

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

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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

1 Videotaped Deposition of
2 PATRICIA DAVIS

3

4 Held at the offices of:

5 WILLIAMS & CONNOLLY
6 725 Twelfth Street, Northwest
7 Washington, D.C. 20005
8 (202) 434-5000

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16 Pursuant to Notice, before Michele E. Eddy,
17 Registered Professional Reporter, Certified Realtime
18 Reporter, and Notary public in and for the District of
19 Columbia.

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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFFS:

EDGAR R. NIELD, ESQUIRE
LAW OFFICES OF EDGAR R. NIELD
4370 La Jolla Village Drive, Suite 640
San Diego, California 92122
Telephone: (858) 552-6745

ON BEHALF OF THE DEFENDANT NATURA PET PRODUCTS, INC:

KRISTEN E. CAVERLY, ESQUIRE
HENDERSON & CAVERLY, LLP
16236 San Dieguito Road, Suite 4-13
Rancho Santa Fe, California 92067
Telephone: (858) 756-6342

ALSO PRESENT:

Terry Michael King, Videographer

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09:14:29 1 THE VIDEOGRAPHER: Here begins videotape
09:14:30 2 number 1 in the deposition of Patricia Davis in the
09:14:33 3 matter of Renee Blaszkowski, et al. versus Mars,
09:14:37 4 Incorporated, et al., in the U.S. District Court,
09:14:42 5 Southern District of Florida, Miami Division, Case
09:14:46 6 Number 07-21221-CIV.

09:14:53 7 Today's date is September 24th, 2008. The
09:14:57 8 time on the video monitor is 9:15 a.m. The video
09:15:03 9 operator today is Terry Michael King on behalf of
09:15:04 10 Kramm & Associates.

09:15:07 11 This video deposition is taking place at
09:15:10 12 Williams & Connolly, 7125 12th Street, Northwest,
09:15:15 13 Washington D.C. Counsel please voice identify
09:15:21 14 yourselves and state whom you represent.

09:15:22 15 MS. CAVERLY: Kristen Caverly, Natura Pet
09:15:25 16 Products, Inc.

09:15:26 17 MR. NIELD: Ed Nield. I represent the
09:15:28 18 plaintiffs and Miss Davis here today.

09:15:31 19 THE VIDEOGRAPHER: The court reporter today
09:15:32 20 is Michele Eddy on behalf of Kramm & Associates.

09:15:36 21 Will the reporter please swear in the
09:15:38 22 witness.

09:15:46 23 P R O C E E D I N G S

09:15:46 24 PATRICIA DAVIS,

09:15:46 25 having been duly sworn, testified as follows:

09:15:46 1 EXAMINATION BY COUNSEL FOR DEFENDANT

09:15:47 2 BY MS. CAVERLY:

09:15:49 3 Q Miss Davis, if you would please give me your

09:15:51 4 full legal name.

09:15:52 5 A Patricia Davis.

09:15:53 6 Q Do you have a middle name?

09:15:54 7 A No.

09:15:55 8 Q Have you ever used any other names other

09:15:57 9 than Patricia Davis?

09:15:58 10 A Patricia Moats.

09:16:00 11 Q When did you first begin to use the name

09:16:02 12 Patricia Davis?

09:16:04 13 A When I got married in 1970.

09:16:06 14 Q Since that time, have you ever used any

09:16:08 15 other name other than Patricia Davis?

09:16:11 16 A No.

09:16:12 17 Q What is your current residence address?

09:16:17 18 A 20320 Northwest 105 Avenue, Micanopy,

09:16:20 19 Florida, 32667.

09:16:24 20 Q How long have you lived at that address?

09:16:25 21 A Eleven years.

09:16:27 22 Q Do you own or rent that home?

09:16:28 23 A Own.

09:16:29 24 Q Who else lives there with you?

09:16:31 25 A My husband William S. Davis and my son

09:16:35 1 Christopher D. Davis.

09:16:38 2 Q How old is Christopher?

09:16:39 3 A Thirty-two.

09:16:45 4 Q Has Christopher lived at your home since

09:16:47 5 2003?

09:16:53 6 A 2007.

09:16:56 7 Q He just moved in with you last year?

09:16:58 8 A Yes.

09:16:59 9 Q You have to say yes or no.

09:17:00 10 A Yes.

09:17:02 11 Q From 2003 to the present, has anyone other

09:17:05 12 than William and Christopher and yourself lived at

09:17:09 13 your current home?

09:17:10 14 A No. We've had guests, but ...

09:17:16 15 Q Have anyone other than William, Christopher

09:17:17 16 and yourself cared for any pets in your home since

09:17:21 17 2003?

09:17:22 18 A Yes.

09:17:23 19 Q Whom?

09:17:25 20 A Donna Davis. She's my sister-in-law.

09:17:33 21 Q Anyone else?

09:17:37 22 A Kathy Matson, she's a friend. They came in

09:17:42 23 to feed while we were on vacation.

09:17:45 24 Q Anyone other than the five people that

09:17:48 25 you've identified who have cared for pets in your home

09:17:50 1 since 2003?

09:17:53 2 A I don't believe so.

09:17:54 3 Q Have you ever had your deposition taken?

09:17:56 4 A No.

09:17:59 5 Q Have you ever been involved in any criminal
09:18:01 6 or civil court cases other than this one?

09:18:03 7 A No.

09:18:05 8 Q As we have been doing already today, I'm
09:18:07 9 going to be asking you questions and you will be
09:18:10 10 answering my questions, and from time to time your
09:18:13 11 attorney may want to say something on the record as
09:18:16 12 well. There's a court reporter who's taking down
09:18:19 13 everything that we say as well as the videotape. Do
09:18:23 14 you understand that?

09:18:24 15 A Yes.

09:18:25 16 Q If for some reason during the day you need a
09:18:28 17 break to use the restroom, you just want to stretch
09:18:32 18 your legs, if there's not a question pending, I'm
09:18:34 19 happy to let you take a break. So if you'll just tell
09:18:37 20 me and I'll be happy to give you a few minutes to rest
09:18:40 21 or get something to drink.

09:18:42 22 Do you understand that?

09:18:42 23 A Yes.

09:18:43 24 Q If we are "on the record," everything that
09:18:47 25 we say will be taken down, so if you talk while you're

09:18:51 1 thinking about your answers or even if we have a
09:18:55 2 discussion like whether we're going to take a break,
09:18:57 3 that's going to be transcribed by the court reporter.
09:18:59 4 Do you understand that?

09:19:01 5 A Okay.

09:19:02 6 Q If for some reason you would like to have a
09:19:04 7 discussion "off the record," you can ask me and,
09:19:09 8 again, as long as there's not a question pending, that
09:19:11 9 probably won't be a problem. Do you understand that?

09:19:14 10 A Yes.

09:19:15 11 Q Do you understand that the oath that you've
09:19:16 12 taken today is the same oath that you would be
09:19:19 13 required to take if you were testifying in a court of
09:19:22 14 law?

09:19:22 15 A Yes.

09:19:23 16 Q Is there any reason today that you feel you
09:19:26 17 can't give me your complete and truthful testimony?

09:19:31 18 A No.

09:19:31 19 Q Are you on any medication that might impact
09:19:35 20 your ability to remember events truthfully and
09:19:38 21 completely?

09:19:39 22 A No.

09:19:39 23 Q Have you had any emotional problems or lack
09:19:41 24 of sleep or any other reason at all that you can think
09:19:44 25 of that might impact your ability to tell me the truth

09:19:48 1 and to fully answer my questions today?

09:19:50 2 A No.

