

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

- - - - - +	
RENEE BLASZKOWSKI, et al.,	
Plaintiffs,	
vs.	
MARS, INCORPORATED, et al.,	
Defendants.	
- - - - - +	

Case No.
07-21221-CIV
ALTONAGA/BROWN

Videotaped Deposition of PATRICIA DAVIS

Washington, D.C.

September 24, 2008

9:00 a.m.

Reported by: Michele E. Eddy

09:26:36 1 first we were calling her Baby, but we changed her
09:26:40 2 name to Spaz because she has these Spaz attacks all
09:26:46 3 the time.

09:26:46 4 Q Is that some kind of seizure or just little
09:26:50 5 crazy behavior?

09:26:51 6 A Just going crazy, running around.

09:26:53 7 Q And how old was Spaz when she died?

09:26:55 8 A Not very. I think she was two or three.
09:26:58 9 Two.

09:27:08 10 Q You never fed Spaz or Baby any product
09:27:11 11 manufactured or distributed by Natura Pet Products,
09:27:14 12 correct?

09:27:16 13 A No, I didn't.

09:27:17 14 MR. NIELD: And just try to wait until she's
09:27:19 15 done asking the questions so you don't stumble on each
09:27:21 16 other.

09:27:22 17 THE WITNESS: Okay.

09:27:22 18 MR. NIELD: Thank you.

09:27:23 19 BY MS. CAVERLY:

09:27:23 20 Q To your knowledge, Spaz was never fed
09:27:26 21 products manufactured or distributed by Natura Pet
09:27:31 22 Products, correct?

09:27:32 23 A Not to my knowledge.

09:27:33 24 Q And then you mentioned that you had another
09:27:35 25 pet die, so the cat was a pet that died after another

09:43:24 1 until now?

09:43:25 2 Q Yes.

09:43:29 3 A Spaz, of course, and then Arnold, and then
09:43:32 4 I've got another little Jack Russell named Harry. We
09:43:35 5 got him about two weeks after Arnold died. And then
09:43:41 6 we had my son's dog Cooper, and we found a couple of
09:43:49 7 pups. One is Bobo, one is Lilly. I adopted another
09:43:54 8 cat to keep Stretch company. His name is Oreo.

09:44:02 9 Q Tippy is still alive, yes?

09:44:03 10 A Yes.

09:44:06 11 Q What happened to Oliver?

09:44:08 12 A Oliver had -- evidently he had -- I should
09:44:14 13 have looked that up. He had one of those major
09:44:17 14 illnesses, like feline leukemia. I can't remember.
09:44:22 15 He had like nine things that ended up killing him.

09:44:26 16 Q When did Arnold die?

09:44:28 17 A Arnold?

09:44:29 18 Q I'm sorry, Oliver. When did Oliver die?

09:44:33 19 A He died in '05.

09:44:34 20 Q As far as you know, Oliver was never fed
09:44:38 21 products manufactured or distributed by Natura,
09:44:40 22 correct?

09:44:41 23 A I had -- he was nine when we got him, so I
09:44:43 24 have no idea what he was fed before we got him.

09:44:46 25 Q During the time that you owned Oliver, you

09:44:48 1 have no reason to believe that he was fed products
09:44:51 2 manufactured or distributed by Natura Pet Products,
09:44:54 3 correct?

09:44:54 4 A Correct.

09:45:01 5 Q To your knowledge, has Tippy ever been fed
09:45:03 6 products manufactured or distributed by Natura Pet
09:45:09 7 Products?

09:45:09 8 A No, unless I handed her some of the ones
09:45:12 9 that I was feeding Arnold. I don't think I did
09:45:15 10 because I was saving them special for Arnold.

09:45:21 11 Q Stretch is still alive?

09:45:22 12 A Yes.

09:45:30 13 Q To your knowledge, has Stretch ever been fed
09:45:33 14 products manufactured or distributed by Natura Pet
09:45:37 15 Products?

09:45:37 16 A No, he hasn't.

09:45:43 17 Q Barnacle is deceased?

09:45:44 18 A Yes.

09:45:45 19 Q When did Barnacle die?

09:45:57 20 A June 15th, '07.

09:45:58 21 Q What is the sheet of paper that you're
09:46:01 22 looking at to refresh your memory?

09:46:02 23 A It's my timeline. It's when I got animals,
09:46:06 24 when things happened to them and when they died, so I
09:46:10 25 know when you ask me those questions I can answer you

09:49:49 1 drives were mirrored and I thought I was backing up.
09:49:51 2 Well, when one got corrupted, then it was mirroring
09:49:54 3 the other one, so the other one got corrupted. Bad
09:49:59 4 plan.

09:50:00 5 Q Probably a common computer problem.

09:50:06 6 Were there specific documents or e-mails
09:50:08 7 that you were looking for that you thought were
09:50:09 8 relevant to this case that you have not been able to
09:50:11 9 locate?

09:50:14 10 A I was trying to be very truthful on those
09:50:16 11 interrogatories and it was asking have you ever, I
09:50:19 12 can't remember the exact question, something about
09:50:21 13 have you ever e-mailed anything to anybody about the
09:50:26 14 pet food recall. I forget what the question was. But
09:50:30 15 I wanted to make sure. I know that I e-mailed a lady
09:50:36 16 in Denmark and a lady in California all the time and I
09:50:38 17 was looking for those, and of course I didn't have it.
09:50:41 18 And I e-mailed them and asked them if they had any of
09:50:44 19 my old e-mails and they didn't, so ...

09:50:50 20 Q To your knowledge, Barnacle was never fed
09:50:53 21 products manufactured or distributed by Natura Pet
09:50:57 22 Products, correct?

09:50:58 23 A Correct.

09:51:04 24 Q Your dog Harry, that's a new dog, yes?

09:51:06 25 A Yes.

09:51:07 1 Q You got him as a puppy?

09:51:09 2 A Yes.

09:51:10 3 Q To your knowledge, has Harry ever been fed
09:51:12 4 products manufactured or distributed by Natura Pet
09:51:15 5 Products?

09:51:16 6 A No.

09:51:19 7 Q Cooper you said is your son's dog, yes?

09:51:21 8 A Yes.

09:51:22 9 Q And to your knowledge, has Cooper ever been
09:51:25 10 fed products manufactured or distributed by Natura Pet
09:51:28 11 Products?

09:51:30 12 A No, he hasn't. He might have been before we
09:51:35 13 got him, but he was like -- the vet thinks he was a
09:51:38 14 year old when we found him.

09:51:40 15 Q And I'm not asking you to guess what
09:51:42 16 somebody else might have done. I realize you don't
09:51:44 17 know what people fed him before you got him. But as
09:51:46 18 far as you know from the time that you've been
09:51:49 19 involved with Cooper, no one has ever fed him a
09:51:53 20 product manufactured or distributed by Natura Pet
09:51:56 21 Products, correct?

09:51:57 22 A Correct.

09:51:59 23 Q What kind of dog is Bobo?

09:52:02 24 A I asked the vet that and he says he's a
09:52:06 25 brown dog.

09:52:09 1 Q And is that the same for Lilly?

09:52:11 2 A That's his sister, yes.

09:52:17 3 Q When did you get Bobo and Lilly?

09:52:21 4 A August of '07 we found them.

09:52:31 5 Q To your knowledge, have either Bobo or Lilly

09:52:35 6 ever been fed products manufactured or distributed by

09:52:39 7 Natura Pet Products?

09:52:39 8 A No, they haven't.

09:52:43 9 Q You mentioned a new pet, Oreo?

09:52:46 10 A Oreo.

09:52:47 11 Q What kind of animal is that?

09:52:48 12 A It's a black and white short-haired cat.

09:52:53 13 Q When did you get Oreo?

09:52:55 14 A April '08.

09:52:58 15 Q As far as you know, Oreo has never been fed

09:53:01 16 a product manufactured or distributed by Natura,

09:53:09 17 correct?

09:53:10 18 A Correct.

09:53:18 19 Q Going back to Arnold, has Arnold ever been

09:53:26 20 fed a product manufactured or distributed by Natura

09:53:29 21 Pet Products?

09:53:31 22 A Yes.

09:53:32 23 Q What products manufactured or distributed by

09:53:36 24 Natura Pet Products has Arnold been fed?

09:53:40 25 A To the best of my memory, it was Innova

09:53:43 1 Senior.

09:53:53 2 Q How many occasions did you feed Arnold

09:53:57 3 Innova Senior?

09:53:58 4 A How many occasions. I couldn't tell you how

09:54:08 5 many times I fed him.

09:54:09 6 Q You got free samples, correct?

09:54:11 7 A Yes.

09:54:11 8 Q You have never purchased a product

09:54:14 9 manufactured or distributed by Natura Pet Products,

09:54:15 10 correct?

09:54:16 11 A No. Never bought them. Is that what you

09:54:19 12 asked me? I'm sorry.

09:54:20 13 Q Yes. Let me ask again so we make sure we

09:54:22 14 don't have double negatives.

09:54:24 15 Is it correct that you have never purchased

09:54:26 16 a product manufactured or distributed by Natura Pet

09:54:28 17 Products?

09:54:30 18 A Not that I can recall.

09:54:32 19 Q And is it correct that to your knowledge no

09:54:34 20 one in your family has ever purchased a product

09:54:37 21 manufactured or distributed by Natura Pet Products?

09:54:41 22 A In my family that I'm living with?

09:54:43 23 Q Yes.

09:54:44 24 A Not that I can recall.

09:54:47 25 Q The Innova Senior that you fed Arnold were

09:54:51 1 free samples, correct?

09:54:53 2 A Correct.

09:54:53 3 Q How many free samples did you receive of
09:54:57 4 Innova Senior?

09:54:58 5 A I think it was on two occasions, I went into
09:55:01 6 the feed store, and I believe on two occasions I
09:55:05 7 picked up two packages. So it would be four packages,
09:55:11 8 as best I can remember. It might have been three
09:55:13 9 occasions. I don't think I ever got more than two
09:55:16 10 packages because I didn't want to be greedy. The lady
09:55:20 11 was saying, oh, take as many as you want, but, you
09:55:22 12 know, I didn't want to be greedy about it.

09:55:28 13 Q When you say the lady said take as many as
09:55:30 14 you want, do you know who that lady is?

09:55:33 15 A There's five or six that work in there and I
09:55:35 16 was trying to remember the other night and I really
09:55:38 17 couldn't tell you which one.

09:55:41 18 Q Can you describe to me any physical
09:55:43 19 attributes that the woman has that you spoke to about
09:55:46 20 the Natura products that you got as free samples?

09:55:51 21 A I just don't remember which one of them it
09:55:53 22 was.

09:55:58 23 Q On neither of the two occasions where you
09:56:00 24 took free samples can you remember anything about the
09:56:05 25 woman who talked to you; is that correct?

09:56:07 1 A That's correct. If I did, it would be a
09:56:08 2 guess and I might be wrong.

09:56:12 3 Q Now, how big are the samples of Innova
09:56:15 4 Senior that you took to feed to Arnold?

09:56:25 5 A I don't know the weight on them. They were
09:56:27 6 little cellophane bags, probably about this big, maybe
09:56:31 7 that thick.

09:56:33 8 Q Did they contain one or more than one
09:56:34 9 feeding for Arnold per package?

09:56:38 10 A The way he was eating, maybe four or five
09:56:40 11 times because I would just give him a few at a time
09:56:43 12 because he would waste them.

09:56:45 13 Q What do you mean he would waste them?

09:56:46 14 A He wouldn't eat them and somebody else would
09:56:49 15 get them, and I wanted him to get them, so I then
09:56:51 16 wouldn't feed him more than what he would eat at a
09:56:54 17 time.

09:57:00 18 Q Now, originally when you answered the
09:57:02 19 interrogatories for me in this case, you did not list
09:57:09 20 Innova Senior as a product that Arnold had been fed.
09:57:12 21 Do you recall that?

09:57:12 22 A Yes.

09:57:12 23 Q Why not?

09:57:13 24 A Because the question was where did you
09:57:15 25 purchase and I thought it was something I hadn't

09:57:18 1 purchased, and, therefore, I shouldn't put it on the
09:57:20 2 list.

09:57:33 3 Q You've recently provided new responses to
09:57:36 4 the interrogatories, correct?

09:57:44 5 A I had told the girl that had called me from
09:57:46 6 Cathy Macivor's office, she called me just a few days
09:57:50 7 after the list --

09:57:51 8 MR. NIELD: You know, again, this is
09:57:52 9 attorney-client privilege information.

09:57:56 10 THE WITNESS: I'm sorry.

09:57:57 11 MR. NIELD: I'll object on that basis. To
09:57:58 12 the extent you can respond without referring to
09:58:01 13 conversations with your attorney or her staff, go
09:58:04 14 ahead.

09:58:05 15 A I wouldn't say that that was a new response
09:58:07 16 on my -- on my part.

09:58:14 17 MS. CAVERLY: We're going to mark as Exhibit
09:58:15 18 1 the timeline that you have in front of you.

09:58:50 19 (Exhibit 1 was marked for identification and
09:58:50 20 attached to the deposition transcript.)

09:58:50 21 BY MS. CAVERLY:

09:58:51 22 Q You originally responded to the
09:58:53 23 interrogatories back in June, correct?

09:58:55 24 A The first time?

09:58:56 25 Q Yes.

09:58:59 1 A I don't recall. I think I did a modified
09:59:03 2 one back in June.

09:59:08 3 Q When do you recall that you first responded
09:59:10 4 to written interrogatories in this case that the
09:59:14 5 defendants had sent to you?

09:59:16 6 A I'd have to go back through, check my e-mail
09:59:19 7 to find out.

09:59:22 8 Q How many times have you provided
09:59:25 9 interrogatory responses to your attorneys in this
09:59:27 10 case?

09:59:30 11 THE WITNESS: Is that okay?

09:59:31 12 MR. NIELD: You can respond to how many
09:59:32 13 times you've provided the responses.

09:59:35 14 A Twice.

09:59:43 15 Q When you first responded to the
09:59:46 16 interrogatories, you knew that the defendants were
09:59:48 17 going to rely on your answers, correct?

09:59:51 18 A Yes.

09:59:52 19 Q Did you carefully go through the
09:59:54 20 interrogatories when you responded to them the first
09:59:57 21 time?

09:59:57 22 MR. NIELD: I'm just going to back up, the
09:59:59 23 last question does call for speculation, but we're
10:00:01 24 beyond that, so go ahead.

10:00:03 25 A I'm sorry, could you do that again?

10:00:05 1 Q When you first responded to the
10:00:08 2 interrogatories in this case, did you carefully review
10:00:10 3 the questions and your answers before you provided
10:00:13 4 them to your attorneys?

10:00:14 5 A Yes.

10:00:18 6 Q In fact, you signed those answers under
10:00:21 7 penalty of perjury, correct?

10:00:22 8 A Yes.

10:00:23 9 Q And you understood by signing under penalty
10:00:27 10 of perjury that you were swearing that all of the
10:00:31 11 answers in your interrogatories were full and complete
10:00:34 12 and truthful, correct?

10:00:36 13 A Correct.

10:00:38 14 Q Now your testimony is that the responses in
10:00:42 15 your interrogatories were not full and complete,
10:00:44 16 correct?

10:00:45 17 MR. NIELD: That's argumentative.

10:00:46 18 A No.

10:00:47 19 MR. NIELD: It misstates this witness'
10:00:49 20 testimony.

10:00:51 21 A No.

10:00:53 22 MR. NIELD: You can respond.

10:00:54 23 A No, the interrogatory, I answered it because
10:00:55 24 it asked where did you purchase them, correct?

10:01:00 25 Q No, that's --

10:01:01 1 A I don't have it right here in front of me,
10:01:03 2 but it said purchase date, where did you purchase,
10:01:06 3 where was the store, so that's why I didn't put it on
10:01:10 4 there.

10:01:10 5 Q Well, why did you change your interrogatory
10:01:11 6 responses, then, if you feel that your first set of
10:01:14 7 interrogatory responses were full and complete and
10:01:16 8 truthful?

10:01:16 9 MR. NIELD: And, again, this may call for
10:01:19 10 information that you discussed or obtained -- excuse
10:01:23 11 me, discussed or communicated with your attorneys
10:01:25 12 about; therefore, it may violate the attorney-client
10:01:31 13 privilege and I would object on that basis. If you
10:01:33 14 can respond to the question without referring to
10:01:35 15 conversations or communications with your attorneys or
10:01:37 16 their staff, please go ahead.

10:01:41 17 A On one of them I was supposed to put a list
10:01:43 18 of the -- I was supposed to figure out how much money
10:01:50 19 I was spending on dog food, and I spent a long time
10:01:54 20 doing calculations, and that was added to one of them.
10:01:57 21 And then on the other one I had included Oreo on
10:02:00 22 there, who was past the date, and I wasn't supposed to
10:02:03 23 have him on there. And I took that off. And those
10:02:06 24 are the changes.

10:02:08 25 Q And you changed to add Natura and Innova

10:02:13 1 Senior to the list of food that you fed Arnold after
10:02:16 2 you responded under penalty of perjury to the original
10:02:20 3 set of interrogatories, correct?

10:02:21 4 MR. NIELD: Well, it's argumentative. The
10:02:23 5 interrogatories speak for themselves. The questions
10:02:27 6 speak for themselves. And it also may call for
10:02:30 7 attorney-client privileged information. To the extent
10:02:32 8 that you can answer the question without referring to
10:02:34 9 anything that you discussed with your attorneys or
10:02:36 10 their staff, go ahead.

10:02:39 11 A Like I told you before, I was trying to
10:02:42 12 answer the question of where it was purchased.
10:02:44 13 Because it wasn't purchased, I had left that off.

10:02:50 14 Q And now you filed a second set of
10:02:52 15 interrogatory responses that includes having fed
10:02:57 16 Arnold Innova Senior, correct?

10:03:01 17 MR. NIELD: It's been asked several times
10:03:02 18 and it's argumentative. Go ahead.

10:03:07 19 THE WITNESS: What do I say? I've already
10:03:09 20 answered.

10:03:09 21 MR. NIELD: Answer it again.

10:03:12 22 A Okay.

10:03:15 23 Q I'm not asking for your reasons for changing
10:03:17 24 your responses. I am asking you to confirm that in
10:03:21 25 your first interrogatory responses, which were signed

10:03:25 1 under penalty of perjury, you did not identify having
10:03:29 2 fed any Natura products to Arnold, correct?

10:03:33 3 A Correct.

10:03:34 4 Q Now in your amended interrogatory responses,
10:03:38 5 you do identify having fed a Natura product to Arnold,
10:03:44 6 correct?

10:03:44 7 A Correct.

10:03:45 8 Q And your testimony is that the reason for
10:03:48 9 that factual change is that you thought the
10:03:52 10 interrogatory called for only purchased products; is
10:03:55 11 that right?

10:03:57 12 A Yes.

10:04:01 13 Q You signed a declaration in this case
10:04:04 14 telling the court under penalty of perjury that you
10:04:08 15 told your attorneys prior to filing this lawsuit in
10:04:12 16 May of 2007 that you fed Arnold Natura products. Do
10:04:17 17 you recall that declaration?

10:04:21 18 MR. NIELD: Do you have a copy of it?

10:04:23 19 MS. CAVERLY: Yes, I do.

10:04:25 20 MR. NIELD: Okay. Well, to the extent that
10:04:26 21 you recall it, you can respond to the question. If
10:04:28 22 you can't recall specifically what you said, you
10:04:31 23 should let her know that.

10:04:33 24 A Can you do that one more time? Just say
10:04:35 25 that one more time.

10:04:36 1 MS. CAVERLY: I'll have the court reporter
10:04:37 2 read it back to you and then it will be exactly what I
10:04:39 3 said.

10:04:57 4 (Record read.)

