoover@hhlaw.com](mailto:cahoover@hhlaw.com)

**MIRANDA L. BERGE**

E-Mail: [mlberge@hhlaw.com](mailto:mlberge@hhlaw.com)

**HOGAN & HARTSON L.L.P.**

555 13<sup>th</sup> Street, N.W.

Washington, D.C. 20004

Telephone: (202) 637-5600

Facsimile: (202) 637-5910

*Attorneys for Defendants Nestle Purina  
Petcare Co.*

**JAMES K. REUSS**

E-Mail: [jreuss@lanealton.com](mailto:jreuss@lanealton.com)

**LANE ALTON & HORST**

Two Miranova Place

Suite 500

Columbus, Ohio 43215

Telephone: (614) 233-4719

*Attorneys for Defendant The Kroger Co. of  
Ohio*

**D. JEFFREY IRELAND**

E-Mail: [djireland@ficlaw.com](mailto:djireland@ficlaw.com)

**BRIAN D. WRIGHT**

E-Mail: [bwright@ficlaw.com](mailto:bwright@ficlaw.com)

**LAURA A. SANOM**

E-Mail: [lsanom@ficlaw.com](mailto:lsanom@ficlaw.com)

**FARUKI IRELAND & COX**

500 Courthouse Plaza, S.W.

10 North Ludlow Street

Dayton, Ohio 45402

*Attorneys for Defendant The Iams Co.*



**W. RANDOLPH TESLIK**

E-Mail: [rteslik@akingump.com](mailto:rteslik@akingump.com)

**ANDREW J. DOBER**

E-Mail: [adober@akingump.com](mailto:adober@akingump.com)

**AKIN GUMP STRAUSS HAUER & FELD  
LLP**

1333 New Hampshire Avenue, NW  
Washington, D.C. 20036  
Telephone: (202) 887-4000  
Facsimile: (202) 887-4288

*Attorneys for Defendants New Albertson's Inc.  
and Albertson's LLC*

**RALPH G. PATINO**

E-Mail: [rpato@patinolaw.com](mailto:rpato@patinolaw.com)

**DOMINICK V. TAMARAZZO**

E-Mail: [dtamarazzo@patinolaw.com](mailto:dtamarazzo@patinolaw.com)

**CARLOS B. SALUP**

E-Mail: [csalup@patinolaw.com](mailto:csalup@patinolaw.com)

**PATINO & ASSOCIATES, P.A.**

225 Alcazar Avenue  
Coral Gables, Florida 33134  
Telephone: (305) 443-6163  
Facsimile: (305) 443-5635

*Attorneys for Defendants Pet Supplies "Plus"  
and Pet Supplies Plus/USA, Inc.*

**HUGH J. TURNER, JR.**

E-Mail: [hugh.turner@akerman.com](mailto:hugh.turner@akerman.com)

**AKERMAN SENTERFITT & EDISON**

350 E. Las Olas Boulevard  
Suite 1600  
Fort Lauderdale, Florida 33301-2229  
Telephone: (954)463-2700  
Facsimile: (954)463-2224

*Attorneys for Defendant Publix Super Markets,  
Inc.*

**CRAIG P. KALIL**

E-Mail: [ckalil@aballi.com](mailto:ckalil@aballi.com)

**JOSHUA D. POYER**

E-Mail: [jpoyer@abaili.com](mailto:jpoyer@abaili.com)

**ABALLI MILNE KALIL & ESCAGEDO**

2250 Sun Trust International Center  
One S.E. Third Avenue  
Miami, Florida 33131  
Telephone: (303) 373-6600  
Facsimile: (305) 373-7929

*Attorneys for New Albertson's Inc. and  
Albertson's LLC*

**ROLANDO ANDRES DIAZ**

E-Mail: [rd@kubickdraper.com](mailto:rd@kubickdraper.com)

**PETER S. BAUMBERGER**

E-Mail: [psb@kubickdraper.com](mailto:psb@kubickdraper.com)

**KUBICKI DRAPER**

25 W. Flagler Street, Penthouse  
Miami, Florida 33130-1712  
Telephone: (305) 982-6708  
Facsimile: (305) 374-7846

*Attorneys for Defendant Pet Supermarket, Inc.*

**C. RICHARD FULMER, JR.**

E-Mail: [rfulmer@Fulmer.LeRoy.com](mailto:rfulmer@Fulmer.LeRoy.com)

**FULMER, LEROY, ALBEE, BAUMANN,  
&  
GLASS**

2866 East Oakland Park Boulevard  
Fort Lauderdale, Florida 33306  
Telephone: (954) 707-4430  
Facsimile: (954) 707-4431

*Attorneys for Defendant The Kroger Co. of  
Ohio*