09:19:52 3 Q If at any time during the deposition you
09:19:54 4 don't understand my question or don't hear my question
09:19:58 5 fully, sometimes, you know, you're just thinking about
09:20:01 6 your shopping list or get distracted and don't hear my
09:20:05 7 question, sometimes you may not understand what I'm
09:20:07 8 asking you, in either of those events, will you ask me
09:20:13 9 to either repeat my question or to explain my
09:20:15 10 question?

09:20:16 11 A Okay.

09:20:16 12 Q If you answer my question today without
09:20:20 13 asking for an explanation, I will assume that you
09:20:24 14 understood my question. Do you agree that that's
09:20:28 15 fair?

09:20:28 16 A Yes.

09:20:29 17 Q Also, as you have been doing, you need to
09:20:31 18 answer audibly saying yes or no. While we do a
09:20:37 19 videotape that will record if you shake your head yes
09:20:40 20 or make gestures, the court reporter is not able to
09:20:42 21 take those down. She can only take down words. So if
09:20:46 22 you nod your head or answer inaudibly, I'll try to
09:20:51 23 remind you, but if you could also try today to
09:20:55 24 remember, wait until I finish my question, wait until
09:20:57 25 the attorneys quit talking, if we are talking, and

09:21:01 1 then you can answer. Do you understand that?

09:21:04 2 A Yes.

09:21:05 3 Q If for any reason during the day I interrupt

09:21:08 4 you, I might think that you're finished and you

09:21:11 5 haven't, if you take a pause or something, then would

09:21:15 6 you please let me know that you have not finished your

09:21:18 7 answer and I will make sure to let you get in your

09:21:21 8 complete answer?

09:21:22 9 A Okay.

09:21:24 10 Q Do you have any questions about the process

09:21:27 11 of the deposition before we continue?

09:21:29 12 A No.

09:21:34 13 Q Are you currently employed?

09:21:36 14 A Yes.

09:21:36 15 Q What is your job?

09:21:38 16 A I'm senior web design analyst.

09:21:46 17 Q Who is your employer?

09:21:47 18 A Marion County Public Schools.

09:21:58 19 Q How long have you been employed in that

09:22:00 20 position?

09:22:02 21 A Five years in that position. Lots longer by

09:22:05 22 that company. Not company, but system, school system.

09:22:10 23 Q How long in total have you been employed by

09:22:12 24 the Marion County Public School System?

09:22:16 25 A Since 1982.

09:22:20 1 Q Do you work full-time or part-time?

09:22:21 2 A Full-time.

09:22:24 3 Q Is that a year-round job --

09:22:25 4 A Yes.

09:22:25 5 Q -- or off in the summers?

09:22:27 6 A Twelve months.

09:22:33 7 Q What job did you have with the Marion County
09:22:35 8 Public School prior to five years ago?

09:22:40 9 A For approximately three years, I was their
09:22:42 10 tech resource person, one of three.

09:22:53 11 Q And immediately prior to being the tech
09:22:54 12 resource person or one of that group, what was your
09:22:57 13 job?

09:22:57 14 A I was a teacher at a middle school.

09:23:08 15 Q What did you do in your position as a tech
09:23:10 16 resource person for Marion County Public Schools?

09:23:14 17 A I helped write e-mail guidelines and website
09:23:17 18 guidelines and trained staff and faculty on software
09:23:21 19 and how to do hardware and how to run a laptop, so
09:23:24 20 forth.

09:23:25 21 Q What are your current job duties?

09:23:28 22 A I've created and maintained their website,
09:23:32 23 which is 14,000 pages last count. It's for the
09:23:36 24 schools and for the departments.

09:23:41 25 Q Is that what you've been doing for

09:23:42 1 approximately the last five years?

09:23:45 2 A And some before that. It's just I became --
09:23:48 3 I was doing it on my own time before that.

09:23:53 4 Q Do you have any other employment other than
09:23:56 5 what you've already described currently?

09:23:59 6 A Prior to that?

09:24:00 7 Q Currently.

09:24:01 8 A Currently? Yes, I do websites on the side.

09:24:12 9 Q Have you ever been employed by plaintiffs'
09:24:15 10 counsel's law firm in this case, Maltzman Foreman?

09:24:20 11 A No.

09:24:21 12 Q Have you known anyone from that firm prior
09:24:23 13 to becoming a plaintiff in this case?

09:24:28 14 A I don't believe so.

09:24:29 15 Q How did you first get in touch with
09:24:30 16 attorneys from Maltzman Foreman?

09:24:33 17 MR. NIELD: It's vague and ambiguous. You
09:24:36 18 can answer, though. Go ahead.

09:24:39 19 A How did I first get in touch with them?

09:24:41 20 Q Yes.

09:24:45 21 A I was out looking on the web for a place
09:24:47 22 where I could tell somebody that my cat had also died
09:24:50 23 from this. And what had happened is after my cat had
09:24:56 24 died, I kept seeing that they were only keeping track
09:24:58 25 of the first 14 dogs that had died from it, and I had

09:25:02 1 never seen any bigger count than that. And I was
09:25:05 2 running into people in the grocery stores and at work
09:25:07 3 and from my friends and family who also lost pets, but
09:25:12 4 nobody seemed to be keeping track of the count, how
09:25:14 5 many, and I knew it had to be in the thousands. So I
09:25:16 6 was looking for a place on the web to add my cat to
09:25:19 7 the count, and one of the places that I went was Sue
09:25:25 8 Peters' website, and Cathy, I think her name was
09:25:29 9 mentioned on that, and since she's in Florida and I'm
09:25:33 10 in Florida, I think I e-mailed her, if I recall.

09:25:39 11 Q Had you ever visited Susan Peters' website
09:25:42 12 prior to the occasion that you're referencing?

09:25:45 13 A No.

09:25:46 14 Q When did you first contact Maltzman Foreman?

09:25:53 15 A Right after I saw it on the website. So it
09:25:56 16 was right after my cat had died, which was -- she died
09:26:03 17 on 4-19-07, so it had to be just a few days after
09:26:08 18 that.

09:26:10 19 Q In your prior answer describing how you
09:26:13 20 first got in contact with Miss Macivor, you said "this
09:26:17 21 happened." What were you referring to as "this"?

09:26:23 22 A This happened. I guess my cat dying. I
09:26:25 23 don't even remember what I said.

09:26:30 24 Q Your cat died, and which cat was that?

09:26:34 25 A Spaz. And some of the vet records, right at

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

09:27:40 1 pet. What was the first pet that died?

09:27:42 2 A Arnold.

09:27:46 3 Q When did Arnold die?

09:27:50 4 A December 6th in '06.

09:27:56 5 Q Arnold is a dog, correct?

09:27:58 6 A Uh-hmm, Jack Russell.

09:28:01 7 Q Arnold was how old when he died?

09:28:04 8 A Fifteen.

09:28:09 9 Q What caused Arnold's death, if you know?

09:28:13 10 A We thought it was pneumonia for a long time.

09:28:17 11 I think they finally decided it was congestive heart

09:28:20 12 failure, failing kidneys.

09:28:26 13 Q Who decided the cause of Arnold's death?

09:28:30 14 A Dr. Gars, my vet.

09:28:34 15 Q Other than Dr. Gars, did you ever take

09:28:37 16 Arnold to see any other vet?

09:28:38 17 A No.

09:28:45 18 Q Was, as best you know, Arnold actually

09:28:49 19 diagnosed with congestive heart failure?

09:28:53 20 A Congestive heart failure.

09:28:56 21 Q Thank you.

09:28:56 22 A Yes.

09:28:57 23 Q Was Arnold diagnosed with kidney failure, to

09:29:01 24 your knowledge?

09:29:01 25 A Yes, because we were worrying about that, so

09:29:06 1 he must have been.