10:04:59 5 A I recall the declaration and I didn't
10:05:01 6 actually tell the attorneys that. I told someone in
10:05:04 7 their office that, and that was like a couple of days,
10:05:07 8 I got a phone call, I don't know how far I can go with
10:05:09 9 this, I got a phone call from, sounded like a young
10:05:13 10 girl at their office, and she read a whole list of --

10:05:16 11 MR. NIELD: Well, you know --

10:05:18 12 THE WITNESS: Okay.

10:05:18 13 MR. NIELD: -- this is attorney-client
10:05:19 14 privilege and it goes way beyond the scope of the
10:05:22 15 question.

10:05:23 16 THE WITNESS: Okay.

10:05:24 17 MR. NIELD: And I'll object on that basis.

10:05:26 18 THE WITNESS: Continue or not?

10:05:28 19 MR. NIELD: Well, to the extent you can
10:05:29 20 answer the question without referring to
10:05:31 21 communications with your attorneys, you can answer the
10:05:33 22 question.

10:05:36 23 THE WITNESS: Communication with my
10:05:37 24 attorneys.

10:05:38 25 MR. NIELD: Discussions.

10:05:39 1 THE WITNESS: Okay.

10:05:41 2 MR. NIELD: Writings, whatever,
10:05:42 3 communications with your attorneys, e-mails.

10:05:43 4 A At that time I told her about the Natura and
10:05:45 5 I told the girl at that time that it was samples.

10:05:48 6 Q Who was the girl that you told that you fed
10:05:53 7 Natura products to Arnold?

10:05:55 8 A Somebody that works for Cathy or for that
10:05:58 9 law firm.

10:06:00 10 Q And by Cathy you mean Catherine Macivor,
10:06:02 11 correct?

10:06:03 12 A Macivor, uh-hmm.

10:06:04 13 Q Have you ever spoken to the woman that
10:06:06 14 you're referring to since that phone call?

10:06:10 15 A Not that I know of, unless she just answers
10:06:13 16 the phone when you call down there.

10:06:16 17 Q And she read through a list of products to
10:06:18 18 you and in reading through that list you identified
10:06:23 19 Natura as one of the products that you had fed to
10:06:25 20 Arnold, correct?

10:06:26 21 A Yes. Not to Arnold. To any of them. The
10:06:33 22 specific question wasn't to which particular pet. It
10:06:37 23 was just have you fed these to your animals.

10:06:43 24 Q In what month in 2007 do you recall advising
10:06:46 25 someone at Miss Macivor's firm that you had fed a

10:06:52 1 Natura product to one of your pets?

10:06:53 2 A It had to be in April because I joined the
10:06:56 3 lawsuit April 24th and it was just a couple of days
10:06:59 4 after that.

10:07:01 5 Q At any other time other than the phone call
10:07:03 6 with the unidentified woman in April of 2007 did you
10:07:08 7 inform someone at Miss Macivor's office or
10:07:13 8 Miss Macivor herself that you had fed Natura products
10:07:16 9 to one of your pets?

10:07:19 10 MR. NIELD: Well, again, it calls for
10:07:22 11 information relating to communications with her
10:07:25 12 attorney, so it's protected by the attorney-client
10:07:27 13 privilege. To the extent you can answer the question
10:07:31 14 without discussing anything that you communicated or
10:07:34 15 discussed with your attorneys, go ahead.

10:07:37 16 A I guess I can't answer that one.

10:07:40 17 Q Are you refusing to answer my question based
10:07:43 18 on the attorney-client privilege?

10:07:45 19 A Yes.

10:07:47 20 Q Have you provided any documents to any
10:07:49 21 attorneys in this case which reflect your use of
10:07:54 22 Natura products?

10:07:56 23 A Documents.

10:07:57 24 Q Yes.

10:07:59 25 A Is an e-mail a document?

10:08:01 1 Q Yes.

10:08:05 2 A I can't specifically recall whether we
10:08:08 3 talked about it on the phone or by e-mail. Probably
10:08:14 4 both.

10:08:15 5 Q Other than e-mail communications --

10:08:18 6 MS. CAVERLY: Incidentally, Counsel, if I
10:08:22 7 inquire as to the content of any conversations between
10:08:25 8 Miss Davis and her attorneys or staff in her offices,
10:08:30 9 are you going to assert the attorney-client privilege?

10:08:36 10 MR. NIELD: Yes.

10:08:37 11 BY MS. CAVERLY:

10:08:38 12 Q And Miss Davis, if your attorney asserts the
10:08:40 13 attorney-client privilege, are you going to refuse to
10:08:43 14 answer my questions based on that privilege?

10:08:49 15 A I guess.

10:08:51 16 MR. NIELD: Don't guess.

10:08:52 17 A Yes, I will -- I will refuse, then.

10:08:56 18 Q Other than e-mail communications, have you
10:08:59 19 ever provided your attorneys in writing anything that
10:09:03 20 reflects your use of a product manufactured or
10:09:07 21 distributed by Natura Pet Products?

10:09:11 22 MR. NIELD: You can answer that question.

10:09:12 23 A I think I had to sign that declaration and
10:09:16 24 send it back by fax, so that's not e-mail. But other
10:09:21 25 than e-mail and on the phone, I haven't talked to her

10:09:23 1 about that -- I mean, I haven't given her anything. I
10:09:26 2 didn't have anything to give. I had no receipts
10:09:27 3 because I didn't pay for it.

10:09:30 4 Q You don't have the packaging, correct?

10:09:32 5 A No.

10:09:36 6 Q I think you're saying you don't have the
10:09:37 7 packaging, but I think we have a double negative, so
10:09:41 8 let me make sure I have a clear record.

10:09:43 9 Do you have any of the packaging from the
10:09:47 10 Natura Pet Products that you claim to have fed to your
10:09:49 11 pet Arnold?

10:09:50 12 A No.

10:09:53 13 Q Is there anyone, to your knowledge, who can
10:09:57 14 testify that you fed your dog Arnold products
10:10:07 15 manufactured or distributed by Natura?

10:10:10 16 A My husband would be the only one. And
10:10:12 17 whether or not he would remember something like that,
10:10:14 18 I doubt it. I had them in a special place up on the
10:10:19 19 kitchen counter right by the coffeepot, and I doubt if
10:10:23 20 he remembers that. If he does remember they were
10:10:25 21 there, he probably never looked at the package to see
10:10:29 22 what brand it was or anything.

10:10:31 23 Q Have you and your husband William ever
10:10:33 24 discussed Natura products?

10:10:35 25 A Not until just recently.

10:10:37 1 Q By recently you mean in the last couple of
10:10:39 2 weeks?

10:10:39 3 A Yes.

10:10:42 4 Q What did you discuss with your husband at
10:10:44 5 that time about Natura Pet Products?

10:10:49 6 A That I think it might have caused Arnold to
10:10:55 7 die a little quicker, and that the whole thing about
10:11:02 8 their misrepresenting the human quality food that was
10:11:08 9 in it.

10:11:08 10 Q Did your husband offer any opinions
10:11:11 11 regarding Natura Pet Products?

10:11:15 12 A He helped me get to this -- I get lost even
10:11:18 13 in a building, so he had to take time off from work to
10:11:21 14 help me get up here, and he's here with me now. He's
10:11:24 15 tramping around Washington while we're doing this. So
10:11:26 16 he's very much in favor of it. He really loved
10:11:29 17 Arnold, too.

10:11:32 18 Q I'm not asking about --

10:11:33 19 A I'm sorry.

10:11:34 20 Q -- what he's doing today, although I'm sure
10:11:35 21 he's having a better time than we are.

10:11:39 22 Q Did he offer any opinions from -- of his own
10:11:43 23 as to whether Natura products contributed to Arnold's
10:11:47 24 death?

10:11:48 25 A He agrees it probably did help him die

10:11:52 1 faster. The dog was probably going to die anyway, but
10:11:57 2 it didn't help him any by feeding him those.

10:12:05 3 Q Any -- other than your husband, who you
10:12:07 4 believe might be able to support your testimony that
10:12:10 5 you fed a Natura product to one of your pets?

10:12:17 6 A Is there anyone else?

10:12:18 7 Q Yes.

10:12:22 8 A I'm sure the same people are working in that
10:12:26 9 OBS, the feed store. So maybe they could recall. I
10:12:31 10 doubt if they would recall exactly which customer they
10:12:34 11 told to pick up the products, but ...

10:12:38 12 Q Have you ever discussed this case with
10:12:40 13 anyone at the feed store that you're referring to?

10:12:43 14 A No.

10:12:44 15 Q When was the last time you were at the feed
10:12:47 16 store?

10:12:49 17 A Last week.

10:12:50 18 Q What's the full name of the store?

10:12:56 19 A Ocala Breeders & Supply or something like
10:12:57 20 that. So it would be -- Ocala Breeders Supply.

10:13:05 21 Q When did you first hear about any product
10:13:09 22 manufactured or distributed by Natura Pet Products?

10:13:13 23 A First hear about it? I think the name was
10:13:15 24 familiar to me, but the first time I really noticed
10:13:18 25 that that was something I would want to buy was at

10:13:21 1 that store when I got the samples.

10:13:25 2 Q You never did buy it, though, correct?

10:13:27 3 A No.

10:13:30 4 Q Why didn't you ever buy a product

10:13:32 5 manufactured or distributed by Natura?

10:13:35 6 A I think that's the only, as far as I know,

10:13:38 7 that's the only store in Ocala that sells it, and I

10:13:42 8 just happened to walk down that aisle and saw one of

10:13:45 9 their signs advertising it and I believe, I can't

10:13:50 10 recall exactly, but I believe I looked at the price

10:13:53 11 and thought it was a little pricey and then I looked

10:13:56 12 down in the aisle. They had like a wicker laundry

10:13:59 13 basket on the floor. It was like an old apple basket

10:14:04 14 on the floor. It had a whole bunch of samples in it,

10:14:07 15 little bags.

10:14:13 16 Q Tell me everything that you can remember

10:14:15 17 about the sign that you saw advertising Natura

10:14:19 18 products.

10:14:25 19 A Something about there's nothing in here you

10:14:29 20 wouldn't want to eat yourself, it's like it's human

10:14:33 21 quality food, something to that effect. Because I

10:14:34 22 remember thinking if this is human food that's in this

10:14:36 23 product, that means that they are getting -- they're

10:14:38 24 coming through a supplier just like humans do and it's

10:14:42 25 being inspected by whoever inspects human food, like

10:14:47 1 USDA, whoever does that, and, therefore, it's got to
10:14:49 2 be good stuff and no wonder it's so expensive.

10:14:56 3 Q What color was the sign?

10:14:57 4 A What color was the sign. I don't know.

10:15:02 5 Q How big was the sign?

10:15:04 6 A It was on the shelf.

10:15:08 7 Q Was it a pre-printed glossy type of
10:15:11 8 manufacturing sign?

10:15:12 9 A Yes.

10:15:15 10 Q Tell me to the best you can remember
10:15:18 11 everything about that sign.

10:15:24 12 A Just that it made me want to buy the food,
10:15:26 13 but I didn't want to pay that much money for it.

10:15:30 14 Q Do you remember anything specifically that
10:15:33 15 was written on the sign?

10:15:37 16 A Something to do with human food.

10:15:40 17 Q Do you remember whether the sign related to
10:15:42 18 a particular brand of Natura's products?

10:15:46 19 A No.

10:15:50 20 Q And to the best of your memory, tell me what
10:15:52 21 words from the sign you can recall.

10:16:01 22 A I believe the phrase was "We wouldn't
10:16:05 23 want" -- let's see, I'm guessing.

10:16:07 24 MR. NIELD: Well, don't guess, but give your
10:16:09 25 best recollection of what was on the sign.

10:16:11 1 THE WITNESS: Okay.

10:16:14 2 A We wouldn't want to sell any food that we
10:16:17 3 wouldn't eat ourselves, or something about that. I
10:16:20 4 thought, man, if they can eat it themselves, it's got
10:16:23 5 to be good stuff.

10:16:24 6 Q You knew that you wouldn't eat the food --

10:16:27 7 A Right.

10:16:27 8 Q -- because you're a vegetarian, correct?

10:16:30 9 A Right.

10:16:30 10 Q But you took that to mean that people at
10:16:31 11 Natura would be willing to eat the food.

10:16:34 12 A Right.

10:16:37 13 Q Anything else other than what you've told me
10:16:39 14 that you can recall about the sign that you saw in
10:16:42 15 Ocala Breeders on the first day that you took samples
10:16:46 16 of Natura's products? You have to say yes or no.

10:16:51 17 A No. I'm sorry. I'm still thinking.

10:16:54 18 Q And I don't want to rush you, if you're
10:16:56 19 still trying to recall, please, you know, take your
10:16:59 20 time. It's very important to me what was on the sign.

10:17:04 21 A I thought it said it was preserved with
10:17:08 22 vitamins, but I might have been mixing that one up
10:17:12 23 with another brand, so I don't really want to state
10:17:13 24 that as true.

10:17:18 25 Q And you don't recall anything about what

10:17:20 1 colors were on the sign or what the print looked like?

10:17:24 2 A The sign was multi-color, but --

10:17:28 3 MR. NIELD: Just be careful. Let her finish
10:17:31 4 the question.

10:17:32 5 THE WITNESS: Okay.

10:17:33 6 BY MS. CAVERLY:

10:17:37 7 Q What particular product, if you can recall,
10:17:39 8 were you looking at when you decided that Natura
10:17:43 9 products were too expensive for you to purchase?

10:17:49 10 A I think in general.

10:17:57 11 Q At any time after you looked at the price
10:18:00 12 did you ever plan on buying a Natura manufactured or
10:18:04 13 distributed product?

10:18:06 14 A Did I ever plan on buying it? Maybe if it
10:18:10 15 went on sale.

10:18:13 16 Q You never saw it on sale, correct?

10:18:14 17 A No, I never did.

10:18:16 18 Q So from the time that you looked at the
10:18:19 19 pricing and realized that for your budget that was
10:18:23 20 more than you wanted to spend on dog food, did you
10:18:26 21 ever really have an intention to purchase products
10:18:30 22 manufactured or distributed by Natura?

10:18:34 23 MR. NIELD: It may call for speculation. Go
10:18:36 24 ahead.

10:18:41 25 A If you get desperate enough to try to keep

10:18:43 1 your dog healthy, you would probably buy it. But if
10:18:46 2 that was people food, then I was probably thinking
10:18:50 3 that I could just feed him people food. I just had to
10:18:54 4 be careful that he was getting all of the nutrients
10:18:57 5 that he was supposed to have.

10:19:00 6 Q I'm not asking you what you might do if you
10:19:04 7 were desperate or what somebody in another room might
10:19:06 8 do if they were desperate. I would like to know if
10:19:08 9 you personally ever formed a plan or an intention to
10:19:13 10 buy a Natura pet product after you considered the
10:19:17 11 price.

10:19:20 12 A Once I took the samples home, if the dog was
10:19:23 13 just going to absolutely love them and it was really
10:19:25 14 going to work for him, of course I would come back and
10:19:27 15 buy them. But he didn't -- he would eat a few and
10:19:34 16 quit, and that's why I never went back and actually
10:19:36 17 bought it.

10:19:37 18 Q Your testimony is, though, that even though
10:19:39 19 he didn't particularly care for the samples, you did
10:19:42 20 go back and take more free samples, correct?

10:19:45 21 A Uh-hmm, uh-hmm.

10:19:46 22 Q You have to say yes or no.

10:19:47 23 A Yes. I'm sorry.

10:19:50 24 Q Okay. Still going back to the first time
10:19:53 25 that you took the free samples, you saw a sign on the

10:19:59 1 shelving for the packaging, correct?

10:20:01 2 A Uh-hmm.

10:20:02 3 Q I'm sorry, you have to say yes or no.

10:20:04 4 A Yes, yes.

10:20:05 5 Q You considered the price, yes?

10:20:10 6 A Yes.

10:20:10 7 Q And then you saw a basket of free samples at

10:20:14 8 the end of the aisle where the Natura products were

10:20:17 9 shelved, correct?

10:20:18 10 A It was really on the next aisle over, but it

10:20:20 11 was on the end of an aisle.

10:20:23 12 Q In the basket of samples, what brands of

10:20:26 13 food were available for you to choose from?

10:20:30 14 A There was a couple other things in there,

10:20:33 15 and I can't recall what they were, whether it was

10:20:35 16 California Natural or what, but I don't know whether

10:20:38 17 they were by Natura or by another company, but there

10:20:41 18 were other types of things in there, but I went for

10:20:45 19 what was going to help Arnold, which would have been

10:20:47 20 the Senior.

10:20:47 21 Q Describe to me what the packages of free

10:20:49 22 samples of Natura products that you took from Ocala

10:20:53 23 Breeders & Supply on that first occasion looked like.

10:20:57 24 A They were like cellophane. I have a very

10:21:01 25 bad memory for colors, so I would be guessing. I

10:21:04 1 thought they were blue, maybe green. But I'm
10:21:07 2 guessing.

10:21:10 3 Q Was there anything else about the packages
10:21:12 4 that you can describe to me that the free samples of
10:21:14 5 Natura products you took?

10:21:16 6 A They had a list of their ingredients on
10:21:18 7 there and their analysis that I looked at.

10:21:21 8 Q Did you look at the list of ingredients on
10:21:24 9 the free samples before you took them home?

10:21:26 10 A Oh, yeah.

10:21:30 11 Q Did you look at the guaranteed analysis that
10:21:32 12 was listed on the packaging before you took it home?

10:21:35 13 A Yes.

10:21:41 14 Q Anything else about the sample packages that
10:21:43 15 you can recall?

10:21:45 16 A No.

10:21:47 17 Q Did you talk to anybody at Ocala Breeders &
10:21:49 18 Supply about Natura products before you took the free
10:21:53 19 samples home?

10:21:57 20 A I must have because the one lady encouraged
10:22:00 21 me to get them, but I don't remember the conversation.

10:22:04 22 Q Do you recall anything at all that she said
10:22:06 23 about the free samples of Natura products other than
10:22:09 24 that you could take them?

10:22:12 25 A No. I'm sorry.

10:22:16 1 Q Do you recall whether or not anyone at Ocala
10:22:17 2 Breeders & Supply encouraged you to take the free
10:22:20 3 samples?

10:22:22 4 A Yes, they did. They asked me do you want
10:22:26 5 more. Take as many as you want.

10:22:28 6 Q Did anyone at Ocala Breeders & Supply tell
10:22:31 7 you anything about the Natura product samples that you
10:22:36 8 were taking?

10:22:37 9 A Not that I can recall.

10:22:38 10 Q Nobody ever said yes, take as many as you
10:22:42 11 want, that's a great food or --

10:22:45 12 A They might have --

10:22:46 13 Q -- try it, you'll like it, anything like
10:22:48 14 that?

10:22:49 15 MR. NIELD: Go ahead.

10:22:50 16 A They might have. I just don't remember. We
10:22:53 17 spent a great deal of money in that store, and I'm in
10:22:55 18 there a lot. We buy our horse feed in there.

10:23:03 19 Q Have you ever bought dog or cat food from
10:23:07 20 Ocala Breeder -- Breeders & Supply?

10:23:10 21 A Yes.

10:23:11 22 Q What dog or cat foods have you purchased
10:23:16 23 from Ocala Breeders & Supply?

10:23:18 24 A They sell all of the upper-end stuff, dog
10:23:25 25 and cat food, not like just regular Purina and so

10:23:28 1 forth. They sell Merrick and Mother Hubbard's dog
10:23:35 2 biscuits, things that you can't find anyplace else in
10:23:37 3 Ocala. So I think I bought maybe the Chicken Soup,
10:23:43 4 however you say that brand, Chicken Soup for the Cat
10:23:47 5 Lover's Soul, whatever that is. I think I bought some
10:23:50 6 of those cans. And I bought some of the Turdunken, or
10:23:55 7 whatever, the Merricks, and the Mother Hubbard dog
10:23:59 8 biscuits, just trying them all out seeing what my guys
10:24:03 9 would like.

