

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.

DECLARATION OF CATHERINE J. MACIVOR

I, Catherine J. MacIvor, declare and state the following is true and correct under penalty of perjury:

1. My name is Catherine J. MacIvor. I am over the age of eighteen and I have personal knowledge of all of the facts contained herein.
2. I am a partner at the law firm of Maltzman Foreman, P.A. and have been licensed to practice in Florida for sixteen (16) years. I am a member of the Florida Bar as well as the United States Supreme Court, the First, Fifth, Ninth and Eleventh Circuit Courts of Appeal and the Southern District of Florida. I am co-lead counsel for the Plaintiffs in this case.
3. I received a subpoena *duces tecum* issued by Natura Pet Products, Inc. to my law firm, Maltzman Foreman, P.A. Please see Exhibit "A" attached hereto. The subpoena *duces tecum* includes four separate document requests.

4. The first request seeks “All documents dated January 16, 2008, that indicate that plaintiff Patricia Davis used products manufactured or distributed by Natura Pet Products, Inc.” Patricia Davis is a Plaintiff in the above-referenced litigation and Maltzman Foreman, P.A. has represented her since the inception of the case. There is only one document in the possession of my law firm dated January 16, 2008, that indicates that Patricia Davis used Natura products and that is a document that was prepared during the course of the litigation based upon interviews by lawyers, at the direction of counsel, relating to the claims in this case, including what Plaintiffs used which pet foods. It encompasses information derived from attorney client privileged and confidential communications concerning the claims made in this case and is work product protected because it is an internal document intended only for the use of the lawyers in this case summarizing multiple conversations regarding information obtained over time relating to this lawsuit and the claims made by the Plaintiffs, including Ms. Davis. All other documents used to compile this information, including attorney notes of interviews with Ms. Davis, were destroyed once the information was incorporated into this document.

5. The second request also seeks “The documents identified in the email sent on Friday, September 12, 2008 at 3:17 p.m. from cmacivor@mfllegal.com to kcaverly@hcesq.com,” which was attached to the subpoena as Exhibit “1.” Exhibit “A” at # 2 and attachment “1.” This request related to the same document referenced in paragraph 4 above as there are no other responsive documents.

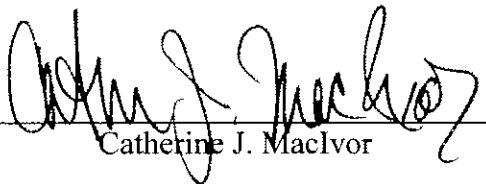
6. The subpoena further seeks all “interrogatory responses, drafts and final, prepared by plaintiff Patricia Davis.” Exhibit “A” at #3. Natura has received all final responses to Ms. Davis’ interrogatories as those have been served on Natura on June 30, 2008, September 23, 2008 and October 15, 2008. Maltzman and Foreman has not retained any draft responses and

therefore there are no responsive documents to this request that have not already been produced to Natura.

7. Finally, Natura seeks "All documents received from plaintiff Patricia Davis which indicate that she used products manufactured or distributed by Natura Pet Products, Inc." All documents that were not prepared by counsel for use by counsel during the course of this litigation, or under the direction of counsel, have already been produced to date in response to requests for production.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 6, 2008.


Catherine J. MacIvor