09:29:11 2 Q Was Arnold treated for kidney failure prior
09:29:13 3 to his death?

09:29:19 4 A I don't think I was giving him medicine for
09:29:21 5 that. I know he was taking Lasix, but that was trying
09:29:24 6 to get the fluid out of him for the -- he had fluid
09:29:28 7 build-up around his heart, so I think the Lasix was
09:29:31 8 for that, but we had to be careful with his kidneys
09:29:35 9 because the Lasix is bad on your kidneys, too. I know
09:29:39 10 he drank a lot of water and he peed a lot.

09:29:42 11 Q Other than the Lasix, any other treatment
09:29:44 12 that you think might have been associated with kidney
09:29:49 13 failure for Arnold?

09:29:54 14 A No.

09:29:57 15 Q Other than the Lasix, Arnold was on other
09:30:02 16 medication as well when he passed, yes?

09:30:04 17 A Yes.

09:30:05 18 Q What other medication?

09:30:07 19 A He was on, what do you call, antibiotics.

09:30:17 20 Q A couple of different kinds, yes?

09:30:20 21 A Yes, we kept switching them around trying to
09:30:24 22 see which ones were going to work.

09:30:26 23 Q Isn't it true that, for more than a year
09:30:29 24 before Arnold's death, he had been on antibiotics
09:30:31 25 prescribed by Dr. Gars?

09:30:33 1 A Yes.

09:30:41 2 Q Has Dr. Gars ever made any comments to you
09:30:45 3 that indicated that he felt that Arnold's death was
09:30:48 4 associated with a food that Arnold ate?

09:30:53 5 A Not that his death was caused by that. I
09:30:57 6 know I was supposed to be careful what I fed him and I
09:30:58 7 was giving him -- he was recommending that I feed him
09:31:04 8 boiled hamburger with rice so it would be very easy to
09:31:09 9 digest and it wouldn't be a strain on his system, on
09:31:13 10 his liver or his kidneys. But Arnold wouldn't eat
09:31:16 11 just that. So I was trying to find other things that
09:31:18 12 he would eat and that would be good for him.

09:31:22 13 Q When did Dr. Gars first recommend hamburger
09:31:26 14 and rice diet for Arnold?

09:31:28 15 A I don't remember. I know we --

09:31:30 16 Q Can you --

09:31:31 17 A I'm sorry.

09:31:31 18 Q Can you say whether it was within a year of
09:31:33 19 his death or more than a year prior to his death?

09:31:40 20 A No. I know we fought this disease for a
09:31:43 21 long time.

09:31:44 22 Q When did Arnold first become ill? And I
09:31:51 23 don't mean just if he had, you know, something when he
09:31:53 24 was a puppy, but the illness that you feel led to his
09:31:57 25 death, when did that first start?

09:31:58 1 A The cough went on for about a year, maybe
09:32:01 2 longer. I'd have to look at the vet records.

09:32:11 3 Q What other symptoms did Arnold have that
09:32:13 4 were associated with his illness that ultimately led
09:32:16 5 to his death?

09:32:20 6 A He would wheeze. He would start panting
09:32:22 7 hard like he can't catch his breath. His body
09:32:28 8 changed. He had a lot of -- he became very big
09:32:32 9 through here. His chest got big. His stomach got
09:32:35 10 big. And he was drinking a lot of water and peeing a
09:32:42 11 lot. And he wouldn't hold his tail up anymore. If
09:32:44 12 you ever notice Jack Russells hold their tails
09:32:49 13 straight up in the air. His would be straight out,
09:32:52 14 letting me know he wasn't feeling well. And he didn't
09:32:56 15 want to go on walks with us.

09:32:56 16 Q I know this is hard. You had him for a long
09:32:58 17 time. I'm a pet-lover myself, so if you need to take
09:33:05 18 a break or you need some Kleenex, please feel free.

09:33:12 19 A I have.

09:33:13 20 Q For these symptoms that you've described,
09:33:15 21 the coughing, the wheezing, panting, the enlarged
09:33:20 22 chest, generally noticing him not feeling well,
09:33:24 23 approximately how long before his death can you recall
09:33:28 24 observing those symptoms in Arnold?

09:33:31 25 A His body started changing at least in '05

09:33:35 1 because I have a photo of him that was taken on our
09:33:39 2 spring break trip in '05, and he's looking like he's
09:33:42 3 way overweight there, and I don't think it was being
09:33:44 4 overweight. So probably that long. But I don't think
09:33:48 5 the coughing started until like about a year before he
09:33:52 6 died. But that's a guess, which I'm not supposed to
09:33:55 7 do.

09:33:55 8 MR. NIELD: No, no guessing. Calls for
09:33:57 9 speculation.

09:33:59 10 THE WITNESS: Okay.

09:33:59 11 BY MS. CAVERLY:

09:34:00 12 Q You can estimate as best you've done.

09:34:04 13 A That was.

09:34:05 14 Q I don't need an exact date. I'm just trying
09:34:07 15 to understand what his condition was and when you
09:34:08 16 observed certain things.

09:34:11 17 Was there any period of time after Dr. Gars
09:34:14 18 recommended the hamburger and rice diet where Arnold
09:34:18 19 was exclusively eating hamburger and rice?

09:34:22 20 A No.

09:34:25 21 Q And you did try that diet but he didn't care
09:34:28 22 for it; is that right?

09:34:30 23 A Yes. It wasn't that I had to feed that to
09:34:33 24 him exclusively. It's just that that should have been
09:34:37 25 the major part of his eating.

09:34:38 1 Q And that's because he was having upset
09:34:40 2 stomach or some other reason that you understood from
09:34:43 3 Dr. Gars?

09:34:44 4 A That he was just supposed to not eat
09:34:47 5 anything that was going to upset his -- I don't recall
09:34:49 6 him throwing up a lot. He might have once or twice,
09:34:52 7 but that wasn't like one of the major symptoms.

09:34:58 8 Q Now, I read in your responses to the written
09:35:01 9 discovery in this case that you fed Arnold scraps from
09:35:05 10 the table. Did that continue up until the time of his
09:35:09 11 death?

09:35:09 12 A Yes.

09:35:11 13 Q And give me some examples in the last year
09:35:14 14 of Arnold's life of what kinds of foods you fed him as
09:35:18 15 table scraps.

09:35:22 16 A Pretty much anything I was eating that he
09:35:24 17 wanted that wasn't -- see, I'm a vegetarian, so it's
09:35:28 18 hard, he wouldn't eat a lot of the stuff I was eating,
09:35:33 19 but, you know, like if it was cottage cheese or
09:35:35 20 cheese, he would eat that.

09:35:41 21 Q You list in your discovery responses you
09:35:42 22 said that you gave him hot dogs. Is that correct?

09:35:44 23 A Yes.

09:35:45 24 Q And did you give him hot dogs during the
09:35:47 25 year of 2006?

09:35:50 1 A Probably.

09:35:50 2 Q Was that something -- a treat that he liked?

09:35:53 3 A Yes, little pieces of it.

09:35:55 4 Q What particular brand, if there was one
09:35:58 5 brand or any brands that you can remember of hot dogs
09:36:01 6 did you feed to Arnold?

09:36:05 7 A Probably anything I bought that was on sale
09:36:07 8 is what he got. Stuff that we would -- we bought for
09:36:11 9 ourselves.

09:36:13 10 Q And some people have a brand of hot dogs I'm
09:36:18 11 sure that they're loyal to. You just buy whatever is
09:36:21 12 the least expensive, might be on sale at a particular
09:36:24 13 time?

09:36:25 14 A Gwalty is the one that I usually buy because
09:36:28 15 it is the most inexpensive.

09:36:30 16 Q Can you spell that?