10:24:04 10 Q From the time that you learned about the
10:24:06 11 recall -- let me start back.

10:24:09 12 You understand as you're sitting here that
10:24:11 13 Natura has never recalled any of its products,
10:24:14 14 correct?

10:24:14 15 A Correct.

10:24:15 16 Q And you understand that Natura products did
10:24:17 17 not contain any of the contaminated wheat gluten
10:24:22 18 that's been implicated in the deaths of dogs and cats
10:24:25 19 in 2007, correct?

10:24:27 20 A Correct.

10:24:30 21 Q When you first learned of the recall, did
10:24:34 22 you speak to anyone at Ocala Breeders & Supply about
10:24:37 23 the fact that there had been a recall or that you were
10:24:40 24 concerned about food you were feeding your pets?

10:24:47 25 A I think I brought it to somebody's attention

10:24:50 1 that the, what's the name of that brand, for the --
10:24:53 2 For The Pet Lover's Soul, what was the one, I just
10:24:57 3 said it right a little bit ago.

10:24:59 4 Q Chicken Soup.

10:25:00 5 A Chicken Soup, yeah, I think one of theirs
10:25:03 6 ended up on the recall list and I think I pointed that
10:25:07 7 out to somebody, did they make sure that that wasn't
10:25:10 8 one of them ones they had on their shelf, that they
10:25:12 9 had gone through it, I think that's what they said.

10:25:14 10 Q At any time have you talked with someone at
10:25:17 11 Ocala Breeders & Supply about dog food?

10:25:20 12 A About dog food. Not that I can specifically
10:25:28 13 recall.

10:25:29 14 Q Do you have any kind of frequent buyer plan
10:25:33 15 or rewards program with Ocala Breeders & Supply?

10:25:37 16 A Not a program. If you buy ten bags of horse
10:25:41 17 feed, you get a little discount on it. That's the
10:25:44 18 only thing I know of.

10:25:48 19 Q Do you know of any way in which you are
10:25:49 20 registered as a customer of Ocala Breeders & Supply?

10:26:01 21 A No.

10:26:01 22 Q Do you have any -- let's go back. When was
10:26:02 23 the first time you took free samples of Natura
10:26:06 24 products?

10:26:07 25 A It was a couple of months before Arnold

10:26:09 1 died, so I'm thinking it was in the fall of '07.

10:26:13 2 Q In your interrogatory responses you say it's
10:26:16 3 in September of '06, correct?

10:26:20 4 A '06. I'm sorry, it was '06 when he died.

10:26:22 5 That's why I need this timeline here. Yes.

10:26:26 6 Q Do you know whether it was in fact in
10:26:28 7 September of '06 that you first picked up samples of
10:26:32 8 Natura's Innova Senior?

10:26:38 9 A September or October.

10:26:39 10 Q Other than Innova Senior, you've never fed
10:26:42 11 any of your pets any product manufactured or
10:26:46 12 distributed by Natura Pet Products, correct?

10:26:49 13 A Correct. Unless one of those samples was
10:26:56 14 something besides Senior, I don't think it was, but
10:26:59 15 unless that was, I've never actually purchased it.
10:27:05 16 Sorry.

10:27:07 17 Q You know more about what you've done,
10:27:09 18 obviously, than I do. So to the best that you know,
10:27:13 19 have you ever fed any Natura distributed or
10:27:18 20 manufactured product to any pet other than the Innova
10:27:22 21 Senior?

10:27:29 22 A Unless one of those samples was another
10:27:32 23 part -- another brand from your company, no, I
10:27:36 24 haven't. I think they were all Senior, but I'm not a
10:27:40 25 hundred percent sure.

10:27:41 1 Q And who other than you would know what
10:27:43 2 samples that you fed to your dog?

10:27:45 3 A No one.

10:27:47 4 Q So are you willing to say today to me that
10:27:50 5 other than Innova Senior, you have fed no other Natura
10:27:55 6 product to any of your pets?

10:27:57 7 MR. NIELD: Well --

10:27:58 8 Q Or are you holding open the possibility that
10:28:00 9 you might have fed something else?

10:28:03 10 MR. NIELD: It's argumentative. It's
10:28:05 11 repetitive. It's been asked and answered a couple of
10:28:09 12 times now. If you want to respond again, go ahead.

10:28:14 13 A Samples that I picked up, I'm pretty sure
10:28:17 14 they were all for Senior. There might have been one
10:28:20 15 in there that wasn't Senior. I don't think so. I'm
10:28:22 16 trying to be truthful here. This was a long time ago.
10:28:27 17 This was in '06.

10:28:31 18 Q Other than the sign that was on the shelving
10:28:35 19 where you saw Natura products at Ocala Breeders &
10:28:41 20 Supply and the packaging on the samples themselves
10:28:45 21 that you took home with you, have you ever been told
10:28:48 22 or read anything about Natura's Innova Senior product?

10:28:53 23 A Ever?

10:28:54 24 Q Yes.

10:28:54 25 A I went on their website last weekend to

10:28:57 1 look.

10:29:02 2 Q Other than the website last weekend and the
10:29:07 3 sign that was on the shelving and the sample packages
10:29:11 4 themselves, have you ever read or been told anything
10:29:15 5 about Natura's products?

10:29:23 6 A I went out to explore to see what other
10:29:27 7 people were saying about Natura, if it was a good
10:29:30 8 product or not, and I got on some blogs. That has
10:29:36 9 been just recently.

10:29:41 10 Q In 2006, is it fair to say that other than
10:29:45 11 the sign that you saw on the shelving that you've
10:29:49 12 tried to describe to us and the sample packages
10:29:53 13 themselves, you had no other information about Natura
10:29:58 14 products that you relied on to feed those products to
10:30:03 15 your dog Arnold?

10:30:05 16 A The packaging on the other stuff on the
10:30:07 17 shelf that was made by Natura, the list of
10:30:13 18 ingredients, I'm like a compulsive label reader
10:30:18 19 because I guess I'm a vegetarian.

10:30:26 20 Q So other than the sign at the store on the
10:30:28 21 shelving that you've described, the packages of
10:30:31 22 Natura's products that were displayed on the shelves,
10:30:35 23 the sample packages that you took home with you, in
10:30:41 24 2006 was there anything else that you knew of about
10:30:45 25 Natura's products?

10:30:46 1 A No.

10:30:53 2 Q Do you contend as part of your lawsuit in
10:30:55 3 this case that there was an ingredient in the Innova
10:31:01 4 Senior samples that you fed to your dog that was not
10:31:05 5 on the ingredient list?

10:31:11 6 A Do I contend that? I'm thinking there's a
10:31:14 7 possibility there was.

10:31:17 8 Q Do you contend that there was or was not?

10:31:27 9 MR. NIELD: If you can recall. Lack of
10:31:29 10 foundation. Calls for speculation.

10:31:32 11 BY MS. CAVERLY:

10:31:32 12 Q I'm not asking for your recollections about
10:31:34 13 anything. I'm asking as you sit here today, do you
10:31:38 14 believe that there was an ingredient in the Innova
10:31:41 15 Senior samples that you fed your dog that was not
10:31:45 16 identified in the ingredient list?

10:31:47 17 A I believe yes.

10:31:49 18 Q What ingredient do you believe was in the
10:31:53 19 Innova Senior products that you fed your dog which is
10:31:56 20 not on the ingredient list on the packaging that the
10:32:01 21 food came in?

10:32:02 22 A Are you talking about toxins as an
10:32:04 23 ingredient?

10:32:09 24 MR. NIELD: You need to listen to the
10:32:10 25 question. Go ahead.

10:32:13 1 A I have been very disillusioned about the
10:32:16 2 whole pet food industry, and it could be that what
10:32:20 3 they're saying is on the packaging is not what's in
10:32:22 4 it, and I don't trust it at all anymore. When she
10:32:28 5 says there's cottage cheese in there, I don't know if
10:32:31 6 there's really cottage cheese in there. If they say
10:32:34 7 there's brown rice in there, I don't know if there's
10:32:36 8 brown rice in there, because I don't think anybody's
10:32:39 9 keeping track of what the pet food industry is doing.
10:32:41 10 Nobody's checking on them; they're out for money and
10:32:45 11 they don't care what they put in it and what's
10:32:47 12 happening to the pets, so I don't know what's in their
10:32:50 13 stuff.

10:32:52 14 Q Are those -- is that commentary true of the
10:32:56 15 entire pet food industry or just Natura Pet Products
10:33:01 16 products?

10:33:02 17 A I just don't trust any of them.

10:33:04 18 Q Let's go back and focus on my client's
10:33:07 19 products, Natura Pet Products.

10:33:09 20 A Okay.

10:33:09 21 Q For the Innova Senior products that you fed
10:33:12 22 your pet --

10:33:14 23 A Yes.

10:33:14 24 Q -- the free samples that you took.

10:33:16 25 A Yes.

10:33:17 1 Q Do you believe that there was something in
10:33:20 2 that food which was not identified on the ingredient
10:33:24 3 list?

10:33:25 4 A Something in it that was not identified on
10:33:28 5 the list. Could be. I mean, I'm -- I believe maybe
10:33:35 6 there was. I'm not a hundred percent -- I didn't test
10:33:38 7 all of the food that I fed him, so I don't know if
10:33:41 8 some of the bad stuff was in that particular bunch
10:33:44 9 that I gave him, but I don't think that they
10:33:47 10 represented their food, you know, like they should
10:33:52 11 have. They weren't truthful.

10:33:54 12 Q If we could just focus on my question.

10:33:57 13 A Okay.

10:33:59 14 Q As you sit here today --

10:34:02 15 A Yes.

10:34:02 16 Q -- do you have any reason to believe that in
10:34:05 17 the Innova Senior food samples that you fed to your
10:34:10 18 pet, that there was something in it other than what
10:34:14 19 was in the ingredient list?

10:34:19 20 A See, the way you've got that worded, it's --

10:34:23 21 MR. NIELD: Well, respond to the question
10:34:24 22 the way it was asked.

10:34:29 23 A In the ingredient list. Well, they said
10:34:31 24 they had whole potatoes in there. They just didn't
10:34:34 25 say they were whole green potatoes. So that's why I'm

10:34:38 1 having a problem with your question. See?

10:34:40 2 Q No, I don't see. The answer is either yes
10:34:43 3 or no. You do or do not believe that there were
10:34:46 4 things in the products that you fed your dog which
10:34:50 5 were not on the ingredient list.

10:34:53 6 MR. NIELD: Well, that's argumentative.
10:34:55 7 It's been asked and answered.

10:35:01 8 A Yes, I believe there were things in there
10:35:02 9 that shouldn't have been that wasn't on their list.

10:35:04 10 Q What do you believe was in the Innova Senior
10:35:07 11 samples that you fed your pet which were not
10:35:14 12 identified on the ingredient list?

10:35:17 13 A Things that a person would need.

10:35:23 14 Q Including anything specifically?

10:35:26 15 A Hair, feathers, Acetaminophen, toxins that
10:35:34 16 you get from the night shade family, the green
10:35:36 17 potatoes, and who knows what else.

10:35:44 18 Q Do you know anything else other than the
10:35:47 19 list that you've given to me?

10:35:49 20 A Do I know anything else? Other than a
10:35:54 21 chicken meal that a human wouldn't eat, no.

10:35:58 22 Q You read when you were in the store before
10:35:59 23 you ever took the samples home the ingredient list,
10:36:03 24 correct?

10:36:04 25 A Yes, I did.

10:36:04 1 Q And you read on the ingredient list that
10:36:08 2 meal was included as an ingredient, correct?

10:36:12 3 A Yes, but back then I didn't know what
10:36:14 4 chicken meal was.

10:36:15 5 Q And you did nothing to investigate that
10:36:17 6 prior to feeding the samples to your dog, correct?

10:36:20 7 A That's correct.

10:36:24 8 Q Is that because you didn't care what it was?

10:36:25 9 A Oh, no, it's not because I didn't care.

10:36:27 10 Q Why --

10:36:28 11 A It's because I didn't suspect the pet food
10:36:30 12 companies yet of lying to the public.

10:36:37 13 Q Now you do suspect that pet food companies
10:36:39 14 lie to the public, correct?

10:36:40 15 A Oh, yes, uh-hmm.

10:36:42 16 Q Are there any companies who manufacture and
10:36:47 17 sell pet food in the United States that you believe do
10:36:49 18 not lie to customers?

10:36:53 19 MR. NIELD: Lacks foundation. May call for
10:36:54 20 speculation.

10:37:00 21 THE WITNESS: Answer it?

10:37:01 22 MR. NIELD: If you can answer, go ahead.

10:37:02 23 A The one I'm thinking might be okay is Paul
10:37:04 24 Newman, and that's because they give their -- their
10:37:07 25 profits away. They're not in it for the money, so

10:37:10 1 maybe they are trying to do their best.

10:37:12 2 Q Anyone other than Paul Newman in terms of a
10:37:16 3 manufacturer or distributor of pet food in the United
10:37:19 4 States that you believe tells the truth about its
10:37:21 5 products?

10:37:24 6 MR. NIELD: Again, lacks foundation. May
10:37:26 7 call for speculation.

10:37:30 8 A I had some confidence in Wellness until this
10:37:32 9 weekend, so I guess Paul Newman is the only one.

10:37:37 10 Q You have no evidence that the Natura
10:37:39 11 products that you fed your dog or, in fact, any Natura
10:37:44 12 products contain Acetaminophen, do you?

10:37:49 13 MR. NIELD: That's vague and ambiguous.

10:37:51 14 A I do not have evidence, no.

10:37:52 15 Q Have you ever seen any evidence that
10:37:54 16 Natura's products contain Acetaminophen?

10:37:59 17 MR. NIELD: Again, vague and ambiguous. Go
10:38:01 18 ahead.

10:38:04 19 A It's on several websites, you know, this
10:38:06 20 woman's account of having things tested.

10:38:10 21 Q Other than what you've read on someone's
10:38:13 22 website, do you have any evidence that any Natura
10:38:18 23 product has ever contained Acetaminophen?

10:38:26 24 MR. NIELD: It's vague and ambiguous. Go
10:38:27 25 ahead.

10:38:28 1 THE WITNESS: Go ahead?

10:38:29 2 MR. NIELD: Yes.

10:38:32 3 A Yes.

10:38:33 4 Q What?

10:38:33 5 A I had a conversation about this with --

10:38:35 6 okay, all right.

10:38:40 7 MR. NIELD: Again, it's attorney-client

10:38:41 8 privilege, but answer the question without referring

10:38:43 9 to anything that you discussed with your attorneys.

10:38:49 10 A Okay, okay. I was e-mailed a document that

10:38:51 11 was a test report.

10:38:56 12 Q What did you do with the test report that

10:38:57 13 you believe shows that a Natura product contained

10:39:02 14 Acetaminophen?

10:39:02 15 A What did I do with it?

10:39:05 16 Q Yes.

10:39:06 17 A I printed it out.

10:39:06 18 Q And do you still have it?

10:39:08 19 A And I showed it to my husband. No, I don't

10:39:11 20 still have it.

10:39:12 21 Q What did you do with it?

10:39:13 22 A I gave it to him (indicating).

10:39:18 23 MR. NIELD: Him being her attorney.

10:39:20 24 MS. CAVERLY: And Counsel, do you have it

10:39:21 25 with you today because it wasn't produced in response

10:39:24 1 to the document request to Miss Davis.

10:39:27 2 MR. NIELD: I do have it with me today, but
10:39:29 3 the problem is it's not a clean copy. There is
10:39:34 4 writings on there that I believe to be attorney work
10:39:38 5 product and, therefore, I do not believe it can be
10:39:43 6 produced in its present form. I don't have a problem
10:39:47 7 producing the test result, but I do have a problem
10:39:51 8 producing the writings on the document, so perhaps we
10:39:56 9 can work something out.

10:39:57 10 MS. CAVERLY: When will you be producing
10:39:58 11 this document to me?

10:40:01 12 MR. NIELD: I'll have to look at it. I just
10:40:04 13 received it. I might be able to produce it to you in
10:40:05 14 the next few days.

10:40:08 15 MS. CAVERLY: So after I've deposed all of
10:40:09 16 the plaintiffs in this case, correct?

10:40:13 17 MR. NIELD: I will have to look at it a
10:40:14 18 little bit more, so give me a break or two today and
10:40:17 19 we'll see what I can work out. I don't know that the
10:40:20 20 other plaintiffs in the case know anything about it,
10:40:24 21 so I don't know that it's pertinent to their
10:40:25 22 depositions.

10:40:27 23 MS. CAVERLY: But I won't be able to discuss
10:40:29 24 it with Miss Davis who's seen and relying on the
10:40:33 25 report for her testimony unless you produce it to me,

10:40:36 1 correct?

10:40:37 2 MR. NIELD: Well, I suppose you won't be

10:40:38 3 able to discuss it with her with the document.

10:40:41 4 Certainly you can ask her any questions about what she

10:40:43 5 saw in the report or what she thinks it says or those

10:40:45 6 kinds of things.

10:40:52 7 BY MS. CAVERLY:

10:40:53 8 Q Other than this report and what you've read

10:40:57 9 on websites, you have no evidence that Natura products

10:41:04 10 contain Acetaminophen, correct?

10:41:07 11 A I saw another report.

10:41:11 12 Q From where?

10:41:12 13 A I think it was the State of New York, ag

10:41:18 14 department.

10:41:21 15 Q And that was with regard to Acetaminophen?

10:41:23 16 A No.

10:41:24 17 Q If you could listen to my question, please.

10:41:26 18 A I'm sorry.

10:41:27 19 Q With regard to your claim that Natura

10:41:30 20 products contain Acetaminophen, other than the report

10:41:35 21 that you've told me you've seen and the writings on

10:41:40 22 someone's blog, do you have any other evidence that

10:41:45 23 you have not told me about?

10:41:46 24 A No.

10:41:48 25 Q Do you have any evidence that Natura's

10:41:50 1 products contain hair other than what might be found
10:41:54 2 in normal manufacturing processes?

10:41:58 3 A Do I have any other evidence?

10:42:00 4 Q Any evidence.

10:42:01 5 A That's the other report I was telling you
10:42:03 6 about.

10:42:05 7 Q The State of New York report?

10:42:08 8 A I think it was New York.

10:42:11 9 Q And where did you get that report?

10:42:14 10 A From my lawyer.

10:42:21 11 Q What do you recall about the report that
10:42:23 12 you're referring to as evidence that Natura products
10:42:27 13 contain hair other than what may be found in good
10:42:31 14 manufacturing practices?

10:42:34 15 A And feathers. That's what it said on the
10:42:38 16 report, something about that Natura says that -- I
10:42:43 17 don't have it right in front of me, but it said
10:42:46 18 something about found hair and feathers in this
10:42:50 19 product sample and Natura states that it's only
10:42:53 20 what's -- I forgot what it says. I'm sorry.

10:42:58 21 Q Any evidence other than this report that you
10:43:02 22 believe supports your belief that Natura products
10:43:06 23 contain hair or feathers?

10:43:10 24 A No.

10:43:12 25 Q Do you have any evidence that Natura

10:43:14 1 products contain any toxin other than what you've
10:43:21 2 described?

10:43:22 3 A Yes.

10:43:23 4 Q What?

10:43:24 5 A Same report.

10:43:32 6 Q And that is the glycol alkaloids, yes?

10:43:40 7 A Yes.

10:43:40 8 Q Other than components of potatoes, hair,
10:43:47 9 feathers and Acetaminophen, do you have any reason to
10:43:51 10 believe that Natura's products contain anything other
10:43:54 11 than what is on the ingredient list?

10:44:00 12 A The way you worded that about being
10:44:02 13 components of potatoes, you don't know it's coming
10:44:05 14 from potatoes exactly because it's also found in any
10:44:09 15 of the night shade family and other places. So the
10:44:11 16 way you worded that I can't do. I can't answer that.

