

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 07-21221 CIV ALTONAGA/Brown

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

Plaintiffs/Class Representatives,
vs.

MARS INC., *et al.*

Defendants.

DECLARATION OF CATHERINE J. MacIVOR

I, Catherine J. MacIvor declare under the penalty of perjury as follows:

1. I am a partner at the law firm of Maltzman Foreman, P.A. and have been licensed to practice in Florida for fifteen (16) years. I am a member in good standing of the Florida Bar as well as the United States Supreme Court, the First, Fifth, Ninth and Eleventh Circuit Courts of Appeal and the Southern District of Florida. I am co-lead counsel for the Plaintiffs Renee Blaszkowski, et al. ("Plaintiffs"), on behalf of themselves and all others similarly situated. I have personal knowledge of the following facts and if called upon as a witness I could and would competently testify to the matters stated herein.
2. This declaration is made in support of Plaintiffs' motion for class certification.
3. Specifically, this declaration is made in support of a finding that there would be adequate representation of the plaintiffs and putative class members and that the requirement that counsel be sufficiently qualified to act as class counsel is met.

4. I was admitted to the Florida Bar in 1992. I received my Bachelor of Arts degree in English Literature *magna cum laude* from Boston University, Long Beach in 1983 and my Juris Doctor degree from University of Miami School of Law in 1992. From 1990 through 2004, I was a law clerk / Staff Counsel at Richard and Richard, a firm specializing in complex commercial litigation, including lender liability, antitrust, securities fraud and patent and trade secret litigation. In 2000, I became an associate, and one year later, a partner at Mase and Gassenheimer P.A., where my practice concentrated in complex civil litigation in the areas of unfair trade practice, employment, corporate and class defense action litigation. In February 2006, I became a partner at Maltzman Foreman P.A., where my practice has continued to focus on class action and complex commercial litigation.

5. Throughout my career, I have specialized in complex commercial and class action litigation. I have been involved in every stage of class action litigation, including conducting discovery, arguing class certification and other motions, drafting pleadings, examining witnesses, deposing plaintiffs / defendants and third party witnesses, defending / taking class representative depositions and participated in final disposition hearings.

6. I have also acted as lead counsel for defendants where class certification has been denied where Plaintiffs sought millions of dollars in consumer actions and other claims in the following cases:

(1) *Sun v. Norwegian Cruise Line*, Case No. 02-19071-CA-15 (11th Judicial Circuit in and for Miami-Dade County 2004) (successfully defended class certification of maintenance and cure claims).

(2) *Zagone v. Carnival Cruise Line*, Case No. 02-22927-CA-01 (11th Judicial Circuit in and for Miami-Dade County 2004)(successfully defended breach of contract and consumer action when court entered final Summary Judgment granted in favor of the Defendants in a class action seeking refunds and other consumer remedies).

(3) *Elliott v. Carnival Cruise Line*, Case No. 02-23253-CIV (S.D. Fla. 2004)(successfully defended class certification against plaintiffs who sought refunds and other consumer remedies).

(4) *Norwegian Cruise Line v. Rose*, 784 So. 2d 1248 (Fla. 3d DCA 2001)(successfully reversed trial court's certification of Norwalk virus class action for three successive cruises).

(5) *Rose v. Norwegian Cruise Line*, 825 So. 2d 342 (Fla. 2002)(Florida Supreme Court determined that jurisdiction on Norwalk virus class action was improvidently granted and ruled that Third District decision stands).

(6) *Pollack v. Norwegian Cruise Line*, Case No. 908-00621-CIV-Lenard (S.D. Florida 2001) (after case was certified under predecessor counsel, successfully obtained decertification of class action)

(7) *Hutton v. Norwegian Cruise Line*, Case No. 99-2383-CIV-Moreno (S.D. Florida 2000). (C.J. Moreno) (successfully defended class certification in tort case)l.

(8) *Stewart v. Norwegian Cruise Line*, Case No. 99-2383-CIV-Moreno (S.D. Florida 2001) (successfully defended class certification denied in tort case)

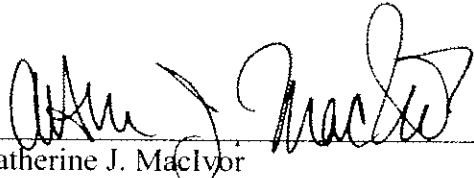
(9) *Stewart v. Norwegian Cruise Line*, Case No. 01-1436-CIV (S.D. Fla. 2002) (Eleventh Circuit affirmed denials of class certification in Hutton and Stewart matters).

(10) *Lee v. Norwegian Cruise Line*, Case No. 99-03242-CIV-Middlebrooks (S.D. Florida 2000) (successfully defended class certification in penalty wage claim).

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

7. In addition to the above-referenced cases, I have participated and acted as co-lead counsel with other partners at Maltzman Foreman in defending and prosecuting class actions and negotiating class action settlements before this Court and at the state level as well.

Executed on this 14th day of November, 2008.


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