09:36:31 17 A G-W-A-L-T-Y.

09:36:36 18 Q Any other brands of hot dogs that you can
09:36:39 19 recall having fed to Arnold other than Gwalty?

09:36:46 20 A When I'm buying them for my husband, I try
09:36:47 21 to buy the ones that are the least fattening, so I
09:36:52 22 don't know.

09:36:52 23 MR. NIELD: Sounds like my wife.

09:36:55 24 BY MS. CAVERLY:

09:36:56 25 Q Do you recall any of the brands?

09:36:58 1 A Not off the top of my head.

09:37:03 2 Q And other than the hot dogs and cottage
09:37:06 3 cheese or cheese, can you recall any other kinds of
09:37:08 4 table scraps that Arnold got in the year before he
09:37:14 5 died?

09:37:17 6 A I'm sure there's lots, but if I would have a
09:37:21 7 piece of a taco, he might eat part of the veggie taco
09:37:26 8 I was eating, but I doubt it. I don't know.

09:37:30 9 Q How long have you been a vegetarian?

09:37:37 10 A I figure about 25, 28 years.

09:37:39 11 Q If you could describe to me, are you a
09:37:41 12 strict vegetarian, are you a vegan, do you eat any
09:37:45 13 meat, seafood? What are your diet --

09:37:49 14 A I don't eat anything that had to die to feed
09:37:53 15 me. So I eat eggs and cheese and milk.

09:38:00 16 Q You don't eat any seafood products either,
09:38:03 17 correct?

09:38:03 18 A No.

09:38:15 19 Q I'm guessing from your answers so far that
09:38:17 20 your husband is not a vegetarian, correct?

09:38:20 21 A He's getting there. We're working on that.
09:38:22 22 Might take another 25, but we're working on that.

09:38:27 23 Q Is your son a vegetarian?

09:38:28 24 A No, not at all.

09:38:33 25 Q You mentioned at the beginning of your

09:38:35 1 deposition that your son moved in with you in 2007.

09:38:40 2 At any other time from 2003 to 2007 did he live with
09:38:47 3 you?

09:38:47 4 A Not that I recall. Both boys have lived
09:38:53 5 with us on and off, but I don't think within those
09:38:55 6 years.

09:39:05 7 Q Has Christopher, to your knowledge, ever
09:39:07 8 been responsible for feeding Arnold?

09:39:17 9 A When we were on vacation, I believe he did
09:39:20 10 come up and stay a couple of days to do that because I
09:39:23 11 wasn't trusting some of the other people to do that.

09:39:25 12 Q Do you know what year you're thinking of
09:39:27 13 right now on a particular vacation?

09:39:34 14 A It wasn't '05 because we took the dogs with
09:39:38 15 us that year. It might have been in '04.

09:39:44 16 Q Is your husband William responsible at any
09:39:47 17 times for feeding Arnold?

09:39:51 18 A For Arnold?

09:39:52 19 Q Yes.

09:39:54 20 A He might have done it just because he's
09:39:55 21 living in the same house. He might have offered him
09:39:58 22 stuff off of his plate, but as far as getting up and
09:40:02 23 feeding him, very rarely. Arnold was my dog. He had
09:40:09 24 his dog.

09:40:10 25 Q What kind of dog was Arnold?

09:40:14 1 A Jack Russell.

09:40:15 2 Q And when he died, how much did he weigh, if

09:40:18 3 you recall, approximately?

09:40:20 4 A I don't recall. I'm sure it was like 20,

09:40:22 5 25, something like that. I really don't recall.

09:40:33 6 Q What kind of dog does your husband have?

09:40:35 7 A He still has her. It's Missy. Tippy,

09:40:38 8 Tippy. I'm sorry. Missy was before Tippy.

09:40:40 9 Q What kind of dog is Tippy?

09:40:43 10 A We think she's a Miniature Australian

09:40:45 11 Shepherd, but we don't know.

09:40:48 12 Q Did you rescue her from the Pound?

09:40:50 13 A Humane Society.

09:40:59 14 Q What kind of cat was Spaz?

09:41:02 15 A Siamese, Seal Point.

09:41:15 16 Q You owned Arnold from pretty much the time

09:41:17 17 he was a puppy until he died?

09:41:19 18 A Yes.

09:41:20 19 Q Did he die at home or did you have to put

09:41:22 20 him to sleep?

09:41:23 21 A At home.

09:41:31 22 Q Was Arnold under the care of your

09:41:33 23 veterinarian at the time that he died?

09:41:36 24 A He had been to the vet like two days before

09:41:38 25 that because he had had an episode, and we should have

09:41:43 1 taken care of it then.

09:41:51 2 Q And what do you mean when you say that he
09:41:53 3 had an episode? What kinds of things did you observe?

09:41:55 4 A He started panting so bad and his heart was
09:41:59 5 racing and he couldn't breathe.

09:42:01 6 Q What did you mean when you said we should
09:42:03 7 have taken care of it then?

09:42:07 8 A It probably would have been more humane to
09:42:09 9 go ahead and have him put down then. The vet thought
09:42:12 10 that he could get through this one again, but two
09:42:16 11 nights later he did it in the middle of the night and
09:42:17 12 he didn't make it.

09:42:18 13 Q Did Dr. Gars, other than the hamburger and
09:42:22 14 rice, ever recommend some kind of treatment that you
09:42:25 15 did not offer --

09:42:28 16 A No.

09:42:28 17 Q -- to Arnold?

09:42:29 18 A No.

09:42:50 19 Q Other than Tippy, Spaz, and Arnold, what
09:42:53 20 pets have you owned since 2003?

09:43:01 21 A We had a cat named Oliver for a couple of
09:43:04 22 years that we took from a girl who couldn't take him
09:43:06 23 with her to the dorm. I still have Stretch, who's one
09:43:13 24 of our cats. And we had a little black cat named
09:43:17 25 Barnacle who has since died. Are you talking about

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

09:46:13 1 truthfully.

09:46:13 2 Q Who prepared the timeline that you have in
09:46:15 3 front of you?

09:46:15 4 A I did.

09:46:15 5 Q And what records did you refer to, if any,
09:46:17 6 to put together the dates on the timeline?

09:46:19 7 A Mostly it was the vet records that we gave
09:46:22 8 you.

09:46:22 9 Q Anything other than what you've provided in
09:46:24 10 this case to your attorneys?

09:46:29 11 MR. NIELD: I'm sorry, vague and ambiguous.

09:46:33 12 MS. CAVERLY: Sure. Let me rephrase it.

09:46:35 13 BY MS. CAVERLY:

09:46:35 14 Q In preparing the timeline that you have in
09:46:37 15 front of you, other than the vet records that you've
09:46:40 16 produced in this case, did you rely on any other
09:46:42 17 documents to help you put that timeline together?

09:46:48 18 A I went to the recall list that's on the web
09:46:54 19 to find out when the recall happened. And then I
09:46:57 20 looked at an e-mail to find out when exactly I joined
09:47:01 21 this lawsuit so I could have that on here, too.

09:47:05 22 Q Who was the e-mail to and from that you're
09:47:08 23 referring to?

09:47:11 24 A Cathy Macivor.

09:47:17 25 Q In what way did you use that e-mail to

09:47:19 1 prepare the timeline?

09:47:21 2 MR. NIELD: Well, I'm going to object as
09:47:24 3 attorney-client privilege. To the extent that it has
09:47:27 4 anything to do with any conversation you had with your
09:47:29 5 attorney, that's protected information, otherwise you
09:47:35 6 can respond to the question.

09:47:38 7 A Just the date on it that I joined the
09:47:39 8 lawsuit.

09:47:41 9 Q What was the date on the e-mail that you're
09:47:42 10 referring to that you've included in your timeline?