10:44:20 17 Q What are the specific components of the
10:44:22 18 night shade family that you believe have been found in
10:44:25 19 Natura's products?

10:44:26 20 A Those two toxins. I looked them up last
10:44:30 21 weekend. I forgot what they are, but there's two
10:44:34 22 toxins, and they're found in the night shade family.

10:44:38 23 Q Other than --

10:44:38 24 A See, I remember this because my kid, when he
10:44:40 25 was little, he had some night shade and I was

10:44:45 1 thinking, wow, they said this is poisonous, this is
10:44:48 2 strychnine and it's in the pet food, so that's really
10:44:51 3 scary.

10:44:54 4 Q Who is "they"?

10:44:54 5 A The websites that I looked at.

10:44:56 6 Q Like Miss Peters' websites?

10:44:59 7 A No, no. These are medical type websites,
10:45:04 8 reliable types.

10:45:06 9 Q Other than Acetaminophen, the two components
10:45:11 10 that are in the night shade family that you can't
10:45:13 11 recall, and the hair and feathers, do you have any
10:45:18 12 reason as you sit here today to believe that Natura's
10:45:21 13 products contain anything else that is not on the
10:45:25 14 ingredient list?

10:45:27 15 A No.

10:45:31 16 Q Do you have any reason to believe as you sit
10:45:33 17 here today that Natura's products contain ingredients
10:45:40 18 that are not on the ingredient list other than what
10:45:44 19 you've testified?

10:45:47 20 A Do I have any reason to believe that?

10:45:49 21 Q Yes.

10:45:52 22 A Yes. Just because you catch them in one
10:45:57 23 lie, they might be lying about other things, and
10:45:59 24 that's my reason.

10:46:00 25 Q Anything else that leads you to believe,

10:46:03 1 other than what you've testified to, that Natura's
10:46:05 2 products contain ingredients that are not on the
10:46:10 3 ingredient list?

10:46:11 4 A No.

10:46:13 5 Q Do you contend as part of this lawsuit that
10:46:16 6 Natura fails to include ingredients that are on the
10:46:25 7 ingredient list?

10:46:26 8 A Fails to include ingredients. See, I'm not
10:46:35 9 really sure what's in the chicken meal. I don't know
10:46:37 10 whether it's chicken heads and the whole pieces of
10:46:40 11 chicken, legs and their talons and all that stuff is
10:46:42 12 in it, so I don't know how to answer that.

10:46:45 13 Q My question is, you read the ingredient list
10:46:47 14 on the products that you took home, correct?

10:46:50 15 A Uh-hmm, yes.

10:46:52 16 Q Do you contend as part of this lawsuit that
10:46:56 17 an ingredient on that list was not included in the
10:47:00 18 products that you fed to your pet?

10:47:05 19 MR. NIELD: Listen to the question.

10:47:06 20 A The ingredient on the list was not in it?

10:47:11 21 MR. NIELD: Is there anything that they said
10:47:12 22 was in it that you believe was not in it.

10:47:17 23 A That I believe. I believe some of that
10:47:20 24 stuff probably is not in there. I don't really
10:47:22 25 believe that all of those wonderful nutritious things

10:47:26 1 with the cottage cheese and the apples and all of that
10:47:29 2 is really in there, no, I don't believe that. I don't
10:47:31 3 trust them, so I don't believe it.

10:47:34 4 Q Other than your industry-wide distrust of
10:47:38 5 pet food companies, do you have any reason to believe
10:47:41 6 that an ingredient listed by Natura as being included
10:47:46 7 in Innova Senior is not actually included?

10:47:56 8 A If they are so lax as to put the green
10:48:02 9 potatoes in there and not do all of the inspections
10:48:05 10 and testing that they should be doing, if they are
10:48:07 11 that lax, then I don't think they care enough to make
10:48:11 12 sure that all of the nutritious ingredients are in
10:48:14 13 there that they say are in there. That's my belief.

10:48:17 14 Q Other than that belief, do you have any
10:48:19 15 other basis from which you conclude that a product
10:48:24 16 identified as being included in the Innova Senior
10:48:28 17 samples that you fed your pet was not in fact
10:48:32 18 included?

10:48:32 19 A No.

10:48:37 20 Q Have you done any testing on any Natura
10:48:39 21 product?

10:48:40 22 A No.

10:48:44 23 Q Have you complained to anyone outside of
10:48:47 24 this lawsuit about a Natura product?

10:48:53 25 A Other than my friends to know why I was

10:48:58 1 going to be up here? No. Friends and family.

10:49:14 2 Q Is it correct to say that you never told
10:49:15 3 anyone at Ocala Breeders & Supply that you were
10:49:18 4 unhappy with the Natura products that they provided as
10:49:23 5 free samples to you?

10:49:25 6 A No, I didn't. I didn't know if I was
10:49:29 7 allowed to do that, so I didn't say anything.

10:49:32 8 Q Is it correct to say that you have never
10:49:35 9 contacted Natura Pet Products on any topic?

10:49:39 10 A No, I have never done that.

10:49:42 11 Q I want to make sure that we have a complete,
10:49:46 12 clear record on both of those last two questions
10:49:50 13 because you're answering no to my question and I think
10:49:53 14 by the follow-up words that you're saying you mean
10:49:55 15 that you haven't, but I want to make sure our record
10:49:59 16 is clear.

10:50:00 17 A Okay.

10:50:00 18 Q For Natura, is it correct that you have
10:50:02 19 never contacted Natura on any topic?

10:50:05 20 A I have never contacted them.

10:50:07 21 Q And for Ocala Breeders & Supply, is it
10:50:10 22 correct that you have never complained to anyone at
10:50:14 23 that store about the free samples of Innova Senior
10:50:17 24 that you received?

10:50:18 25 A No, I have never done that.

10:50:22 1 Q We still have that same problem.

10:50:25 2 A I'm sorry, no, no. Just plain no.

10:50:29 3 MR. NIELD: Seems clear to me, but, okay, go
10:50:31 4 ahead. She said she's never done that.

10:50:35 5 MS. CAVERLY: Thank you, Counsel, but I
10:50:36 6 would like to actually have a complete record. I
10:50:39 7 understand what her answer is, but I think the way my
10:50:41 8 question is phrased that it's -- I'm not perhaps
10:50:44 9 getting a clear answer.

10:50:45 10 BY MS. CAVERLY:

10:50:46 11 Q And if I have, just answer again. And I'm
10:50:49 12 going to ask my question in a different way so that we
10:50:52 13 can hopefully get there.

10:50:56 14 Have you ever complained to anyone at Ocala
10:50:59 15 Breeders & Supply about any product manufactured or
10:51:01 16 distributed by Natura Pet Products?

10:51:04 17 A No.

10:51:12 18 Q Have you ever spoken to your vet, Dr. Gars,
10:51:15 19 about any product manufactured or distributed by
10:51:18 20 Natura Pet Products?

10:51:20 21 A No.

10:51:21 22 Q Does Dr. Gars sell any pet food at his
10:51:24 23 clinic?

10:51:25 24 A No.

10:51:30 25 Q Other than recommending that you feed Arnold

11:26:27 1 been spending on dog food through those dates, and cat
11:26:31 2 food.

11:26:35 3 Q How did you calculate the amounts of money
11:26:39 4 that are set forth on the last page of Exhibit 2?

11:26:45 5 A I tried to remember what I used to feed the
11:26:49 6 animals and took a ballpark figure how much a can of
11:26:57 7 cat food costs and how much dog food costs and how
11:26:58 8 much a particular animal would eat depending on their
11:26:58 9 weight and then multiplied it by how many days in a
11:26:58 10 year.

11:27:01 11 Q What is it that you're trying to express by
11:27:04 12 the chart that you've created as the last page of
11:27:07 13 Exhibit 2?

11:27:10 14 A How much it costs to feed the animals, I
11:27:15 15 guess. Let me read the question. They want to know
11:27:39 16 how much money I've spent on pet food that was
11:27:45 17 probably misrepresented as what, how good it was, and
11:27:48 18 that's how much money I've spent.

11:27:50 19 Q And your position in this case, every pet
11:27:56 20 food that you have purchased in the last four years
11:27:59 21 has been misrepresented as to its contents, correct?

11:28:05 22 A I would have to look through my list. I
11:28:08 23 believe so, but I would have to look back through the
11:28:13 24 list.

11:28:15 25 Q Specifically with Natura Pet Products --

11:28:16 1 A Yes.

11:28:16 2 Q Actually, let me back up. You understand
11:28:18 3 that you have dismissed -- actually, no, you haven't,
11:28:29 4 so I'll strike that.

11:28:30 5 Who do you understand that you are suing in
11:28:31 6 this case?

11:28:34 7 A Natura Pet Foods.

11:28:36 8 Q Are you suing any other manufacturers or
11:28:39 9 retailers of pet food other than Natura Pet Products?

11:28:44 10 A I don't believe so. I thought it was just
11:28:45 11 Natura.

11:28:47 12 Q Why have you decided out of all of the many
11:28:49 13 foods that you fed your pets over the past three or
11:28:53 14 four years to sue Natura Pet Products?

11:28:58 15 MR. NIELD: Now, this may call for
11:28:59 16 attorney-client privilege information and also may
11:29:02 17 seek a legal conclusion and a legal opinion, but if
11:29:04 18 you can respond, go ahead.

11:29:09 19 A You know why the other ones were dismissed,
11:29:11 20 right, why they're no longer in the suit, don't you?

11:29:18 21 Q I don't know why you've done anything,
11:29:19 22 Miss Davis. I need you to tell me why you've done
11:29:23 23 certain things.

11:29:23 24 MR. NIELD: It's argumentative. Do you
11:29:25 25 remember the question?

11:29:27 1 A Okay, do the question one more time.

11:29:30 2 MS. CAVERLY: We can read it back.

11:29:45 3 (Record read.)

11:29:47 4 A Instead of the other ones, or beside?

11:29:50 5 Because the other ones we can't sue because of the --

11:29:56 6 we're not allowed to because of the other decision in

11:29:59 7 the other court. I would love to. I would really

11:30:02 8 love to. And so since you, Natura Pets, wasn't part

11:30:07 9 of that other lawsuit, then you're the only ones left.

11:30:15 10 Q Why would you like to sue other

11:30:17 11 manufacturers or retailers of pet food other than

11:30:21 12 Natura Pet Products?

11:30:22 13 MR. NIELD: Well --

11:30:23 14 Q Why do you have that desire?

11:30:25 15 MR. NIELD: Misstates prior testimony. Go

11:30:28 16 ahead.

11:30:32 17 A Because they lied and scammed the people

11:30:34 18 that bought their pet foods. They lied to the public.

11:30:36 19 They misrepresented their ingredients. They lied in

11:30:40 20 their advertising. They did all kinds of things that

11:30:42 21 I didn't think they were allowed to do, and I was just

11:30:45 22 really shocked that they were getting away with it.

11:30:52 23 Q Again, not including Natura Pet Products,

11:30:55 24 what lies are you referring to that other

11:31:02 25 manufacturers of pet food have made?

11:31:04 1 MR. NIELD: May be overly broad, vague and
11:31:06 2 ambiguous, may be compound, but go ahead.

11:31:15 3 A If you read their websites or if you read
11:31:17 4 any of their advertising or watch their advertising on
11:31:19 5 television, they have -- they show all of these
11:31:25 6 wonderful ingredients that are in their food. And it
11:31:29 7 looks so wholesome and healthy and very well
11:31:32 8 manufactured, and it's not. And plus it's got the
11:31:38 9 toxic things in it that's killing the animals. The
11:31:43 10 wheat gluten, the corn, the corn glutens or whatever
11:31:46 11 was in there, was it wheat or rice gluten, you never
11:31:51 12 see that in their advertising. They kind of like keep
11:31:52 13 that all hidden. They're just not truthful. And
11:31:57 14 we've been feeding our animals this and buying stuff
11:31:59 15 in good faith that wasn't good quality food. And
11:32:03 16 we've been helping to kill our animals. And that's
11:32:06 17 why I would like to make them stop. It's not that I
11:32:09 18 really want them to pay a lot of money or give me any
11:32:11 19 money for doing it. I just want them to change the
11:32:13 20 way they do business.

11:32:18 21 Q What is it about Natura Pet Products
11:32:20 22 specifically that you think they should change in the
11:32:23 23 way that they do business?

11:32:26 24 MR. NIELD: Well, lacks for foundation. May
11:32:28 25 call for speculation, may call for an expert opinion

11:32:30 1 from this lay witness. If you can answer that, go
11:32:34 2 ahead.

11:32:35 3 A I would like for them not to lie on their
11:32:37 4 website or lie on their packaging. Not on their
11:32:41 5 packaging as much -- yeah, on their packaging, too.
11:32:44 6 When they say it's human quality ingredients, it
11:32:47 7 should be human quality ingredients. If a person
11:32:50 8 wanted to pick up and eat any of that, they should be
11:32:52 9 able to do it without getting sick. You know, I
11:32:55 10 thought -- all right, I shouldn't go off on a tangent.
11:32:58 11 Never mind, strike that.

11:33:00 12 MR. NIELD: Just answer the question. If
11:33:01 13 you've answered the question, answer the question.

11:33:03 14 A I would like for them to be truthful and if
11:33:05 15 they say that it's human grade ingredients in the
11:33:10 16 package, it should be human grade. Human grade to me
11:33:13 17 means it's inspected by the same people and bought
11:33:15 18 from the same suppliers as you would feed it to
11:33:17 19 yourself or your kids.

11:33:22 20 Q Do you have any reason as you sit here today
11:33:24 21 to believe that Natura's products are not inspected by
11:33:27 22 the USDA?

11:33:31 23 A Yes. If they were inspected, surely the
11:33:39 24 green potato thing wouldn't have happened. If they
11:33:41 25 were inspected, the feathers and the hair and so forth

11:33:45 1 wouldn't have been in it.

11:33:50 2 Q What's the green potato thing? What does
11:33:54 3 that mean?

11:33:56 4 A Toxins that we talked about previously that
11:33:59 5 was in one of those reports.

11:34:01 6 Q Is it your opinion that human food that
11:34:05 7 contains potatoes contains neither of the two
11:34:12 8 compounds from the night shade family that you
11:34:15 9 couldn't identify by name?

11:34:19 10 A Human potatoes, human eaten potatoes? Of
11:34:22 11 course, if you let your potatoes grow eyes and you
11:34:25 12 leave them out and they get old, of course they're
11:34:27 13 going to have that in them, but then you wouldn't eat
11:34:29 14 them. You wouldn't feed it to your family. Or you'd
11:34:36 15 peel all that part off.

11:34:36 16 Q What about products that are made with
11:34:38 17 potatoes for humans, do you have any understanding of
11:34:42 18 whether the compounds that you believe were identified
11:34:45 19 in Natura's products can also be found in products
11:34:50 20 that you and I might buy at the grocery store that
11:34:53 21 contain potatoes?

11:34:54 22 MR. NIELD: Lacks foundation. May call for
11:34:56 23 speculation. Go ahead.

11:34:59 24 A If you bought an old rotten bag of potatoes,
11:35:02 25 I'm sure they would be in there. You just have to be

11:35:06 1 careful.

11:35:15 2 Q Do you know what's in hot dogs?

11:35:16 3 A I used to know. It's really disgusting.

11:35:22 4 Q What are some of the things in hot dogs that
11:35:24 5 you find to be disgusting?

11:35:27 6 A Probably stomach linings.

11:35:29 7 Q Anything else?

11:35:31 8 A Hearts and kidneys and things I believe are
11:35:33 9 in there, which are probably good for you, but being a
11:35:39 10 vegetarian, I have trouble with any of that, so I have
11:35:43 11 a biased opinion probably.

11:35:44 12 Q But you buy that for your family, correct?

11:35:47 13 A My husband loves them.

11:35:48 14 Q Lots of people in America do, probably
11:35:54 15 around the world.

11:35:59 16 Is it your belief that human food or food
11:36:01 17 that you and I would buy at the grocery store is free
11:36:05 18 from any contamination from things like hair and
11:36:11 19 feathers?

11:36:11 20 MR. NIELD: Lacks foundation. Calls for
11:36:12 21 speculation, but you can go ahead.

11:36:18 22 A I haven't really thought about that before,
11:36:21 23 and I sure hope there's none in there, but I don't
11:36:24 24 know.

11:36:35 25 Q How long from the time that you got the

11:36:40 1 first two samples of the Innova Senior from Ocala
11:36:45 2 Breeders & Supply did you go back and get two more
11:36:48 3 samples?

11:36:54 4 A Within a week or two because I'm in there
11:36:56 5 like weekly.

11:36:58 6 Q And do you recall now that there were only
11:37:02 7 two occasions in which you got free samples of Innova
11:37:05 8 Senior or were there more than two?

11:37:07 9 A I can recall two. There might have been
11:37:11 10 three, but I can recall two for sure.

11:37:14 11 Q And what makes you say there might have been
11:37:16 12 other than, you know, you were acting unconsciously or
11:37:22 13 something?

11:37:25 14 MR. NIELD: That's --

11:37:26 15 A It's hard to remember.

11:37:28 16 MR. NIELD: -- way argumentative, but if you
11:37:29 17 can respond, go ahead.

11:37:30 18 BY MS. CAVERLY:

11:37:31 19 Q I have no knowledge about what you've done
11:37:32 20 other than what you tell me today, and I would like
11:37:34 21 very much to avoid finding out that the facts are
11:37:37 22 different later on than what you've told me today.
11:37:39 23 You understand that, correct?

11:37:41 24 A Yes. I know that basket of samples was
11:37:45 25 there a long time.

11:37:46 1 Q How many times can you tell me for sure
11:37:49 2 under penalty of perjury that you took samples out of
11:37:52 3 that basket and took them home?

11:37:54 4 MR. NIELD: It's been asked and answered
11:37:55 5 several times now and it's argumentative. But if you
11:37:58 6 can respond again, go ahead.

11:38:01 7 A Two times for sure, maybe three.

11:38:04 8 Q And what makes you think that maybe three?

11:38:07 9 A I'm trying to be truthful, and if I don't
11:38:10 10 remember whether it was two or three, I'm telling you
11:38:12 11 that I don't remember. It was two for sure, maybe
11:38:16 12 three.

11:38:16 13 Q And you're sure it's not four, correct?

11:38:19 14 A Yes.

11:38:21 15 Q On these two or three occasions when you
11:38:25 16 took free samples, you never took more than two bags,
11:38:28 17 correct?

11:38:29 18 A Right.

11:38:30 19 Q And how long between the first, second and
11:38:34 20 maybe third time that you took samples, how much time
11:38:39 21 passed?

11:38:42 22 A A week, maybe two weeks.

11:38:48 23 Q Is it correct to say that from the first
11:38:50 24 time that you took samples of Natura Innova Senior
11:38:54 25 product home to the last time that you took samples of

11:38:59 1 Natura's Innova Senior product home, at most two weeks
11:39:05 2 elapsed?

11:39:06 3 A To the best of my memory, yes.

11:39:09 4 Q And between the first and the second time
11:39:13 5 that you picked up free samples, did you actually feed
11:39:16 6 food from those samples to your pet Arnold?

11:39:22 7 A I'm sorry, could you do that one more time?

11:39:24 8 Q Yes, it probably wasn't very good.

11:39:27 9 MR. NIELD: Vague and ambiguous.

11:39:28 10 MS. CAVERLY: Thanks. I'll strike that
11:39:30 11 question and start over.

11:39:33 12 BY MS. CAVERLY:

11:39:34 13 Q Sometime in September of 2006 you went and
11:39:37 14 picked up two bags of Innova Senior from the sample
11:39:41 15 basket, correct?

11:39:43 16 A Yes.

11:39:43 17 Q You took those home, correct?

11:39:45 18 A Yes.

11:39:46 19 Q And over what period of time did you feed
11:39:49 20 them to your dog Arnold?

11:39:58 21 A A week to two weeks.

11:40:00 22 Q Were the samples that you got on the
11:40:03 23 original visit fully consumed by Arnold before you
11:40:08 24 went back and got more samples of Innova Senior from
11:40:12 25 Ocala Breeders & Supply?

11:40:14 1 A That I don't recall.

11:40:17 2 Q Was there anything about the Innova Senior
11:40:23 3 samples that you got on the first occasion that you
11:40:26 4 were unhappy with prior to picking up more samples?

11:40:32 5 A He wasn't eating them as good as I wished he
11:40:34 6 would have, but, no.

11:40:37 7 Q Why did you get more samples if your dog
11:40:41 8 didn't like the first samples that you got?

11:40:44 9 A Because I thought they were really good for
11:40:45 10 him.

11:40:51 11 Q Did you consider buying any Natura products
11:40:57 12 before you picked up the second set of free samples?

11:41:02 13 MR. NIELD: This has been asked and
11:41:03 14 answered, but go ahead.

11:41:07 15 A Well, the samples were still there, for one
11:41:10 16 thing. So I didn't have to buy it because they still
11:41:13 17 had samples. So if he really liked them and I really
11:41:16 18 wanted to go forward with them, I probably would have
11:41:18 19 bought it when I came back again. But about that time
11:41:21 20 he was really going downhill, so I didn't.

11:41:28 21 Q You took more free samples, but you did not
11:41:31 22 buy him anything because he was going downhill; is
11:41:35 23 that right?

11:41:35 24 A No, I took more free samples, but by the
11:41:38 25 time those other free samples were done, there was no

11:41:44 1 point to go buy it.

11:41:45 2 Q Because you knew that he was dying, is that

11:41:46 3 --

11:41:46 4 A No, because I didn't really think he liked
11:41:51 5 it that well and I was just as happy feeding him stuff
11:41:54 6 off my plate and other stuff.

11:41:56 7 Q In the fall of 2006, what other commercial
11:42:01 8 pet foods were you feeding Arnold?

11:42:04 9 A Several things. Pup-Peroni, the little
11:42:11 10 treats. Moist & Meaty, but not too much. He didn't
11:42:17 11 like that a whole lot. I'm trying to think what he
11:42:21 12 really liked. Puppy Chow, milk flavored. I don't
11:42:28 13 know, I've got -- I've got my list somewhere. If I
11:42:31 14 went down that list, I could probably tell you for
11:42:34 15 sure right there at the end what I was feeding him.
11:42:37 16 But a lot of it was people food that last month or
11:42:40 17 two. He was having a lot of trouble.

11:42:59 18 MS. CAVERLY: We'll mark as Exhibit 3 the
11:43:01 19 Amended and Supplemental Responses to Mars'
11:43:05 20 interrogatories that I received from your attorneys
11:43:07 21 yesterday.

11:43:13 22 MR. NIELD: Let me just add with respect to
11:43:15 23 those that you asked earlier about the verifications,
11:43:19 24 although they have been verified during the
11:43:22 25 deposition, written verifications can be provided. As

11:49:29 1 complete and truthful, correct?

11:49:31 2 A Yes.

11:49:35 3 Q If you would turn to question number 4.

11:49:51 4 Question 4 reads: "For each pet identified in

11:49:55 5 response to interrogatory number 1, please identify

11:49:58 6 all foods, whether commercially available or not,

11:50:03 7 provided by you to the pet since the date your care of

11:50:07 8 it began." And it continues. Do you see that?

11:50:13 9 A Yes, I do.

11:50:14 10 Q That question is not limited to your

11:50:18 11 purchases of pet food, is it?

11:50:21 12 A I understand that now.

11:50:24 13 Q You read these responses and questions

11:50:27 14 carefully before you sent the first set to your

11:50:31 15 attorneys, did you not?

11:50:33 16 MR. NIELD: It's been asked and answered.

11:50:34 17 It's argumentative, but you can respond.

11:50:39 18 A I thought I had. I missed part of it. I

11:50:46 19 thought it had to be purchased.

11:50:49 20 Q Other than the Natura Innova Senior product

11:50:52 21 that you've now identified in your amended responses

11:50:56 22 as having fed to your pet, you identified every other

11:51:00 23 food that you had given to your pets in your first

11:51:04 24 response, correct?

11:51:06 25 A I believe so.

11:51:07 1 Q You identified all of the table scraps and
11:51:10 2 treats that you gave to your pets in your first
11:51:12 3 response, correct?

11:51:16 4 A I can't make a total list of table scraps,
11:51:20 5 but in that category of table scraps, yes.

11:51:22 6 Q And you identified every other food that you
11:51:25 7 had purchased for any one of your pets during the
11:51:29 8 period that the question calls for, correct, in your
11:51:32 9 first response?

11:51:35 10 A Do that again. I'm sorry.

11:51:36 11 Q In your first response to these
11:51:39 12 interrogatories, you identified every product that you
11:51:45 13 had purchased for any of your pets, correct?

11:51:48 14 A To the best of my ability, yes.

11:51:51 15 Q Other than the Natura Innova Senior samples,
11:51:57 16 have you ever taken a free sample of any other product
11:52:00 17 to give to your pet?

11:52:02 18 A Not that I recall.

11:52:05 19 Q When is it that you discovered that your
11:52:08 20 responses to interrogatory number 4 that you provided
11:52:12 21 in June of this year were not full and complete and
11:52:16 22 truthful?

11:52:18 23 MR. NIELD: Well, it's argumentative,
11:52:23 24 misstates prior testimony, but you can respond.

11:52:25 25 A When did I discover that these were

11:52:28 1 incorrect?

11:52:29 2 Q No, not Exhibit 3. Exhibit 3 are your
11:52:32 3 second answers. When did you discover that your first
11:52:34 4 answers needed to be amended?

11:52:41 5 THE WITNESS: I can do that, right?

11:52:43 6 MR. NIELD: Well, again, to the extent that
11:52:43 7 it does not require you to discuss communications with
11:52:48 8 your attorneys and their staff, which would be
11:52:51 9 protected by the attorney-client privilege, you can do
11:52:55 10 that, certainly.

11:52:56 11 A She wanted me to -- Miss Macivor wanted me
11:53:01 12 to sign a jurat, which I never heard of before, that
11:53:04 13 all of these were correct. And I looked over the ones
11:53:06 14 that she sent me back and I made some changes and I
11:53:10 15 highlighted the changes where it was not correct and
11:53:13 16 then I sent the signed jurat with those. All right,
11:53:16 17 well, evidently they got misplaced or something, and
11:53:20 18 that was June 21st, but I did fix all of this back
11:53:26 19 then other than what you just pointed out is wrong
11:53:29 20 right now.

11:53:30 21 Q So your testimony to me today is that prior
11:53:34 22 to June 21st, 2008, you provided to your counsel
11:53:39 23 written interrogatory responses which identified
11:53:44 24 Natura's Innova Senior product as a product that you
11:53:48 25 fed to your dog, correct?

11:53:49 1 A On my written ones? Is that what you asked
11:53:54 2 me?

11:53:55 3 Q Yes.

11:53:55 4 A No, I didn't.

11:54:00 5 Q You signed a declaration under penalty of
11:54:03 6 perjury in June of 2008 that your responses to the
11:54:08 7 interrogatories were correct. Yes?

11:54:11 8 A Yes.

11:54:12 9 Q Let's mark as Exhibit 4 your first responses
11:54:15 10 to Mars' interrogatories.

11:54:17 11 (Exhibit 4 was marked for identification and
11:54:17 12 attached to the deposition transcript.)

11:54:17 13 BY MS. CAVERLY:

11:54:54 14 Q If you would, please, look through these
11:54:57 15 interrogatory responses that I've marked as Exhibit 4.

11:55:05 16 MR. NIELD: Just look through them and then
11:55:08 17 respond to whatever questions are being asked.

11:55:44 18 A Okay.

11:55:45 19 Q You've seen these responses before today,
11:55:47 20 correct?

11:55:47 21 A Yes, these are the ones that I made the
11:55:49 22 corrections on.

11:55:54 23 Q Do you see on the last page of what I've
11:55:57 24 marked as Exhibit 4 is your signature under the words
11:56:01 25 "I, Pat Davis, declare and state the foregoing

12:01:17 1 be indicated in Word without using track changes?

12:01:25 2 A I'm trying to think if there were any
12:01:27 3 deletions. I wouldn't have done it that way if there
12:01:30 4 were deletions. I did do deletions, too. I don't
12:01:43 5 think I did. I just highlighted what I wanted changed
12:01:46 6 and supposing they'd notice something was missing,
12:01:49 7 which evidently they didn't.

12:02:03 8 Q Is it your testimony sitting here today that
12:02:06 9 prior to June 21st when you signed the declaration
12:02:09 10 that's attached to Exhibit 4 you added to your
12:02:12 11 interrogatory responses that you had fed Innova Senior
12:02:15 12 to Arnold?

12:02:16 13 A No, I never put them on here. That was my
12:02:20 14 mistake. I missed it where it said if purchased, if
12:02:22 15 applicable. I missed that. I thought it had to be
12:02:25 16 purchased.

12:02:29 17 Q When did you first provide an interrogatory
12:02:32 18 response which identified use of Natura's Innova
12:02:38 19 products by you?

12:02:48 20 A I don't think I did. I don't think it was
12:02:52 21 ever in here because this just came up recently.

12:02:58 22 Q Okay. If you would look with me on Exhibit
12:03:00 23 3, and you'll have to help me because I don't have my
12:03:07 24 own copy, but in response to number 4 -- actually,
12:03:13 25 before we even look at the pages, have you ever seen

12:03:16 1 Exhibit 3 before today?

12:03:19 2 MR. NIELD: I think it's been asked and
12:03:20 3 answered, but go ahead.

12:03:25 4 A She sent me these back yesterday at the
12:03:28 5 house, and I wanted to print them out to take with me.
12:03:35 6 Cathy is the she, Cathy Macivor.

12:03:37 7 MR. NIELD: Again, to the extent that it
12:03:38 8 calls for communications with your attorney, the
12:03:41 9 attorney-client privilege applies, and that's not
12:03:44 10 what -- so I'm going to object to that testimony.

12:03:47 11 THE WITNESS: Okay.

12:03:48 12 MR. NIELD: If you can respond without
12:03:49 13 talking about communications with your attorney,
12:03:51 14 please do.

12:03:52 15 MS. CAVERLY: Counsel, I disagree. She's
12:03:53 16 telling me the source. She's not telling me what
12:03:55 17 Miss Macivor said to her.

12:03:57 18 MR. NIELD: Fine. Go ahead.

12:03:59 19 A Okay, I was sent these, I think, by her
12:04:03 20 paralegal.

12:04:05 21 Q Yesterday.

12:04:06 22 A Yesterday morning before I left. Before I
12:04:09 23 got -- was that yesterday morning? Before I got on
12:04:11 24 the airplane. It was yesterday.

12:04:15 25 Q Is yesterday the first time that you've seen

12:04:18 1 interrogatory answers that I've marked as Exhibit 3?

12:04:22 2 A Yes.

12:04:23 3 Q And did you provide a declaration or
12:04:27 4 verification under penalty of perjury with regard to
12:04:30 5 interrogatory responses that are marked as Exhibit 3?

12:04:33 6 A Not a new one. As you can tell, I didn't
12:04:40 7 have enough paper and I didn't -- I was almost out of
12:04:43 8 black ink on my printer so didn't print these before I
12:04:47 9 left. So I haven't really looked at them. I just
12:04:49 10 took it for granted that they were fixed, that I had
12:04:52 11 told them verbally where they were still wrong.

12:05:04 12 Q When did you first identify that the
12:05:10 13 interrogatories that are set forth as Exhibit 4 are
12:05:14 14 not, in fact, true and complete and truthful?

12:05:20 15 A I have it in my memory it was June 21st, the
12:05:23 16 same day that I signed it and sent the jurat back.

12:05:27 17 Q When did you discover that you should
12:05:36 18 include Natura's Innova Senior free samples in your
12:05:42 19 discovery responses?

12:05:48 20 A When Cathy called me.

12:05:51 21 Q When was that?

12:05:55 22 A Wow. A couple weeks ago, I'm thinking. Or
12:06:03 23 maybe a month ago. It's been a little while, but not
12:06:08 24 too long.

12:06:11 25 Q From June 21st until you spoke to

12:06:15 1 Miss Macivor somewhere a couple of weeks to a month
12:06:19 2 ago, did you ever identify that your interrogatory
12:06:25 3 responses that we've marked as Exhibit 3 were not full
12:06:29 4 and complete in that they did not identify a Natura
12:06:35 5 product?

12:06:36 6 MR. NIELD: I think we're getting our
12:06:38 7 numbers confused.

12:06:40 8 MS. CAVERLY: I'm sorry, you're right. Let
12:06:43 9 me -- let me ask that again. Thank you.

12:06:48 10 A I never did because I never --

12:06:50 11 MR. NIELD: Wait a second. There's no
12:06:51 12 question pending.

12:06:51 13 THE WITNESS: I'm sorry. I'm sorry.

12:06:53 14 BY MS. CAVERLY:

12:06:53 15 Q Let me ask the question. You're answering
12:06:54 16 the right question, but let me ask the right question.

12:06:57 17 When between June 21st when you signed the
12:07:00 18 verification that is attached to Exhibit 4 and the
12:07:07 19 time that you spoke to your attorney, Catherine
12:07:11 20 Macivor, sometime between two to four weeks ago, did
12:07:17 21 you discover that your interrogatory responses that
12:07:21 22 we've marked as Exhibit 4 are not full and complete in
12:07:26 23 that they do not identify a Natura product used by
12:07:29 24 you?

12:07:32 25 A I never put it on here because I still

12:07:37 1 thought it was supposed to be purchased food until you
12:07:41 2 just pointed out differently, so it's never been on
12:07:45 3 there. I mean, I never corrected that part because I
12:07:49 4 didn't see that part. Crud. Well, we did talk about
12:08:07 5 it verbally, so maybe that's why.

12:08:12 6 Q What's your -- what are you looking at
12:08:14 7 that's pointing out --

12:08:15 8 A She did ask me what store number that was,
12:08:17 9 so we did talk about this, and I'm not supposed to say
12:08:21 10 all of that, right?

12:08:23 11 MR. NIELD: Well, it's kind of a difficult
12:08:25 12 area because we're trying to explain what happened at
12:08:27 13 the same time your attorneys are involved, so I'm
12:08:29 14 trying to give you a little latitude so we can get
12:08:31 15 through this.

12:08:33 16 A She said what store was it? I went through
12:08:34 17 the list looking for what store it was. So I guess
12:08:37 18 that's why it was added on there.

12:08:42 19 Q When did you --

12:08:43 20 A This is what happens when you sign the jurat
12:08:45 21 before. I'm sorry. Go ahead.

12:08:48 22 Q It can be a problem --

12:08:48 23 A It can.

12:08:48 24 Q -- to sign things under penalty of
12:08:51 25 perjury --

12:08:51 1 A Yes.

12:08:52 2 Q -- without having the final document, you're
12:08:53 3 correct.

12:08:54 4 A Yes, yes, yes.

12:09:04 5 Q So to answer my question, when did you
12:09:06 6 discover that your responses that we've marked as
12:09:09 7 Exhibit 4 were not full and complete and that you
12:09:13 8 needed to amend them?

12:09:17 9 MR. NIELD: I believe it's been asked and
12:09:19 10 answered, but go ahead.

12:09:21 11 A This is Exhibit 4. This was the first one.

12:09:23 12 Q Correct.

12:09:25 13 MR. NIELD: We should have numbered these
12:09:26 14 differently. Go ahead.

12:09:27 15 A Okay, this is the first one. I know I sent
12:09:30 16 it back to her on June 21st.

12:09:34 17 Q Those corrections did not include Natura
12:09:38 18 products, correct?

12:09:39 19 A That's right.

12:09:41 20 Q When did you first add Natura products to
12:09:45 21 your interrogatory responses as we now see them
12:09:50 22 existing in Exhibit 3?

12:09:56 23 A It was done verbally on the telephone
12:10:00 24 between two to four weeks ago.

12:10:02 25 Q And the first time you saw Exhibit 3 was

12:10:05 1 yesterday morning before you left to come to this
12:10:07 2 deposition, correct?

12:10:08 3 A Right. It's very clear I didn't get them
12:10:11 4 printed out and read good.

12:10:26 5 Q I'll show you what I'm going to mark as
12:10:28 6 Exhibit 5.

12:10:36 7 (Exhibit 5 was marked for identification and
12:10:36 8 retained by counsel.)

12:10:50 9 Q Do you see your signature on page 2 of
12:10:52 10 Exhibit 5 under the words, "I declare under penalty of
12:10:58 11 perjury that the foregoing is true and correct,"
12:11:01 12 executed on September 7th, 2008?

12:11:03 13 A Uh-hmm.

12:11:04 14 Q You have to say yes or no.

12:11:05 15 A Yes.

12:11:07 16 Q Who prepared this declaration?

12:11:09 17 MR. NIELD: May call for speculation. Lacks
12:11:11 18 foundation. If you know, go ahead.

12:11:15 19 A I don't know.

12:11:16 20 Q You did not prepare it, correct?

12:11:18 21 A No, I did not write it.

12:11:23 22 Q Did you review this declaration as it exists
12:11:27 23 in Exhibit 5 prior to signing it under penalty of
12:11:31 24 perjury?

12:11:32 25 A Yes.

12:11:32 1 Q Is everything that is stated in this
12:11:35 2 declaration complete and true?

12:11:41 3 A Now you made me worry. I'm going to read it
12:11:44 4 one more time.

12:11:45 5 Q Please.

12:12:31 6 A Yes.

12:12:31 7 Q You see in paragraph 3, you say, "Prior to
12:12:35 8 officially being named as a plaintiff in May 2007, I
12:12:40 9 advised my attorneys that I had fed Natura Senior --
12:12:44 10 excuse me -- Natura Innova Senior to my dog Arnold but
12:12:48 11 that I had obtained that food as a sample from my
12:12:53 12 local feed store."

12:12:53 13 Do you see that?

12:12:54 14 A Uh-hmm.

12:12:55 15 MR. NIELD: Yes?

12:12:56 16 A Yes.

12:12:56 17 Q Why do you not say in this paragraph that
12:12:58 18 you obtained several samples from your feed store?

12:13:03 19 A How big is a sample?

12:13:07 20 Q A sample to me implies one. Does it imply
12:13:12 21 something different to you?

12:13:13 22 MR. NIELD: Well, it's argumentative, but if
12:13:14 23 you can respond, go ahead.

12:13:19 24 A A sample could be one piece of dog food,
12:13:23 25 too, but --

12:13:24 1 MR. NIELD: Just respond to the question.

12:13:26 2 A Why didn't I say that? I don't know what to
12:13:33 3 say.

12:13:35 4 Q Do you believe --

12:13:36 5 A This is true.

12:13:37 6 Q -- that your declaration is consistent with
12:13:39 7 your testimony here today, that you obtained multiple
12:13:42 8 samples over multiple days?

12:13:48 9 A A sample of a product could be this much
12:13:51 10 (indicating) or it could be --

12:13:53 11 MR. NIELD: Do you think it's consistent I
12:13:54 12 think is the question.

12:13:55 13 A It's consistent, yes.

12:13:56 14 Q And do you believe that your testimony today
12:14:00 15 that you told a staff member of Miss Macivor's firm is
12:14:04 16 consistent with your declaration that you advised your
12:14:07 17 attorneys as reflected on Exhibit 5?

12:14:11 18 A Yes.

12:14:13 19 Q Did you in fact advise any attorney at any
12:14:17 20 time that you fed Innova Senior products to any of
12:14:21 21 your pets?

12:14:22 22 MR. NIELD: It's argumentative. It's also
12:14:26 23 vague and ambiguous. Go ahead.