09:47:46 11 A 4-24-07.

09:48:04 12 Q Other than what you've told me, have you
09:48:06 13 looked at any other documents in preparation of the
09:48:08 14 timeline that you're referring to in front of you?

09:48:13 15 A I went to the Del Monte website to find out
09:48:19 16 when Pounce was actually put on the recall list, and
09:48:24 17 I've got that here, too.

09:48:26 18 Q Now other than what you've told me, is there
09:48:28 19 anything else that you've relied on in putting
09:48:30 20 together the timeline that's in front of you?

09:48:32 21 A Oh, I've got computer crash here, yes. I
09:48:35 22 looked at when my documents were recovered, the date
09:48:37 23 on the recovered documents, so I could have on here
09:48:41 24 when my computer crashed.

09:48:45 25 Q How is that relevant to your timeline?

09:48:47 1 A I think to prepare the interrogatory, is
09:48:49 2 that the way you say that? That you asked for e-mails
09:48:53 3 that I might have sent and I couldn't find any record
09:48:56 4 of any of that stuff because I couldn't recover the
09:49:00 5 PST and LST files from Outlook because the computer
09:49:05 6 crashed.

09:49:06 7 Q Do you still have the computer that crashed?

09:49:10 8 A Yes.

09:49:11 9 Q Other than yourself, have you had anyone
09:49:11 10 look at it to see if the Outlook or e-mails files
09:49:13 11 could be recovered?

09:49:14 12 A My brother.

09:49:16 13 Q Is he a computer person?

09:49:18 14 A Yes, he built it.

09:49:23 15 I've got my A+ certification so I'm pretty
09:49:26 16 much a computer person, too.

09:49:27 17 Q And neither one of you were able to recover
09:49:30 18 any of those files, correct?

09:49:31 19 A No, I tried four different programs, four
09:49:33 20 different recovery programs I bought to try to get it
09:49:33 21 back because all of my financial, Quicken, all of that
09:49:36 22 for the last ten years or so got lost.

09:49:41 23 Q You didn't have a backup disc or data
09:49:45 24 anywhere?

09:49:46 25 A I had two mirrored drives. Both of the

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

10:51:33 1 hamburger and rice, has he ever recommended any food
10:51:38 2 to you?

10:51:41 3 A No.

10:51:42 4 Q Has Dr. Gars ever recommended that you not
10:51:44 5 feed any particular brand of pet food to any of your
10:51:49 6 pets?

10:51:50 7 A No.

10:52:17 8 Q Now, you told me earlier about your
10:52:19 9 calculations of the price of pet food that you fed to
10:52:23 10 your pets. Do you recall that?

10:52:25 11 A Yes.

10:52:44 12 Q I'll show you what I'm going to mark as
10:52:46 13 Exhibit 2, which is Amended and Supplemental Responses
10:52:54 14 to Natura Pet Products' First Set of Interrogatories.

10:53:10 15 (Exhibit 2 was marked for identification and
10:53:10 16 retained by counsel.)

10:53:11 17 MS. CAVERLY: Counsel, I only have one copy
10:53:12 18 of these since they were e-mailed to me yesterday and
10:53:14 19 I had to print them out from my hotel room last night.

10:53:20 20 MR. NIELD: Well --

10:53:21 21 MS. CAVERLY: So we'll all have to look on
10:53:22 22 together.

10:53:23 23 MR. NIELD: That's fine. Do you have a
10:53:24 24 specific portion of this that you're referring to?

10:53:28 25 MS. CAVERLY: Not currently. I haven't

10:53:31 1 asked a question yet.

10:53:32 2 MR. NIELD: We'll wait for a question and
10:53:34 3 then we'll look at the portion.

10:53:35 4 BY MS. CAVERLY:

10:53:36 5 Q What I've marked as Exhibit 2 was provided
10:53:39 6 to me yesterday by your attorneys. Do you recognize
10:53:43 7 Exhibit 2 as a second set of interrogatory responses
10:53:48 8 that you have provided in this case?

10:53:52 9 A Yes, this was added (indicating).

10:53:55 10 MR. NIELD: Well, look at the whole document
10:53:56 11 just so you can verify that those are your
10:53:58 12 supplemental responses.

10:54:09 13 A One of these, I told her, she said something
10:54:12 14 about my e-mail was confidential, and I pointed out
10:54:15 15 that it wasn't because I worked for a Public school
10:54:17 16 District, so I think she added my e-mail address in.
10:54:21 17 I don't know if this is the right one, if she added
10:54:25 18 that in or not.

10:54:33 19 I get the three documents mixed up, so just
10:54:35 20 so you know. I don't remember the names of them.
10:54:42 21 Yes, I believe this is right.

10:54:47 22 MS. CAVERLY: Counsel, I didn't receive
10:54:48 23 verifications on any of the amended discovery
10:54:51 24 responses that I was provided yesterday. Will those
10:54:56 25 be forthcoming?

10:54:58 1 MR. NIELD: Well, I in my office didn't deal
10:54:59 2 with this, but I will have to deal -- talk to the
10:55:01 3 people in Miami and see what their intention is. I'm
10:55:06 4 sure they're going to send you verifications. This is
10:55:11 5 the first I've heard that you just received them.
10:55:12 6 When I get information, I'll pass it along to you.

10:55:13 7 BY MS. CAVERLY:

10:55:14 8 Q Miss Davis, you've had a chance now to look
10:55:17 9 through Exhibit 2. Are the answers in Exhibit 2 that
10:55:19 10 you've provided, and I'm not referring to the
10:55:22 11 discussion from the attorneys, but the factual
10:55:25 12 answers, are those answers full and complete and
10:55:30 13 truthful to the best of your knowledge as you sit here
10:55:32 14 today?

10:55:33 15 MR. NIELD: So you should make sure you look
10:55:35 16 at them.

10:55:37 17 Q Please take your time to look through as
10:55:38 18 much as you need.

10:55:39 19 MR. NIELD: I don't know if we're close to a
10:55:41 20 break, but she might be able to do that on a break if
10:55:44 21 that helps at all.

10:55:45 22 MS. CAVERLY: We can take a break now if you
10:55:46 23 need one.

10:55:47 24 MR. NIELD: I don't necessarily need one. I
10:55:49 25 just thought that she could do this when we weren't on

10:55:52 1 the record and we could kill two birds with one stone,
10:55:55 2 but whatever you prefer.

10:56:26 3 A I wonder if my husband should be on this
10:56:28 4 list. My husband shouldn't be on this list.
10:56:42 5 (Indicating). He never pays any attention to what we
10:56:50 6 feed the animals, so I don't think he should be on
10:56:52 7 this list.

10:57:08 8 MR. NIELD: Well, I would have to discuss
10:57:12 9 this with you a little bit more and make sure that I
10:57:15 10 understand the question, and I don't think I can do
10:57:21 11 that on the record, so maybe we should take a break so
10:57:23 12 we can look at these and make sure we can answer your
10:57:26 13 question accurately.

10:57:27 14 MS. CAVERLY: Okay.

10:57:28 15 THE VIDEOGRAPHER: We're going off the
10:57:29 16 record. The time is now 10:57 a.m.

10:57:36 17 (A brief recess was taken.)

11:24:46 18 THE VIDEOGRAPHER: We're back on the record.
11:24:48 19 Here marks the beginning of videotape number 2 in the
11:24:51 20 deposition of Patricia Davis. The time is now 11:25
11:24:57 21 a.m.

11:24:58 22 BY MS. CAVERLY:

11:25:00 23 Q Do you recall the question that was pending
11:25:02 24 when we took a break?

11:25:03 25 A Yes. This is fine.

11:25:07 1 Q My question to you is whether what we've
11:25:09 2 marked in Exhibit 2 is a full and complete and
11:25:13 3 truthful representation of your responses to the
11:25:18 4 interrogatories that are set forth in Exhibit 2. And
11:25:21 5 your answer is yes, correct?

11:25:23 6 A Yes, yes.

11:25:26 7 Q If you would turn to the last page of
11:25:26 8 Exhibit 2, do you see a table on that page?

11:25:42 9 A Yes.

11:25:43 10 Q Do you know who created that table?

11:25:44 11 A I did.

11:25:45 12 Q When did you create this table?

11:25:52 13 A I don't recall.

11:25:55 14 Q Within the last month, the last six months,
11:25:57 15 the last year?

11:25:58 16 A It was in response to this, so it had to be
11:26:00 17 right after I got this.

11:26:02 18 Q So back in May; is that correct?

11:26:11 19 A Up until June because I know I submitted it
11:26:13 20 to them June 21st.

11:26:16 21 Q And by "them" you mean to your attorneys?

11:26:21 22 A Yes.

11:26:22 23 Q What is represented in the table that's the
11:26:23 24 last page of Exhibit 2?

11:26:26 25 A I was trying to recall how much money we've

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

11:43:25 1 you know, one of the attorneys handling this matter
11:43:26 2 has been ill and just didn't have the time to get the
11:43:29 3 verifications done and back to you but wanted to
11:43:32 4 assure that you had the answers. So if you would like
11:43:36 5 written verifications in addition to what we've done
11:43:39 6 here today, those can be provided.

11:43:41 7 MS. CAVERLY: I would, please, Counsel,
11:43:44 8 consistent with the Federal Rules.

11:43:46 9 MR. NIELD: Fine. No problem.

11:43:53 10 (Exhibit 3 was marked for identification and
11:43:53 11 attached to the deposition transcript.)

11:43:54 12 BY MS. CAVERLY:

11:43:55 13 Q Miss Davis, what I'm handing you that I've
11:43:57 14 marked as Exhibit 3 are a set of interrogatories and
11:44:00 15 objections and responses. Do you recognize those as
11:44:02 16 being your second set of interrogatory responses that
11:44:06 17 you created in this case?

11:44:08 18 A Hang on one second. Yes. It's got my
11:44:12 19 e-mail address on it, so this is the second set.

11:44:15 20 Q If you would, please, take your time and
11:44:17 21 look completely through that document. My question to
11:44:22 22 you is whether or not that amended response is now
11:44:26 23 full and complete and truthful to the best of your
11:44:29 24 knowledge as you sit here today.

11:44:39 25 A Oreo probably shouldn't be on here because

11:44:44 1 that happened in '08 and the question was only to May
11:44:46 2 9th, 2007, so that was probably something you didn't
11:44:51 3 need to have in there. It was the end of question 1.

11:44:56 4 Q Was there any other way in which your
11:44:57 5 responses that are marked as Exhibit 3 are not full
11:45:02 6 and complete and truthful?

11:45:44 7 A The citations go on forever. This is still
11:46:03 8 the incorrect one (indicating). This wasn't fixed.
11:46:11 9 This is not the one that I corrected.

11:46:13 10 MR. NIELD: Well --

11:46:16 11 BY MS. CAVERLY:

11:46:16 12 Q What is it in Exhibit 3 that you believe is
11:46:20 13 not full and complete and truthful?

11:46:21 14 A If you look on page 36, it's got Oreo, the
11:46:24 15 black -- the black cat, which I didn't get until 2008,
11:46:32 16 and this is all talking about stuff that I was doing
11:46:36 17 in 2007. It's just all wrong. Oreo doesn't need to
11:46:40 18 be on here because he didn't come until 8, '08.

11:46:44 19 Q Please go through very carefully on Exhibit
11:46:47 20 3 -- as you see I don't have another copy in front of
11:46:50 21 me.

11:46:51 22 A I'm sorry.

11:46:51 23 Q -- because, again, I got e-mailed these
11:46:53 24 yesterday. And if you would, please, line by line
11:46:57 25 tell me what is incorrect --

11:47:01 1 A From the beginning?

11:47:02 2 Q From Exhibit 3, yes.

11:47:04 3 MR. NIELD: Yes, from the beginning.

11:47:06 4 A Okay, on page 13, Oreo shouldn't be on the
11:47:09 5 list because the question was only asking which pets
11:47:13 6 we had until May 9th, 2007, and we didn't get Oreo
11:47:18 7 until 2008, so that should be off of there.

11:47:24 8 And the same thing with -- on page 36, all
11:47:27 9 of the entry for number 11, Oreo should be off of
11:47:30 10 there. It was incorrect anyway because it's talking
11:47:32 11 about foods I was feeding back before the recall.

11:47:36 12 Q So even though Exhibit 3 indicates that you
11:47:38 13 fed those foods to Oreo, you did not, correct?

11:47:41 14 A No.

11:47:44 15 Meox Mix, no way. And, again, these are
11:47:52 16 foods that I purchased. Okay?

11:48:01 17 MR. NIELD: Can you complete, go through the
11:48:02 18 whole thing now?

11:48:04 19 THE WITNESS: That's the only part that I
11:48:06 20 changed when I sent it.

11:48:07 21 MR. NIELD: Well, let's go through the whole
11:48:08 22 thing just to be sure.

11:49:21 23 A Okay, we're good.

11:49:22 24 Q So other than what you have told me about
11:49:25 25 Oreo, the answers that are in Exhibit 3 are full and

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

11:56:05 1 responses to interrogatories are true and correct
11:56:07 2 under penalty of perjury"?

11:56:11 3 A Yes, I see that.

11:56:12 4 Q Did you sign this statement on or about June
11:56:14 5 21st, 2008?

11:56:16 6 A Yes, I did.

11:56:17 7 Q And when you signed this statement, were you
11:56:19 8 looking at interrogatory responses?

11:56:24 9 A These?

11:56:26 10 Q Any.

11:56:28 11 MR. NIELD: Well, that's vague and
11:56:28 12 ambiguous. It's also argumentative.

11:56:31 13 A I was looking at the corrected ones that I
11:56:33 14 sent.

11:56:36 15 Q When you signed this statement under penalty
11:56:41 16 of perjury on June 21st, 2008, were the interrogatory
11:56:44 17 responses that you're referring to in this statement
11:56:48 18 one of the two sets that are marked as Exhibit 3 or 4?

11:56:53 19 A Yeah, it was Exhibit 3, only they're not
11:56:58 20 corrected all the way, either.

11:57:00 21 Q Without regard to whether Exhibit 3 or 4 are
11:57:05 22 correct at all, you're sure that when you signed this
11:57:08 23 statement under penalty of perjury on June 21st, that
11:57:12 24 the foregoing responses to interrogatories are true
11:57:15 25 and correct, the interrogatories that you were

11:57:17 1 referring to were the interrogatories that I've marked
11:57:24 2 here as Exhibit 3 which are titled your amended
11:57:27 3 responses. Is that true?

11:57:31 4 A I can't do a yes or no on that because I was
11:57:35 5 looking at this one (indicating) and I went through
11:57:36 6 and I highlighted and I made changes on them, and I
11:57:39 7 sent them back in an e-mail with the signed jurat,
11:57:47 8 taking it for granted they were going to look at those
11:57:50 9 and make the changes before they were presented, and
11:57:52 10 evidently that didn't happen. So maybe I was being a
11:57:55 11 little naive to sign this thinking that they were
11:57:58 12 going to be fixed.

11:58:00 13 Q So if I can state in words your testimony --

11:58:04 14 A Sorry.