12:14:31 24 A I didn't advise an attorney to their face or
12:14:34 25 on the phone. I advised somebody that worked for them

12:14:39 1 who I assume was acting on their orders and would tell
12:14:42 2 them.

12:14:42 3 Q That's not what your declaration says, is
12:14:44 4 it?

12:14:47 5 A I advise my attorneys. Attorneys may be the
12:14:54 6 office, the office of the attorneys? I mean, the
12:14:55 7 whole group of them? They work for them. That's
12:14:59 8 advising the attorneys. I have also talked to the
12:15:03 9 paralegal, but I'm assuming the paralegal was acting
12:15:07 10 under Cathy's orders or reports back to her.

12:15:28 11 Q Do you see on paragraph 5 of Exhibit 5, "I
12:15:34 12 worked on responding to paperwork sent by the
12:15:37 13 defendants in this case which requested me to list the
12:15:42 14 stores where I understood that they wanted to know
12:15:43 15 where I purchased pet food." Do you see that
12:15:48 16 sentence?

12:15:48 17 A Yes.

12:15:50 18 Q Interrogatory number 4 does not request
12:15:52 19 locations where you've purchased food solely, does it?

12:16:02 20 A No.

12:16:02 21 Q Did you read interrogatory number 4 before
12:16:04 22 you provided the responses which we've marked as
12:16:08 23 Exhibit 4?

12:16:10 24 MR. NIELD: It's been asked and answered.

12:16:11 25 It's argumentative. You can answer again.

12:16:16 1 A Yes, I did, but I was also given a little
12:16:20 2 format to follow where I would put the type of the
12:16:23 3 food, the manufacturer, the date that I purchased it
12:16:26 4 or fed it -- I forgot -- purchased it and what store I
12:16:31 5 purchased it at. So because I couldn't fill all of
12:16:34 6 that in for Innova, I just figured it wasn't included
12:16:39 7 because it was a free one.

12:16:41 8 Q In the complaint in this case, you say -- by
12:16:45 9 the way, have you read the complaint in this case?

12:16:48 10 A Which one was the complaint? The first one
12:16:51 11 that was in --

12:16:53 12 MR. NIELD: No, those aren't the complaint.

12:16:56 13 A The complaint are the charges, right?

12:16:59 14 Q Yes, the original papers --

12:17:01 15 A Yes, I read them.

12:17:03 16 Q -- that got filed with the court to start
12:17:05 17 this case.

12:17:06 18 A Yes, I did.

12:17:07 19 Q You're aware that there have been four
12:17:09 20 complaints --

12:17:10 21 A Yes.

12:17:10 22 Q -- in which you have been a plaintiff,
12:17:12 23 correct?

12:17:13 24 A Four complaints, four charges, four counts,
12:17:16 25 is that what you're talking about?

12:17:18 1 Q Four pieces of paper that have been titled a
12:17:21 2 complaint.

12:17:25 3 A I have a whole list of things at home, yes.

12:17:27 4 Q Before you sued Natura Pet Products in this
12:17:30 5 case, you read the allegations against them, yes?

12:17:36 6 A Yes.

12:17:38 7 Q And in your complaint, you state that you
12:17:42 8 regularly purchased products manufactured by Natura.
12:17:46 9 Do you recall that?

12:17:47 10 A No, I don't.

12:17:49 11 MR. NIELD: No, that misrepresents --
12:17:52 12 misrepresents facts, assumes facts not in evidence.
12:17:55 13 Lacks foundation, calls for speculation. It's
12:18:00 14 argumentative.

12:18:01 15 A I would have to see one. I don't --

12:18:03 16 MR. NIELD: Also calls for a legal
12:18:04 17 conclusion.

12:18:08 18 MS. CAVERLY: What she recalls calls for a
12:18:10 19 legal conclusion?

12:18:11 20 MR. NIELD: No, what you're asking her calls
12:18:12 21 for a legal conclusion.

12:18:31 22 BY MS. CAVERLY:

12:18:33 23 Q I'm reading from the Fourth Amended
12:18:36 24 Complaint in this case.

12:18:39 25 MR. NIELD: Before you respond, after she's

12:18:40 1 read it, I would like you to read it. Go ahead.

12:18:46 2 Q "Plaintiff Davis regularly purchased pet
12:18:49 3 food during the class period for daily consumption for
12:18:52 4 her dogs and cats in Florida, which was manufactured
12:18:57 5 and marketed by defendants, Mars and Mars Pet Care,
12:19:02 6 Nestle Purina Pet Care, Iams, Del Monte, Natura," and
12:19:09 7 it goes on. Do you recall seeing complaints that you
12:19:13 8 filed with the court in this case that include that
12:19:18 9 statement?

12:19:18 10 A Yes.

12:19:19 11 Q That is not true, is it?

12:19:22 12 A About regularly purchasing? And I did point
12:19:25 13 that out to my attorney and she says that -- I forgot
12:19:30 14 what she told me back, but I did point that out, that
12:19:33 15 it was misworded.

12:19:36 16 Q You never purchased a Natura product ever,
12:19:41 17 much less regularly, correct?

12:19:43 18 MR. NIELD: That's been asked and answered
12:19:44 19 several times now. It's argumentative. You can
12:19:46 20 respond one more time.

12:19:48 21 A No, I didn't. But I did feed it to my dog
12:19:51 22 and, therefore, I suffered damages and that's why I'm
12:19:54 23 part of this suit.

12:19:55 24 Q You didn't daily feed it to any of your
12:19:58 25 pets, did you?

12:19:59 1 A Yes, I did. Yes, I did.

12:20:02 2 Q On how many days did you feed a pet a
12:20:04 3 product manufactured or distributed by Natura Pet
12:20:07 4 Products?

12:20:08 5 MR. NIELD: It's argumentative. Go ahead.

12:20:10 6 A I don't totally recall. It had to be at
12:20:13 7 least 30 days.

12:20:17 8 Q Four samples, maybe six, you fed over a
12:20:22 9 30-day period, correct?

12:20:25 10 A I'm thinking a month.

12:20:28 11 Q And how many other foods did you feed this
12:20:32 12 same dog Arnold during that month period?

12:20:35 13 A I think I've already answered that one.

12:20:39 14 MR. NIELD: Go ahead.

12:20:41 15 A Table scraps, things that I was eating,
12:20:46 16 Puppy Chow, Pup-Peroni. It's in her notes.

12:20:55 17 Q You can answer again.

12:20:58 18 A Okay.

12:20:59 19 MR. NIELD: I'm sorry, where are we at now?
12:21:01 20 Did you finish answering the question?

12:21:05 21 Q Every food that you recall having fed your
12:21:08 22 dog Arnold during the 30-day period in which you
12:21:11 23 allege to have fed a Natura manufactured or
12:21:16 24 distributed product, please.

12:21:21 25 A The last time you asked that question I said

12:21:23 1 I needed to look at that and that's when we pulled
12:21:26 2 this out and we kind of got sidetracked.

12:21:29 3 Q Can you answer without looking at either
12:21:32 4 your original or your amended interrogatory responses?

12:21:38 5 A I'll do my best. Puppy Chow, milk flavored.
12:21:43 6 Pup-Peroni. Table scraps, ground beef and rice,
12:21:55 7 cheese, cottage cheese. That's the best I can do
12:22:01 8 without looking.

12:22:02 9 Q As you sit here today, can you recall a
12:22:06 10 single other commercial food that you fed to Arnold
12:22:10 11 during the month that you allegedly fed Natura's
12:22:15 12 products to him?

12:22:15 13 MR. NIELD: It's argumentative, allegedly,
12:22:18 14 but go ahead.

12:22:20 15 A It's on that list right there. Do you want
12:22:21 16 me to look at the list?

12:22:22 17 Q No, I want -- before we look at the list, to
12:22:25 18 your best recollection today, what do you remember?

12:22:30 19 A I have told you what I remember.

12:22:31 20 Q So Puppy Chow and Pup-Peroni?

12:22:33 21 A Uh-hmm, and Pup-Peroni, and all of the
12:22:36 22 things that -- the other things I've just said.

12:22:40 23 Q I'm talking about commercial pet foods.

12:22:42 24 A Commercial.

12:22:43 25 Q Not the food that you made, not the table

12:26:30 1 of those. I could refer to those. And that would
12:26:34 2 help a little bit. And I had a couple receipts just
12:26:38 3 sitting out loose that I could refer to. But other
12:26:41 4 than that, I don't save my grocery store receipts, so
12:26:44 5 I had to go by memory a lot.

12:26:48 6 Q When you told your attorney that the
12:26:51 7 complaint was not correct in that you had not
12:26:53 8 purchased Natura's products, did you ask that the
12:26:59 9 complaint be corrected?

12:27:03 10 MR. NIELD: Well, again, this is a
12:27:07 11 communication with the attorney; therefore, it's
12:27:08 12 protected by the attorney-client privilege.

12:27:12 13 MS. CAVERLY: Counsel, I believe the
12:27:13 14 privilege has been waived because she is using the
12:27:18 15 what could have been privileged communications to
12:27:23 16 bolster her credibility in this case by saying that
12:27:25 17 she previously told her attorneys what she is now
12:27:29 18 saying in her amended interrogatory responses. So I
12:27:35 19 believe I'm entitled to inquire based on her
12:27:38 20 declaration that she is seeking to bolster her
12:27:42 21 credibility by saying I told my attorneys this, that I
12:27:48 22 should be allowed to inquire into any conversations
12:27:50 23 that relate to her talking with the attorneys about
12:27:54 24 her use of Natura products.

12:27:57 25 MR. NIELD: Well, first I disagree with your

12:28:00 1 characterization that she's attempting to bolster her
12:28:04 2 credibility. I don't think that needs bolstered.
12:28:08 3 That's your term. I don't see anything in the
12:28:35 4 declaration that says she said anything to her
12:28:38 5 attorneys.

12:28:45 6 MS. CAVERLY: Paragraph 3.

12:28:55 7 MR. NIELD: So what question would you want
12:28:56 8 to ask with respect to paragraph 3?

12:29:00 9 MS. CAVERLY: Right now I want to ask the
12:29:02 10 question that I asked, but I believe I'm entitled to
12:29:04 11 ask any questions about conversations or documents
12:29:08 12 that she provided to her attorneys that are either
12:29:11 13 consistent or inconsistent with her current statements
12:29:14 14 that she has, in fact, used Natura's products.

12:29:18 15 MR. NIELD: And she has, and I've let her
12:29:20 16 respond to several questions in that area to the
12:29:26 17 extent that we could avoid getting into substance of
12:29:30 18 conversations or communications. Can I have the last
12:29:32 19 question read back, please? It's not our intent to
12:29:40 20 waive the attorney-client privilege.

12:29:58 21 (Record read.)

12:30:16 22 MR. NIELD: The problem I have, I could let
12:30:17 23 her answer that question, but I may not let her answer
12:30:20 24 a follow-up, but you can answer that question.

12:30:25 25 A Yes.

12:30:26 1 Q Did you ever do anything to ensure that the
12:30:30 2 complaint that you had filed in Federal Court against
12:30:33 3 Natura Pet Products was factually correct as it
12:30:37 4 related to your claims?

12:30:39 5 MR. NIELD: Other than what she just
12:30:40 6 testified to?

12:30:43 7 MS. CAVERLY: Other than asking your
12:30:43 8 attorney to correct it, yes.

12:30:44 9 MR. NIELD: You can respond to that. Do you
12:30:51 10 understand the question?

12:30:55 11 THE WITNESS: No, I don't.

12:30:56 12 Q Other than reading -- when you read the
12:30:59 13 complaint the first time it got filed, you saw that it
12:31:01 14 was not correct, yes?

12:31:04 15 A Probably not the first time, but the second
12:31:05 16 time. Prior to coming up here I saw it, yeah.

12:31:10 17 Q Prior to coming up here in September of 2008
12:31:13 18 you realized that the complaint was not correct, is
12:31:16 19 that the timing?

12:31:21 20 A We were going over this stuff when I was
12:31:23 21 still at the house, I saw it then for sure.

12:31:27 22 Q Still at the house meaning yesterday morning
12:31:29 23 or when?

12:31:33 24 A Whenever I was talking to her about all of
12:31:35 25 this, which I don't remember exactly when that was.

12:31:39 1 Q Sometime within the last two to four weeks,
12:31:41 2 yes?

12:31:42 3 A Uh-hmm, uh-hmm.

12:31:43 4 MR. NIELD: You've got to say yes.

12:31:45 5 A Yes, yes.

12:31:47 6 Q You are an original plaintiff in this case,
12:31:53 7 correct?

12:31:54 8 A Yes.

12:31:54 9 Q Natura was not a defendant in the case when
12:31:57 10 you first filed it, correct?

12:32:01 11 A That I don't remember.

12:32:04 12 MR. NIELD: Lacks foundation. May call for
12:32:05 13 speculation.

12:32:06 14 Q You don't recall.

12:32:08 15 A I don't recall. There was a whole list. I
12:32:10 16 don't recall.

12:32:10 17 Q You don't recall a motion made to the court
12:32:12 18 in the fall of 2007 asking to add Natura as a
12:32:16 19 defendant in this case?

12:32:17 20 MR. NIELD: Lacks foundation. Calls for
12:32:18 21 speculation. Also calls for a legal opinion from this
12:32:21 22 lay witness.

12:32:28 23 A No.

12:32:28 24 Q Do you recall when Natura became a defendant
12:32:31 25 in this case?

12:32:32 1 A No.

12:32:34 2 Q Do you recall how many complaints you have
12:32:37 3 seen prior to their being filed with the court?

12:32:40 4 MR. NIELD: It's vague and ambiguous. Lacks
12:32:42 5 foundation. May call for speculation. It's been
12:32:45 6 asked and answered. Do you understand what you're
12:32:50 7 being asked?

12:32:55 8 THE WITNESS: I think. How many amended
12:32:57 9 complaints, right?

12:32:58 10 MR. NIELD: If you can respond, go ahead.

12:33:00 11 A It's three or four.

12:33:01 12 Q You saw three or four complaints prior to
12:33:03 13 those complaints being filed with the court, correct?

12:33:06 14 A I believe so. I'm not positive, but I
12:33:08 15 believe so.

12:33:09 16 Q You did not until the last two to four weeks
12:33:13 17 bring to your attorney's attention that the
12:33:16 18 allegations in the complaint as they relate to your
12:33:19 19 claims were incorrect; is that your testimony?

12:33:23 20 A I think so as best I can recall right now.

12:33:29 21 Q Why didn't you bring to anyone's attention
12:33:31 22 prior to the last few weeks that the complaint was
12:33:36 23 incorrect when it states that you regularly purchased
12:33:40 24 Natura products?

12:33:41 25 MR. NIELD: It's argumentative. If you can

12:33:44 1 respond, go ahead.

12:33:50 2 A I didn't know I was going to be included on
12:33:52 3 this until just the last few weeks because I didn't
12:33:58 4 think that, because I hadn't purchased it, that I was
12:34:04 5 going to be a -- be up here. And she said that, you
12:34:08 6 know, you did feed it? I go -- all right, I'm not
12:34:12 7 going to talk about it.

12:34:13 8 MR. NIELD: No communications between
12:34:14 9 attorney-client. Objection. Go ahead. If you can
12:34:18 10 respond beyond that, please do.

12:34:20 11 BY MS. CAVERLY:

12:34:21 12 Q Until the beginning of September, you didn't
12:34:23 13 think that you had a claim for any damages against
12:34:28 14 Natura Pet Products, correct?

12:34:32 15 MR. NIELD: May call for a legal conclusion.
12:34:35 16 It's argumentative. If you can respond, go ahead.

12:34:42 17 A Because I didn't list Natura on my list of
12:34:46 18 pet food things there that I had purchased, that's why
12:34:51 19 I thought, no, I wasn't.

12:34:53 20 Q If you can, my question is yes or no, prior
12:34:56 21 to September of 2008, is it correct that you did not
12:35:02 22 believe that you had any claim for damages against
12:35:06 23 Natura Pet Products?

12:35:07 24 A Prior to September?

12:35:11 25 MR. NIELD: September of this year and it's

12:35:12 1 argumentative. Lacks foundation.

12:35:16 2 A I'm not real sure about the date on that, so
12:35:19 3 I can't answer that one.

12:35:22 4 Q When did you discover that Natura Pet
12:35:26 5 Products had damaged you in some way?

12:35:30 6 A When did I discover. I don't recall
12:35:37 7 exactly.

12:35:45 8 Q Can you give me any time frame?

12:35:54 9 A Probably around a month ago, but that's a
12:35:55 10 guess.

12:35:58 11 Q In what ways do you believe that Natura Pet
12:36:02 12 Products has damaged you?

12:36:05 13 MR. NIELD: Listen to the question and make
12:36:07 14 sure you understand the question before you answer.

12:36:10 15 A In what ways?

12:36:14 16 Q (Nodding head.)

12:36:14 17 A I think they hastened my dog's death and
12:36:19 18 might have made his death a little more painful.

12:36:30 19 Q You have no lost money as a result of
12:36:35 20 anything that Natura products has done, correct?

12:36:39 21 A That's correct. I can't put a price on my
12:36:41 22 dog.

12:36:44 23 Q The chart that you put in Exhibit 3, the
12:36:50 24 last page that we were looking at where you have the
12:36:52 25 various food costs, do you recall that?

12:36:55 1 A Yes.

12:36:56 2 Q None of those dollars have anything to do
12:36:58 3 with Natura Pet Products, correct?

12:37:01 4 A That's correct.

12:37:02 5 Q And you have no claim in this case for
12:37:05 6 financial damages against Natura products, correct?

12:37:09 7 A For financial damages.

12:37:11 8 MR. NIELD: That may call for -- that calls
12:37:12 9 for a legal opinion and a legal conclusion. Lacks
12:37:16 10 foundation. Calls for speculation. It's

12:37:18 11 argumentative. But if you understand the question --

12:37:23 12 BY MS. CAVERLY:

12:37:23 13 Q Do you have any claim in this case that
12:37:25 14 Natura cost you money that you should get back?

12:37:29 15 A No.

12:37:36 16 Q Do you have any evidence other than your own
12:37:41 17 beliefs that Natura products caused your dog Arnold to
12:37:47 18 die any sooner than he otherwise would have?

12:37:52 19 A The report that I gave you or that you have
12:37:57 20 about it has toxins in it. And if the dog's already
12:38:01 21 sick and you feed him poisons, yes, I think it's going
12:38:04 22 to speed his death.

12:38:06 23 Q Anything else?

12:38:08 24 A You need more?

12:38:10 25 MR. NIELD: No, just answer the question.

12:38:12 1 A No.

12:38:14 2 MR. NIELD: Counsel, is there a time soon
12:38:15 3 that we might be able to break and get something to
12:38:18 4 eat?

12:38:18 5 MS. CAVERLY: Yes, I would like to finish
12:38:19 6 this line of questioning, though.

12:38:21 7 MR. NIELD: Okay.

12:38:21 8 BY MS. CAVERLY:

12:38:24 9 Q You indicated that you believe Arnold's
12:38:27 10 death was made more painful by his eating Natura Pet
12:38:32 11 Products. Do you recall that?

12:38:33 12 A Yes.

12:38:36 13 Q Do you have any evidence to support your
12:38:39 14 belief that Arnold's death was more painful because he
12:38:44 15 ate food manufactured or distributed by Natura
12:38:47 16 products?

12:38:48 17 MR. NIELD: May call for a legal conclusion.
12:38:50 18 May lack foundation, but go ahead.

12:38:54 19 A The report that -- about the toxins found in
12:38:56 20 the food, I looked up those two toxins on the Internet
12:39:00 21 and I looked up what they cause, what symptoms they
12:39:04 22 cause. And one of them was kidney failure. And that
12:39:10 23 was one of the things he's experiencing is kidney
12:39:13 24 failure, so ...