11:58:04 15 Q -- because we have it on videotape, but we
11:58:06 16 don't have in our written transcript, when you signed
11:58:10 17 the declaration that's attached as the last page of
11:58:13 18 Exhibit 4, you were actually looking at printed
11:58:19 19 interrogatory answers consistent with Exhibit 4 but
11:58:22 20 which had your handwritten comments on them?

11:58:25 21 A No, I was looking at a PDF that was sent in
11:58:28 22 an e-mail, and I went through the PDF electronically
11:58:34 23 on a computer, highlighted in gray the things that I
11:58:35 24 wanted changed, and sent it back.

11:58:40 25 Q Did you write facts on the PDF that you sent

11:58:47 1 back as far as what you wanted change?

11:58:49 2 A The jurat was a separate piece of paper that
11:58:51 3 I faxed.

11:58:53 4 Q I'm sorry, not fax, F-A-X. Facts, F-A-C-T.
11:58:57 5 So did you provide in your comments to the
11:59:02 6 interrogatory responses which you were verifying facts
11:59:06 7 or information which you expected to be included in
11:59:10 8 your responses?

11:59:12 9 A I have them on my computer at home. Is
11:59:14 10 that --

11:59:15 11 MR. NIELD: Just listen to the question.

11:59:17 12 THE WITNESS: Sorry. I missed it then.

11:59:19 13 MR. NIELD: If you can respond to the
11:59:20 14 question, please go ahead.

11:59:22 15 A I didn't write on it. Is that -- I'm sorry,
11:59:25 16 now I have forgotten the question.

11:59:29 17 Q You were sent Exhibit 4, correct?

11:59:34 18 A Yes.

11:59:35 19 Q You got that in an electronic form, yes?

11:59:39 20 A Yes.

11:59:40 21 Q And you did what to that file before sending
11:59:44 22 it back to your attorneys?

11:59:47 23 A Originally or the last time?

11:59:51 24 Q Before you signed the declaration that is
11:59:53 25 attached at the back of Exhibit 4.

11:59:59 1 A They had put all the citations in it. The
12:00:01 2 first one I did where I put all the answers in it, it
12:00:05 3 didn't have the citation in it, so it wasn't totally
12:00:09 4 done. So I put all my answers in it, I sent it to
12:00:11 5 them, they put their citations in it, they sent it
12:00:14 6 back and they said is this correct? And I -- it
12:00:17 7 already had different colored writings and so forth in
12:00:21 8 it. So I highlighted stuff in gray, the words that I
12:00:24 9 wanted added or deleted, I highlighted everything, put
12:00:26 10 it in my e-mail these are my changes and then signed
12:00:29 11 the jurat and sent it back.

12:00:33 12 Q When you say you highlighted the words that
12:00:35 13 you wanted changed, did you add words?

12:00:40 14 A Sometimes, and I think sometimes I deleted.

12:00:43 15 Q And where a change was reflected, you used
12:00:47 16 the highlighting tool in what, Adobe Acrobat software?

12:00:54 17 A Word.

12:00:56 18 Q Word.

12:00:56 19 A Maybe these were Word documents then. I
12:00:58 20 think they were Word documents. The jurat was a PDF.
12:01:01 21 These were three Word documents.

12:01:04 22 Q And with regard to the interrogatory
12:01:05 23 responses, did you use the track changes feature?

12:01:10 24 A No.

12:01:12 25 Q How would your changes reflecting a deletion

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

12:22:46 1 scraps. Commercial pet food that you --

12:22:47 2 A Moist & Meaty.

12:22:53 3 Q Who is the manufacturer of that pet food?

12:22:55 4 A Who is that? Purina? Purina Moist and

12:23:00 5 Meaty.

12:23:02 6 Q Any others?

12:23:03 7 A Mighty Dog, the little cans of Mighty Dog,

12:23:07 8 yeah.

12:23:08 9 Q Any other foods other than Purina Moist and

12:23:10 10 Meaty, Mighty Dog, Pup-Peroni and Puppy Chow that you

12:23:16 11 can recall feeding to your dog Arnold during the

12:23:19 12 period in which you were feeding him Natura Innova

12:23:26 13 Senior?

12:23:26 14 MR. NIELD: And we're staying with

12:23:26 15 commercial foods; is that right?

12:23:28 16 MS. CAVERLY: Commercial foods, yes.

12:23:34 17 A It's hard to even remember if I fed those

12:23:37 18 during that month period. We were talking about a

12:23:41 19 long time ago. So, I mean, I can't tell you whether

12:23:46 20 it was Mighty Dog that week or Pup-Peroni.

12:23:54 21 Q Well, what can you tell me about what you

12:23:56 22 remember?

12:23:57 23 A I've got my list right there. Isn't that

12:24:00 24 the list?

12:24:01 25 Q Without looking at your list.

12:24:02 1 MR. NIELD: I think this is a memory test.

12:24:03 2 A Why did I do this if I can't look at the
12:24:04 3 list?

12:24:06 4 MR. NIELD: Go ahead and do the best you
12:24:11 5 can.

12:24:12 6 THE WITNESS: I'm sorry, is it a memory
12:24:15 7 test?

12:24:15 8 MR. NIELD: Do the best you can to respond
12:24:18 9 to the question. If you're done, tell her you're
12:24:19 10 done.

12:24:20 11 A I'm done.

12:24:20 12 Q What about the way you put together your
12:24:22 13 interrogatory responses allowed you to remember more
12:24:26 14 than you have remembered today?

12:24:29 15 A One thing, I was in a more relaxed
12:24:32 16 atmosphere and I took a clipboard and I went up and
12:24:37 17 down the store aisles of the places that I buy pet
12:24:39 18 food, and it helped me remember, and I made notations,
12:24:41 19 and then I got home and I tried to put it together.

12:24:45 20 Q What did you do to recall the time frames in
12:24:49 21 which you fed the foods that are identified by you in
12:24:53 22 Exhibits 3 and 4?

12:24:57 23 MR. NIELD: If anything. Go ahead.

12:24:59 24 A For Arnold, partly it was the vet records to
12:25:01 25 see what kind of shape he was in during that time.

12:25:09 1 I'm sorry, I just forgot the question.

12:25:12 2 Q When you put together your interrogatory
12:25:13 3 responses that we've marked as Exhibit 3 and Exhibit
12:25:16 4 4, how did you come up with the times that you fed
12:25:21 5 particular foods to particular pets that you've listed
12:25:25 6 there?

12:25:27 7 A Oh, I went from the time that I got the dog
12:25:30 8 or the cat to the time I don't have him anymore and
12:25:34 9 then figured out what all I was feeding him amongst
12:25:36 10 that time.

12:25:37 11 Q Based on solely on your memory, correct?

12:25:40 12 A Yes, uh-hmm.

12:25:42 13 MR. NIELD: Misstates prior testimony.

12:25:47 14 A Plus the vet records, yeah. Well, the vet
12:25:50 15 records didn't have that, but I could look and see
12:25:52 16 what kind of shape the dog was in so I would know
12:25:54 17 whether or not I was feeding him other things.

12:25:58 18 Q Other than the vet records and your memory,
12:26:01 19 did you rely on anything else in putting together the
12:26:04 20 list of foods and dates other than what you've told me
12:26:11 21 already as going down the store aisles?

12:26:15 22 A I had some records. See, we have horses, so
12:26:20 23 I have to keep some bills in order to do the tax
12:26:23 24 thing. So the bills that I had from the feed stores
12:26:26 25 where I bought the food at the feed stores, I had some

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

01:33:48 1 that you've identified there, are there any of the
01:33:53 2 commercial food products that you fed Arnold from the
01:33:56 3 time of May 2003 to the time of his death which you
01:34:03 4 believe did not in some way contribute or hasten his
01:34:06 5 death?