12:39:17 25 Q Your vet never treated Arnold for kidney

12:39:19 1 failure, did he?

12:39:23 2 MR. NIELD: It's argumentative. It's been
12:39:24 3 asked and answered thoroughly, but go ahead.

12:39:27 4 A It was one of the symptoms that he was
12:39:29 5 experiencing. I told you that, about how he was
12:39:32 6 drinking more water and how he was --

12:39:34 7 Q Please answer my question. Did your vet
12:39:36 8 ever diagnose your dog with kidney failure?

12:39:40 9 A Yes.

12:39:43 10 Q When?

12:39:44 11 A That his kidneys were failing, not total
12:39:48 12 failure.

12:39:48 13 Q When?

12:39:52 14 A When, I don't know. I would have to look
12:39:55 15 through the records.

12:39:56 16 Q Your dog had the same problems before eating
12:40:00 17 Natura's products as he experienced after eating those
12:40:05 18 products, correct?

12:40:07 19 MR. NIELD: Lacks foundation. May call for
12:40:08 20 speculation. May call for expert opinion in several
12:40:13 21 ways from this lay witness, but if you can respond, go
12:40:16 22 ahead.

12:40:17 23 A Correct. If you'll notice that I said that
12:40:22 24 it hastened his death and maybe made it a little
12:40:25 25 worse.

12:40:25 1 MR. NIELD: You've answered the question.

12:40:28 2 MS. CAVERLY: We'll go off the record.

12:40:33 3 THE VIDEOGRAPHER: This marks the end of --

12:40:34 4 I'm sorry -- videotape number 2 in the deposition of

12:40:37 5 Patricia Davis. We're going off the record and the

12:40:40 6 time is now 12:40 p.m.

12:40:43 7 (A lunch recess was taken.)

01:32:39 8 THE VIDEOGRAPHER: We are now back on the

01:32:39 9 record. Here marks the beginning of videotape number

01:32:41 10 3 in the deposition of Patricia Davis. The time is

01:32:45 11 now 1:32 p.m.

01:32:48 12 BY MS. CAVERLY:

01:32:48 13 Q Other than your dog Arnold, you don't

01:32:51 14 contend in this lawsuit that any of your other pets

01:32:54 15 have been harmed in any way by products manufactured

01:32:58 16 or distributed by Natura, correct?

01:33:00 17 A Correct.

01:33:01 18 Q If you could grab Exhibit 4 from the pile in

01:33:06 19 front of you. And if you would look at the responses

01:33:13 20 to interrogatory number 4 where you identify the foods

01:33:16 21 that you have fed Arnold during the four-year period

01:33:22 22 beginning in May of 2003.

01:33:38 23 A Okay.

01:33:40 24 Q Setting aside for the time being the table

01:33:44 25 scraps and focusing on the commercial food products

01:35:32 1 you've identified as having fed Arnold during the
01:35:35 2 period of 2003 to 2007 contributed to or hastened his
01:35:42 3 death?

01:35:45 4 A To some degree, yes.

01:35:48 5 Q To what degree do you believe that the
01:35:50 6 Natura Innova Senior products that you fed to Arnold
01:35:55 7 hastened his death?

01:36:02 8 MR. NIELD: Lacks foundation. May call for
01:36:06 9 speculation, may call for an expert opinion. You may
01:36:08 10 respond, go ahead.

01:36:08 11 A I think it was critical the time that I fed
01:36:11 12 it to him because he was already so sick and his
01:36:14 13 system was so weakened that I think if I fed him
01:36:19 14 things that had toxins in it, it would really have
01:36:23 15 affected him worst.

01:36:25 16 Q You don't know as you're sitting here today
01:36:27 17 whether you fed Arnold any products that contained
01:36:30 18 toxins, correct?

01:36:31 19 A I suspect I did. I believe I did.

01:36:34 20 Q Which products do you believe you fed Arnold
01:36:37 21 that contained toxins?

01:36:44 22 A Natura for sure. Those other companies I've
01:36:50 23 been reading the hype about it and they said that it
01:36:53 24 was only in a certain batch or whatever that they had
01:36:57 25 the melamine and so forth in it, but who's to know, so

01:37:01 1 I really don't know. I don't think any of them were
01:37:04 2 truthful about their products being healthy for the
01:37:09 3 dog to eat, and that's why I don't feed them anymore.

01:37:16 4 Q What do you feed your pets now?

01:37:18 5 A I make it, homemade food, people food.

01:37:24 6 Q What is it? What do you feed your dogs?

01:37:29 7 A Recently I just found a new product made by
01:37:33 8 Sojourner Farms, and it's not on here because it's
01:37:38 9 really recent, but it's Sojos. And it's just a dry
01:37:43 10 mixture that you don't have to cook. So you add like
01:37:46 11 raw meat, like I've been putting in ground beef,
01:37:50 12 ground chuck, ground turkey, whatever I could find
01:37:53 13 reasonably priced. I put that in a pot with some
01:37:57 14 water and then I add their mixture to it and then I
01:38:00 15 add eggs or leftovers or canned vegetables or whatever
01:38:06 16 I've got that I think would be good that day. They
01:38:10 17 like canned milk, and that's what I've been feeding
01:38:13 18 them.

01:38:13 19 Q And then you cook that for some period of
01:38:14 20 time?

01:38:16 21 A No, you let it sit like 15 minutes and then
01:38:19 22 you can give it to them. They love it.

01:38:21 23 Q Is the meat in that product cooked in any
01:38:23 24 way --

01:38:24 25 A No.

01:38:24 1 Q -- that you're feeding now?

01:38:27 2 A Huh-uh.

01:38:39 3 Q After we came back from one of our breaks,
01:38:41 4 your counsel gave me some what appear to be laboratory
01:38:45 5 results, and the first set I'm not going to mark as an
01:38:48 6 exhibit unless counsel would like me to. It bears
01:38:51 7 Bates number Plaintiff Thomas 61 through Plaintiff
01:39:09 8 Thomas 80.

01:39:13 9 MR. NIELD: If we're going to ask the
01:39:15 10 witness questions about the document, I would like it
01:39:17 11 marked. If not, then it doesn't have to be.

01:39:20 12 MS. CAVERLY: Okay, we'll mark it as Exhibit
01:39:22 13 6.

01:39:29 14 (Exhibit 6 was marked for identification and
01:39:29 15 attached to the deposition transcript.)

01:39:29 16 BY MS. CAVERLY:

01:39:35 17 Q Is Exhibit 6 one of the reports that you
01:39:36 18 identified for me which shows that Natura products
01:39:41 19 that you fed your dog contained toxins?

01:39:48 20 A Yes.

01:39:49 21 Q The product tested in Exhibit 6 is not the
01:39:52 22 product that you fed your dog, correct?

01:39:56 23 A I'd have to check. I know they tested
01:39:58 24 several things here.

01:40:29 25 No, the six products that they tested that

01:40:32 1 are all made by Natura, Senior was not one of them.

01:40:37 2 Q This is a report that you obtained from your
01:40:39 3 attorney, correct?

01:40:40 4 A Yes.

01:40:41 5 Q Is that report, Exhibit 6, full and complete
01:40:48 6 of the documents that you obtained that you believe
01:40:53 7 demonstrate that Natura was contaminated with toxins
01:40:58 8 when you fed it to your dog?

01:41:00 9 A There was the other report, too, that one.

01:41:03 10 MS. CAVERLY: I'll mark as Exhibit 7.

01:41:04 11 Counsel, here's your original copy back.

01:41:12 12 MR. NIELD: Thank you.

01:41:20 13 (Exhibit 7 was marked for identification and
01:41:20 14 attached to the deposition transcript.)

01:41:20 15 BY MS. CAVERLY:

01:41:20 16 Q A document with a heading Expert Tox -
01:41:28 17 Reports, page 3 of 4. Have you seen Exhibit 7 before
01:41:39 18 today?

01:41:39 19 A Yes.

01:41:42 20 Q Did you receive Exhibit 7 from your
01:41:44 21 attorneys?

01:41:44 22 A Yes.

01:41:44 23 Q Is Exhibit 7 the complete set of laboratory
01:41:50 24 results which you received from your attorneys that
01:41:54 25 show testing by Expert-Tox?

01:41:57 1 A Yes.

01:41:57 2 Q Have you ever seen pages 1, 2, or 4 of
01:42:02 3 Exhibit 7?

01:42:03 4 A No.

01:42:08 5 Q Are Exhibit 7 and 6 the universe of
01:42:12 6 documents that you have seen that you believe
01:42:15 7 demonstrate that the products you fed your dog that
01:42:19 8 were manufactured by Natura Pet Products contain
01:42:24 9 toxins?

01:42:26 10 A Do you consider web pages as documents? I
01:42:31 11 saw things out on the web that people were talking
01:42:35 12 about, too.

01:42:37 13 Q In terms of analytical test results that you
01:42:41 14 believe demonstrate that Natura products that you fed
01:42:45 15 your dog were contaminated with toxins, are Exhibit 6
01:42:52 16 and Exhibit 7 the universe of documents that you have
01:42:55 17 seen?

01:42:56 18 A Yes.

01:42:58 19 Q Have you been informed by any source that
01:43:00 20 there are more documents showing laboratory test
01:43:04 21 results for Natura products other than what I have
01:43:08 22 marked as Exhibit 6 or Exhibit 7?

01:43:11 23 A According to the web, there are more,
01:43:12 24 according to certain blogs I looked at. There's other
01:43:17 25 people who have done testing.

01:43:20 1 Q Have you kept copies or the addresses for
01:43:24 2 any of the blogs that you're referring to?

01:43:26 3 A I'm sure they're stored on my machine in the
01:43:29 4 history of the websites I've been to. They would be
01:43:32 5 in there somewhere.

01:43:33 6 Q But this is the machine that crashed, yes or
01:43:36 7 no?

01:43:36 8 A No, because I just did this over the
01:43:39 9 weekend. It's still there.

01:43:40 10 Q So just over the weekend before coming to
01:43:42 11 your deposition today, you looked at websites where
01:43:47 12 you believe there's information that suggests that
01:43:51 13 Natura products that you fed to your dog were
01:43:53 14 contaminated with toxins, correct?

01:43:56 15 A I did it again over the weekend, but I had
01:43:58 16 done it previously because this Donna, I know I read
01:44:02 17 about her before, and she had some dogs throwing up.
01:44:06 18 I think she was the one that had the five dogs
01:44:08 19 throwing up. It might have been these people
01:44:11 20 (indicating). But I had read about it previously.
01:44:13 21 But I went back and looked again over the weekend.

01:44:16 22 Q Do you know who Donna is?

01:44:17 23 A No, she's not identified on the blog either.
01:44:19 24 Her last name is blacked out here.

01:44:22 25 Q Has her last name been blacked out all of

01:44:25 1 the times that you've seen what we've marked as

01:44:28 2 Exhibits 7?

01:44:28 3 A Yes, it was like that when I got it.

01:44:29 4 Q No one's ever told you that that Donna is

01:44:32 5 Donna Hopkins Jones, who is a plaintiff in this case?

01:44:36 6 A No, I did not know that.

01:44:38 7 MR. NIELD: Well --

01:44:38 8 BY MS. CAVERLY:

01:44:39 9 Q Do you know where cyanuric acid comes from?

01:44:42 10 A No, I should have researched that one, but I

01:44:45 11 didn't.

01:44:46 12 Q Do you know where Acetaminophen comes from?

01:44:47 13 A I think that's the common name of Tylenol,

01:44:50 14 isn't it?

01:44:51 15 Q Yes, it is.

01:44:52 16 A No, I don't know where it comes from.

01:44:57 17 MR. NIELD: I did not know that.

01:44:58 18 Q Do you believe -- strike that.

01:45:12 19 What's your education, background?

01:45:16 20 A How much do you want?

01:45:17 21 Q You went to high school, yes?

01:45:19 22 A I went to high school in Ft. Lauderdale.

01:45:22 23 Q Graduated, yes?

01:45:23 24 A Yes.

01:45:23 25 Q Did you graduate with honors?

01:53:20 1 black and white. It's only like four or five pages
01:53:23 2 long. It comes out monthly. And it's excellent.
01:53:26 3 That's a subscription thing, too, that my sister gets,
01:53:29 4 and she gives me all the back issues, and that's all
01:53:33 5 dogs and cats.

01:53:34 6 And of course, you know, you're constantly
01:53:39 7 e-mailing back and forth all the little websites that
01:53:41 8 you found that has really good stuff on it with your
01:53:44 9 friends. I'm in horse clubs. And anybody that's into
01:53:50 10 horses is also into dogs. So we find little nuggets,
01:53:54 11 and we send them back and forth. Of course you go out
01:53:56 12 on the web and you look, especially when I was trying
01:53:59 13 to come up with recipes. I checked out some books
01:54:01 14 from the library that have cat nutrition, pet
01:54:04 15 nutrition, recipes, that kind of thing.

01:54:09 16 Q Before you first fed Arnold a product
01:54:14 17 manufactured or distributed by Natura, did you do any
01:54:18 18 research or inquire from anybody else about the
01:54:21 19 product?

01:54:26 20 A No.

01:54:26 21 Q And up until the time that you stopped
01:54:28 22 feeding Arnold the Innova Senior, did you do any
01:54:31 23 research or talk to anyone about Natura's products?

01:54:39 24 A I don't believe so.

01:54:58 25 Q Are you in a business with horses?

01:58:17 1 A Uh-hmm.

01:58:18 2 Q You have to say yes or no.

01:58:20 3 A Yes, yes.

01:58:21 4 MR. NIELD: It's getting long, I know.

01:58:22 5 BY MS. CAVERLY:

01:58:23 6 Q What about the use of chicken meal in the
01:58:28 7 Natura Innova Senior products makes you dissatisfied
01:58:32 8 with that product?

01:58:36 9 A Now that I know what it is? It makes me
01:58:38 10 really wonder if it has all of the bad parts of the
01:58:43 11 chicken in it, parts that I would never feed my dog.

01:58:48 12 Q What do you understand is the chicken meal
01:58:51 13 that Natura used in 2006 to make Innova Senior?

01:58:57 14 A What do I understand about it?

01:59:00 15 Q What do you understand it to be? You said
01:59:02 16 now that you know. What -- what do you understand to
01:59:06 17 be the chicken meal that Natura used in the Innova
01:59:11 18 Senior products that you fed to your dog?

01:59:14 19 MR. NIELD: Lacks foundation. May call for
01:59:17 20 speculation. May assume facts not in evidence, but go
01:59:19 21 ahead.

01:59:24 22 A Knowing that they do the rendering and so
01:59:26 23 forth instead of just the meat part of the chicken,
01:59:30 24 I'm very suspicious of all of the way that they
01:59:34 25 process their food. We have a rendering plant --

01:59:38 1 should I go off the subject like this? We have a
01:59:41 2 rendering plant that I'm familiar with, and it's a
01:59:45 3 really, really horrible place. If that's where the
01:59:48 4 chicken meal comes from is a place like that, then
01:59:51 5 this is really awful stuff to feed your animal.

01:59:54 6 Q What is the rendering facility that you were
01:59:56 7 talking about?

01:59:57 8 A There's one in Ocala, and it's been there
02:00:00 9 for years. It's a guy named Moses. That's all he's
02:00:03 10 known by is Moses. And we used to grow cows. And
02:00:08 11 that's how I became a vegetarian. When a cow would
02:00:13 12 die from calving or a calf would die, you would call
02:00:18 13 Moses. And Moses, when he would get around to it, he
02:00:21 14 would come and pick up the animal. Sometimes it would
02:00:23 15 be that day or the next day or whatever. Then he
02:00:25 16 would come and he would take it back and he would put
02:00:28 17 it in dog and cat food. And back at that time I
02:00:30 18 didn't think a whole lot of it, but then right before
02:00:37 19 all of this happened, not knowing any better, I mean,
02:00:40 20 it's very common practice that if your horse is sick
02:00:43 21 and has to be euthanized, I mean, I have friends I
02:00:46 22 know do this. We bury all our horses because they're
02:00:49 23 our pets, we have a tractor, so we bury them, but we
02:00:52 24 have friends that their horses are euthanized, and
02:00:55 25 they call Moses, and Moses comes and gets them. And

02:00:57 1 Moses is the guy that cooks it down and makes it into
02:01:01 2 pet food. I had a chance to kind of experience how
02:01:06 3 bad his place was because my husband's in construction
02:01:11 4 and he built a 32 million dollars -- he oversaw the
02:01:15 5 building of a 32 million dollar high school in Ocala,
02:01:18 6 and it went right up next door to Moses' place. I was
02:01:23 7 trying to tour the high school right before it opened,
02:01:26 8 and the smell of dead animals and decaying flesh and
02:01:30 9 stuff that would just sweep over you, make you gag
02:01:34 10 because they were next door. And -- so this is where
02:01:39 11 the stuff's coming from that you're feeding your dog.
02:01:44 12 When I found out it was chicken meal, I'm thinking,
02:01:47 13 oh, we've got a Moses.

02:01:49 14 Q You don't have any reason whatsoever to
02:01:50 15 believe that Natura buys a single product from this
02:01:55 16 Moses that you've just testified about, do you?

02:01:57 17 A This particular Moses. But I imagine
02:02:00 18 there's many, many of him all over the country. I
02:02:04 19 have no reason to believe there's not or that any
02:02:06 20 other rendering places are any better.

02:02:09 21 MR. NIELD: You've answered the question.

02:02:11 22 THE WITNESS: Okay.

02:02:11 23 BY MS. CAVERLY:

02:02:12 24 Q You don't know about any other rendering
02:02:14 25 places other than Moses' place, correct?

02:02:17 1 A I've heard them on the news and I've seen
02:02:19 2 photos out on the web.

02:02:23 3 Q You don't know where Natura buys its
02:02:26 4 products from, do you?

02:02:27 5 A No, I don't.

02:02:28 6 Q And you don't know what is in Natura's
02:02:31 7 chicken meal, do you?

02:02:32 8 A No, I don't. That's the scary part.

02:02:42 9 Q Would you agree with me that if there is
02:02:45 10 chicken in Natura's chicken meal, that it is not
02:02:50 11 harmful to dogs to feed them chicken?

02:02:55 12 MR. NIELD: Assumes facts not in evidence.
02:02:57 13 Lacks foundation. Calls for speculation. Calls for
02:02:59 14 an expert opinion. Misstates facts. Go ahead.

02:03:05 15 A I don't know if it's one of the 4D chickens,
02:03:08 16 disabled, dying, what's the other, diseased. I don't
02:03:12 17 know where the chickens come from, what kind of shape
02:03:15 18 they're in before they're put into it.

02:03:22 19 Q You don't know.

02:03:23 20 A I don't know.

02:03:35 21 Q Have you made any claim for reimbursement in
02:03:41 22 the melamine contamination cases?

02:03:46 23 A No.

02:03:47 24 Q Have you objected to the settlement in the
02:03:50 25 melamine contamination cases?

02:09:49 1 stuff, it doesn't have melamine and toxins and stuff
02:09:51 2 in it, then maybe they would live longer.

02:09:54 3 Q What food do you believe you fed to Arnold
02:09:56 4 that contained melamine?

02:09:59 5 MR. NIELD: Lacks foundation. Calls for
02:10:00 6 speculation. Misstates prior testimony. Go ahead.

02:10:06 7 A That had melamine? It could have been any
02:10:08 8 of those commercial, because I think they've all been
02:10:11 9 on the recall list at one time or another. I just
02:10:13 10 don't know.

02:10:19 11 Q When was the first time that you looked at
02:10:22 12 Natura's website?

02:10:25 13 MR. NIELD: It's been asked and answered.
02:10:25 14 Go ahead.

02:10:27 15 A I think over the weekend. If I went prior
02:10:32 16 to that, I don't recall.

02:10:35 17 Q Have you ever seen a magazine advertisement
02:10:39 18 made by Natura Pet Products?

02:10:42 19 A Not that I can recall. Maybe. I read a lot
02:10:45 20 of pet magazines, but nothing springs to mind.

02:10:52 21 Q What pet magazines do you read?

02:10:58 22 A My mother gets issues of Cat Fancy and
02:11:04 23 there's one like that for dogs. I can't remember the
02:11:06 24 name of it. It may be Dog Fancy. And several of the
02:11:10 25 horse magazines, and then that little, well, that

02:11:16 1 publication doesn't have any advertisements in it,
02:11:19 2 that little one that I get from my sister.

02:11:21 3 Q Who publishes the little booklet that you
02:11:23 4 get from your sister?

02:11:25 5 A I can't remember the name of that thing.
02:11:27 6 It's excellent, though. I don't know, I'd have to go
02:11:31 7 look.

02:11:33 8 Q You don't know who publishes it?

02:11:35 9 A No. There's a version out of it on line,
02:11:40 10 too, that you can subscribe and you can get all of
02:11:42 11 their back issues and everything on line. I can't
02:11:49 12 remember.

02:11:49 13 Q Doesn't help me if I don't know what the
02:11:51 14 name of it is. I don't think I'll find it on the
02:11:53 15 Internet, either.

02:12:00 16 What Natura packages other than the samples
02:12:02 17 that you took with you do you recall looking at prior
02:12:06 18 to taking the samples?

02:12:11 19 A I think I looked at their cat products and
02:12:13 20 their dog products, but I couldn't tell you which
02:12:15 21 ones.

02:12:16 22 Q Can you tell me anything about the packages
02:12:18 23 that you relied on in deciding to take the free
02:12:21 24 samples to feed to Arnold other than what you've
02:12:26 25 previously told me?

02:12:32 1 A Other than what I've previously told you, I
02:12:34 2 can't remember anything else.

02:12:41 3 Q Do you have any reason to believe that
02:12:44 4 Natura knew that anything in its package or in the
02:12:54 5 sign that was on the shelving that you saw was false?

02:13:03 6 MR. NIELD: Lacks foundation. Calls for
02:13:06 7 speculation. It's vague and ambiguous, overly broad,
02:13:12 8 basically seeks expert opinion. Go ahead.

02:13:16 9 A Since it's a family-owned company, it seems
02:13:18 10 like it would be easier for them to keep track of
02:13:21 11 their food and production, so forth, than maybe a huge
02:13:23 12 company like Purina. And if you're making statements
02:13:25 13 about your product, you should know what's going on.
02:13:30 14 I mean, whoever is in charge of the company should
02:13:31 15 know how it's being produced, where their supplies are
02:13:35 16 coming from. They should know.

02:13:39 17 Q Do you have any reason as you sit here today
02:13:42 18 to know or to believe that Natura knew that either
02:13:50 19 representations on its sample packages that you took
02:13:52 20 home or on the sign that you saw on the shelf were
02:13:58 21 false?

02:14:03 22 A Somebody at Natura knew what kind of
02:14:06 23 potatoes were going in. Somebody knew. Whoever was
02:14:10 24 buying their supplies knew. So who do you mean by do
02:14:14 25 you have reason to believe that Natura knew. Who are

02:14:17 1 you talking about, the owner, the president? Somebody
02:14:20 2 at Natura knew.

02:14:22 3 Q What do you believe that someone at Natura
02:14:24 4 knew?

02:14:27 5 A That they were falsely representing their
02:14:30 6 product, that they were putting inferior ingredients
02:14:36 7 into their product.

02:14:42 8 Q Do you know whom specifically you're talking
02:14:44 9 about at Natura knew that they were falsely
02:14:47 10 representing their products?

02:14:54 11 A The man who started the company, I was
02:14:56 12 looking -- I was reading about him over the weekend.
02:14:59 13 He started his company in '89, and he's the one that
02:15:03 14 started that quote about I wouldn't put anything in my
02:15:06 15 pet food that I wouldn't be willing to eat myself or
02:15:09 16 that I wouldn't eat myself. And I'm thinking I don't
02:15:11 17 know if that man's still alive or not, but somebody of
02:15:14 18 his descendent still is because it's still a
02:15:18 19 family-owned company, and so I hold that person
02:15:20 20 accountable. I mean, whoever is in charge of the
02:15:23 21 company is in fact accountable.

02:15:26 22 Q The man that you're speaking of is named
02:15:30 23 John Rademakers. Does that sound right or do you know
02:15:33 24 who it is?

02:15:33 25 A I don't know. That sounds right. It had a

02:15:37 1 long name.

02:15:38 2 Q Mr. Rademakers is the founder of the
02:15:40 3 company. He and his wife.

02:15:42 4 Do you have any reason as you sit here today
02:15:44 5 to believe that Mr. Rademakers does not believe his
02:15:49 6 statement that he would eat the ingredients in his
02:15:53 7 products?

02:16:00 8 MR. NIELD: Lacks foundation, calls for
02:16:01 9 speculation.

02:16:02 10 A If the man still believes it after all of
02:16:04 11 this, then he's being hoodwinked by people who are
02:16:08 12 working for him. So, I mean, if he still believes it,
02:16:12 13 then he's not keeping track of his company or he's
02:16:15 14 very naive or something. I don't know.

02:16:19 15 MR. NIELD: Your question was --

02:16:20 16 BY MS. CAVERLY:

02:16:20 17 Q You don't know if he believes it or not, do
02:16:22 18 you?

02:16:22 19 A No, I haven't talked to him, so I wouldn't
02:16:24 20 know.

02:16:26 21 Q And you don't know as you sit here whether
02:16:28 22 or not anyone from Natura believes that the
02:16:31 23 ingredients in their products are suitable to be
02:16:34 24 consumed by them, do you?

02:16:41 25 A If they're --

02:16:42 1 MR. NIELD: I think it's been asked and
02:16:43 2 answered. Excuse me. It's been asked and answered.
02:16:47 3 Lacks foundation. Calls for speculation. Go ahead.

02:16:52 4 A I don't believe they would eat their food,
02:16:53 5 no, I don't believe they would ever even taste it.

02:16:57 6 Q So if I told you that I've eaten the food,
02:17:01 7 you think that I'm a liar?

02:17:03 8 A Not a liar, but I think you're taking a
02:17:05 9 great risk.

02:17:07 10 Q That's because of what you believe you know
02:17:10 11 is in the food, correct?

02:17:11 12 A Yes, right.

02:17:14 13 Q What inferior ingredients do you believe
02:17:17 14 Natura is putting in its foods?

02:17:22 15 MR. NIELD: This has been asked and answered
02:17:23 16 this morning, so it's argumentative. Go ahead.

02:17:30 17 A The potatoes and the chicken meal.

02:17:39 18 Q Anything else that you believe is an
02:17:45 19 inferior ingredient that Natura is putting in its
02:17:50 20 products other than green potatoes and chicken meal?

02:17:53 21 A I don't know how the cyanuric acid or
02:17:58 22 Acetaminophen got in there, so I don't know what kind
02:18:00 23 of -- I don't know how they -- they produce their --
02:18:02 24 their food. I don't know how they manufacture it.

02:18:04 25 Q You actually don't know if there was ever

02:18:06 1 Acetaminophen in a Natura product, do you?

02:18:14 2 A Other than what that lab report there says
02:18:17 3 and things that I read on the Internet, no.

02:18:18 4 Q You don't know who Donna is; you don't know
02:18:21 5 if she put Tylenol on the food that she sent to the
02:18:25 6 lab; you don't even know if she tested Natura food, do
02:18:28 7 you?

02:18:32 8 A Not a hundred percent, no.

02:18:35 9 Q Do you know even one percent whether or not
02:18:36 10 Donna is even a person who bought or used Natura
02:18:40 11 products?

02:18:41 12 MR. NIELD: Lacks foundation. Calls for
02:18:43 13 speculation and it's argumentative. And it misstates
02:18:47 14 prior testimony. Go ahead.

02:18:50 15 A I believe it enough that I would never feed
02:18:52 16 this product again to any of my animals, so that's all
02:18:56 17 I can tell you. If there's room for doubt in there,
02:18:58 18 there's big room for doubt that the products, what it
02:19:00 19 represents itself to be, so I would never feed it
02:19:04 20 again.

02:19:05 21 Q My question is, isn't it true that you don't
02:19:06 22 know whether or not a Natura product has ever had
02:19:12 23 Acetaminophen in it?

02:19:19 24 A I don't know what to answer. I don't know?
02:19:23 25 I think I do know.

02:19:26 1 Q You know because somebody gave you a
02:19:28 2 report -- a page of a report that somebody named Donna
02:19:33 3 claims to have gotten from a lab that's --

02:19:36 4 A I'm not a hundred percent sure that it's in
02:19:38 5 there, but I'm willing to bet it is.

02:19:40 6 Q You don't even know whether the lab, in
02:19:42 7 fact, tested Natura products, do you?

02:19:48 8 A According to what I've been told and what I
02:19:50 9 read? Yes, they did.

02:19:52 10 Q Who told you that the lab tested Natura
02:19:55 11 products?

02:19:58 12 MR. NIELD: Well, and, again, it may call
02:20:02 13 for communications, attorney-client communications.
02:20:05 14 I'll object on that ground. But if there is some
02:20:07 15 other source of the information, go ahead.

02:20:10 16 A The other source is the web.

02:20:14 17 Q Whom on the web told you that?

02:20:18 18 A The blogs.

02:20:19 19 Q Do you know who wrote them?

02:20:20 20 A Donna wrote one of them, at least one of
02:20:25 21 them.

02:20:25 22 Q But you don't know who Donna is; is that
02:20:27 23 right?

02:20:28 24 A No.

02:20:28 25 Q So someone using the name Donna wrote

02:39:47 1 Q The latter, you fed him what food you
02:39:50 2 bought, you bought a new one, you fed him that, you
02:39:53 3 bought a new one and you fed him that, correct?

02:39:55 4 A Right, right.

02:39:56 5 Q For the Natura Innova samples that you got,
02:40:01 6 did you throw any of that away?

02:40:02 7 A I don't believe so because I thought it was
02:40:04 8 such good stuff.

02:40:42 9 Q You told me that one of the foods, I
02:40:45 10 believe, that you were feeding Arnold in 2006 was a
02:40:48 11 puppy product. Do you recall that?

02:40:51 12 A Puppy Chow? Uh-hmm.

02:40:54 13 Q You have to say yes or no.

02:40:55 14 A Yes.

02:40:56 15 MR. NIELD: It's getting late.

02:40:57 16 BY MS. CAVERLY:

02:40:57 17 Q Why were you feeding Arnold a puppy food
02:41:00 18 when he was 15 years old?

02:41:04 19 A Because that's what he was -- that's what he
02:41:06 20 liked the best all his life was the Puppy Chow.

02:41:13 21 Q Any other reason other than he liked it?

02:41:14 22 A I figured puppy food probably has better
02:41:16 23 nutrients in it than for adult dogs because you want
02:41:20 24 them to grow good. The manufacturer should put more
02:41:25 25 vitamins and nutrients into a puppy food, it's my own

02:50:45 1 Q Have you done any other research other than
02:50:46 2 that particular book on what chicken meal can be or
02:50:50 3 is?

02:50:50 4 A I'm sure -- I'm sure I've been on the web
02:50:52 5 about it.

02:50:57 6 Q Do you recall any particular resources that
02:50:59 7 you've accessed on the Internet about chicken meal?

02:51:02 8 A No.

02:51:02 9 Q Are you familiar with an organization that
02:51:04 10 goes by the acronym AFCCO?

02:51:07 11 A Yes.

02:51:07 12 Q What do you understand that group to be?

02:51:12 13 A I thought they were the ones who were
02:51:14 14 supposed to oversee the pet food industry, but I'm not
02:51:17 15 real sure.

02:51:18 16 Q Have you ever accessed any information about
02:51:20 17 AFCCO's definitions of chicken meal or meals?

02:51:24 18 A No.

02:51:30 19 Q Have you ever accessed any information about
02:51:32 20 definitions that AFCCO publishes for use by pet food
02:51:38 21 manufacturers in the United States?

02:51:40 22 A That was on my to-do list, but I didn't get
02:51:42 23 to it.

02:51:54 24 Q You've told me about the harm that you
02:51:57 25 consider Arnold to have received as a result of eating

02:52:01 1 Natura products, perhaps prolonging his death or
02:52:05 2 making it more painful and making it sooner than it
02:52:09 3 otherwise would have been. Do you recall that?

02:52:12 4 A Yes.

02:52:14 5 Q Is there any other harm that you attribute
02:52:16 6 to your use of Natura Pet Products' foods?

02:52:26 7 A He's the only one I was feeding it to, so
02:52:28 8 no.

02:52:29 9 Q Do you consider that you or anyone in your
02:52:31 10 family have personally been harmed by Natura Pet
02:52:35 11 Products?

02:52:37 12 A Emotionally, yes.

02:52:40 13 Q In any other way?

02:52:41 14 A No.

02:52:42 15 Q Have you received any professional help for
02:52:45 16 your emotional distress?

02:52:47 17 A No.

02:52:52 18 Q Are you suffering any physical symptoms from
02:52:54 19 your emotional distress?

02:52:56 20 A No. Not anymore.

02:53:04 21 Q Were you ever suffering physical symptoms as
02:53:07 22 a result of your emotional distress caused by Natura
02:53:11 23 Pet Products?

02:53:12 24 A Yes. But I didn't go to a doctor for it, so
02:53:15 25 I'm sure I can't prove it.

03:04:15 1 A No.

03:04:21 2 Q Were you satisfied with your use of Chicken
03:04:23 3 Soup for the Pet Lover's Soul?

03:04:27 4 A No.

03:04:30 5 Q In what way were you dissatisfied with that
03:04:32 6 particular product?

03:04:35 7 A Oh, wow. I was going by the books. The
03:04:40 8 books were really good, so I figured the pet product
03:04:45 9 ought to be just as good and nurturing as the books,
03:04:49 10 and then I found out one was on the recall list and it
03:04:53 11 just -- so that's why.

03:05:09 12 Q Did you feed Natura's Innova product to
03:05:13 13 achieve any particular results with your dog?

03:05:17 14 A Yes.

03:05:18 15 Q What result were you looking for from the
03:05:20 16 free samples of the Innova Senior that you fed?

03:05:25 17 MR. NIELD: It's been asked and answered.
03:05:26 18 Go ahead.

03:05:28 19 A I thought it would build him up, make him
03:05:31 20 feel better, make him stronger.

03:05:36 21 Q Why did you think that?

03:05:39 22 A Because of the ingredients in it and their
03:05:46 23 advertising.

03:05:47 24 Q Is it fair to say that instead of building
03:05:49 25 up Arnold, you saw no change in his physical condition

03:05:55 1 as a result of feeding Innova Senior to him?

03:05:59 2 A He didn't get better.

03:06:01 3 MR. NIELD: Misstates prior testimony.

03:06:02 4 BY MS. CAVERLY:

03:06:05 5 Q Did he get worse?

03:06:06 6 A Uh-hmm.

03:06:07 7 MR. NIELD: It's been asked and answered.

03:06:07 8 Go ahead.

03:06:11 9 A Yes. I'm sorry, yes.

03:06:15 10 Q During what period of time did you observe

03:06:18 11 Arnold getting worse that you attribute to his eating

03:06:24 12 Natura's Innova Senior product?

03:06:27 13 MR. NIELD: It's been asked and answered.

03:06:28 14 You can go ahead, answer it again.

03:06:33 15 A During what period of time? Well, he didn't

03:06:36 16 live a whole lot longer after that, so it would be

03:06:38 17 from the time I fed it to him until the time he died.

03:06:41 18 Q But even after you stopped feeding Natura's

03:06:45 19 Innova's product, you continued to observe Arnold's

03:06:50 20 health declining, correct?

03:06:52 21 A That's true.

03:07:06 22 Q Did you make the decision about which

03:07:07 23 companies to sue in this case?

03:07:13 24 A Not personally, no.

03:07:14 25 Q Who do you understand made that decision?

03:14:24 1 MR. NIELD: May call for speculation. If
03:14:26 2 you know.

03:14:28 3 A We have -- I have, you know, what do you
03:14:31 4 call it --

03:14:33 5 MR. NIELD: Mutual fund?

03:14:33 6 A Mutual fund. See, I don't know. Not that
03:14:36 7 I'm aware of.

03:14:37 8 Q Other than mutual funds, do you own
03:14:39 9 individual shares of stock in any pet food
03:14:42 10 manufacturing or distribution companies?

03:14:44 11 A No.

03:15:00 12 Q Before this lawsuit, had you had any prior
03:15:03 13 relationships with any of the attorneys or their staff
03:15:06 14 in this case?

03:15:09 15 A No.

03:15:39 16 Q What does the term human grade mean to you
03:15:42 17 when you read it on the sign that was on the shelf
03:15:47 18 when you first were introduced to Natura Pet Products
03:15:51 19 at Ocala Breeding -- Breeders & Supply?

03:16:00 20 A It meant that people could eat it.

03:16:02 21 Q Do you actually recall whether the sign said
03:16:04 22 that the food was human grade or used some other
03:16:09 23 terminology?

03:16:10 24 A Something that kind of meant that, it was
03:16:12 25 either human grade or we could eat it, it was good

03:16:15 1 enough, we could eat it ourselves or something like
03:16:17 2 that, but it meant that people could eat it.

03:16:24 3 Q You don't recall as you sit here today
03:16:25 4 whether the sign or any of the packaging on Natura's
03:16:29 5 products that you saw in 2006 actually said the words
03:16:32 6 human grade; is that correct?

03:16:35 7 A Packaging didn't have it. It was the sign
03:16:37 8 that had it.

03:16:39 9 Q Do you actually recall as you sit here today
03:16:41 10 that the sign that was advertising Natura Pet Products
03:16:46 11 on the shelving at Ocala Breeders & Supply used the
03:16:50 12 words human grade?

03:16:51 13 A Not exactly those words I couldn't swear to
03:16:55 14 that.

03:17:01 15 Q You do recall that what was said on the sign
03:17:03 16 was something that led you to conclude that people
03:17:05 17 could eat the food, correct?

03:17:07 18 A Yes.

03:17:40 19 MS. CAVERLY: Can we go off the record for
03:17:41 20 just a minute?

03:17:42 21 THE VIDEOGRAPHER: This marks the end of
03:17:44 22 videotape number 3 in the deposition of Patricia
03:17:46 23 Davis. Going off the record, and the time is now 3:17
03:17:49 24 p.m.

03:17:50 25 (A brief recess was taken.)

03:36:21 1 needed to be added because I forgot that one.

03:36:24 2 Q Okay. So when we talked about the toxins
03:36:26 3 that you believe were in Natura's products, before we
03:36:29 4 looked at the report that we marked as an exhibit --

03:36:31 5 A Right.

03:36:31 6 Q -- you did not recall the cyanuric acid and
03:36:35 7 now you do, correct?

03:36:36 8 A Yes.

03:36:36 9 Q Anything else about your testimony today
03:36:37 10 that you feel that you need to correct or add to to
03:36:40 11 make it your full and complete and truthful testimony?

03:36:44 12 MR. NIELD: Same objections.

03:36:46 13 A Not that I can think of.

03:36:50 14 MS. CAVERLY: Okay. Thank you very much for
03:36:50 15 your time today.

03:36:51 16 THE WITNESS: We're done? Oh, you didn't --

03:36:54 17 MR. NIELD: No, no. We're done.

03:36:56 18 MS. CAVERLY: Unless you have questions.

03:36:58 19 MR. NIELD: No, I don't have any questions.

03:37:00 20 THE VIDEOGRAPHER: Here marks the end of
03:37:01 21 videotape number 4 in the deposition of Patricia
03:37:03 22 Davis. The time is now 3:37 p.m.

23 (Signature having not been waived, the
24 deposition of Patricia Davis was concluded at 3:37
25 p.m.)