01:34:16 6 A So which one of these do I think may not --
01:34:18 7 did not hasten his death?

01:34:20 8 Q Yes.

01:34:24 9 MR. NIELD: Overly broad.

01:34:25 10 A I have no way of knowing that.

01:34:37 11 Q Well, let's look at it another way. So in
01:34:40 12 your interrogatory responses, you've listed a number
01:34:43 13 of foods that you fed to Arnold during the period of
01:34:47 14 2003 to his death. Yes?

01:34:49 15 A Yes.

01:34:50 16 Q Which of those foods do you believe hastened
01:34:55 17 his death to any extent?

01:35:03 18 A I believe they've all been on the recall
01:35:06 19 list, so I imagine all of them might have contributed
01:35:12 20 to it. He might have lived to be 20 if I hadn't been
01:35:16 21 feeding him these commercial foods.

01:35:19 22 Q So is it fair to say that out of the
01:35:21 23 commercial food products that you've identified in
01:35:25 24 your responses to interrogatories that we've marked as
01:35:28 25 Exhibit 4 that you believe that all of the 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?

01:45:27 1 A I was in honor society until my senior year.
01:45:31 2 Then I didn't do so well. But, yes, I did graduate,
01:45:34 3 and then I went to Brad Junior College and got an
01:45:38 4 Associate's in Arts Degree in general, just general
01:45:41 5 education. And then I went to FAU, Florida Atlantic
01:45:49 6 University, and I got an English degree. And then
01:45:54 7 some while after that I went to the University of
01:45:56 8 Florida and I got a Master's in Educational
01:45:58 9 Leadership.

01:46:00 10 Q What year did you get your Master's?

01:46:02 11 A Oh, my goodness. See, I should have brought
01:46:06 12 that. I was going to put that on here.

01:46:14 13 I can't recall. I know I was already
01:46:17 14 teaching, I had kids, I was driving back and forth.
01:46:20 15 So I guess it's been over ten years ago.

01:46:23 16 Q Okay. Any other education other than your
01:46:24 17 Master's, and your Bachelor's, and your Associate's
01:46:28 18 and your high school degree?

01:46:31 19 A I did 21 hours of doctoral study at the
01:46:34 20 University of Florida in Instructional Technology.

01:46:39 21 Q What is Instructional Technology?

01:46:39 22 A That's technology used in the education
01:46:43 23 field, distance learning. I was specializing on how
01:46:49 24 to teach at a distance.

01:46:51 25 Q I'm sorry, tell me again what your Master's

01:46:53 1 Degree is.

01:46:55 2 A Educational leadership.

01:46:57 3 Q Explain to me what that means.

01:46:59 4 A You have to have that in order to become a

01:47:00 5 principal or an assistant principal or a curriculum

01:47:07 6 coordinator.

01:47:08 7 Q Was that a full year of college courses

01:47:10 8 beyond your Bachelor's Degree?

01:47:11 9 A It's supposed to be two, but it took me

01:47:14 10 three because I was doing it while I was working.

01:47:17 11 Q Okay. Any other course work other than your

01:47:20 12 Ph.D. work towards your Ph.D. and the Master's Degree

01:47:25 13 and other degrees that you've told me about?

01:47:28 14 A Course work, no.

01:47:29 15 Q Have you done any seminars or less formal

01:47:33 16 training than a college course?

01:47:35 17 A Lots and lots.

01:47:37 18 Q In what fields generally?

01:47:40 19 A Some of the seminars I did was for horse

01:47:43 20 training and horse behavior, you know, where you take

01:47:49 21 your horse with you, where you take your mule with

01:47:52 22 you. And then the rest of it was all software or

01:47:57 23 hardware so I could get my different certifications.

01:48:00 24 Q What computer certifications do you have for

01:48:03 25 either software or hardware?

01:48:06 1 A A+, that's to do repairs, and I've got
01:48:09 2 Network Plus. That's to do any networking. And CIW
01:48:14 3 Associate, that's Certified Internet Webmaster.
01:48:16 4 Associate, that's to build websites. CIW site
01:48:23 5 designer. CIW professional. And I've got other
01:48:31 6 things but it's not for computers. You asked about
01:48:34 7 computers, right?

01:48:35 8 Q (Nodding head.)

01:48:39 9 Other than the certificates that you have
01:48:41 10 for computers and the various college degrees that
01:48:43 11 you've already told me about, do you hold any other
01:48:47 12 licenses?

01:48:49 13 A Residential contractor's license.

01:48:59 14 Q Any other licenses other than what you've
01:49:00 15 testified to?

01:49:01 16 A I have a certificate that's the National
01:49:04 17 Board Certified Teacher's Certificate, and it's in
01:49:08 18 English, Language, Arts, Early Adolescence.

01:49:13 19 Q That's for Florida?

01:49:14 20 A No, that's national.

01:49:24 21 Q Any other licenses or certificates other
01:49:26 22 than what you've told me about?

01:49:28 23 A I might have missed -- oh, Flash Developers.

01:49:33 24 Q What is that?

01:49:34 25 A Flash is the animation you see for most of

01:49:37 1 the new cartooning or all the stuff that's moving
01:49:41 2 around on the web, that's all done in Flash. It's a
01:49:45 3 Developer's.

01:49:47 4 Q Any other certificates or licenses other
01:49:49 5 than what you've testified to?

01:49:51 6 A Well, my Florida teacher's certificate, of
01:49:53 7 course, but that's it that I can think of.

01:49:57 8 Q Have you ever been convicted of a felony?

01:49:59 9 A No.

01:50:02 10 Q Have you ever taken any nutrition courses,
01:50:05 11 either informal seminar type courses or formal college
01:50:12 12 courses?

01:50:12 13 A At UFI I had an elementary school health
01:50:15 14 class that had a lot of nutrition, what growing kids
01:50:19 15 need. But I think that's the only one.

01:50:23 16 Q Is it fair to say you've never had any
01:50:24 17 training in pet nutrition?

01:50:27 18 A No, just my own private research I've done.

01:50:32 19 Q When did you start researching pet
01:50:34 20 nutrition?

01:50:41 21 A Probably junior high.

01:50:42 22 Q When you were in junior high?

01:50:43 23 A Yeah.

01:50:44 24 Q What do you mean by that?

01:50:48 25 A This is all kind of like deja vu because in

01:50:51 1 junior high, I was feeding my parakeet, a very special
01:50:55 2 parakeet, and I was feeding him Hartz Mountain bird
01:50:57 3 seed, it comes in a box, and he got sick and died.
01:51:00 4 And when I found out it was cage paralysis, I looked
01:51:04 5 that up, and I found out I should have been feeding
01:51:07 6 him greens. But the Hartz Mountain seedbox said it
01:51:11 7 was a complete diet, which was a lie. So I sent a
01:51:15 8 letter to them and they wrote back and said I should
01:51:18 9 have known better or something to that effect, you
01:51:20 10 know, it's been years ago, but it was something to
01:51:22 11 that effect like the responsibility was mine, I
01:51:24 12 shouldn't have paid any attention to what the box
01:51:26 13 said. So way back then I was upset with a pet food
01:51:33 14 company. That's the only one I've ever written to
01:51:37 15 about anything. And -- that's what you asked, how did
01:51:39 16 I get started? Okay, that was it.

01:51:42 17 Q And what -- starting from junior high, if
01:51:45 18 you can bring me forward, what have you done to learn
01:51:47 19 about nutrition for pets?

01:51:53 20 A Oh, wow. Okay, when I was babysitting, when
01:51:58 21 I was still in school, they had a dog encyclopedia on
01:52:04 22 the shelf that I still have, and I just looked the
01:52:06 23 other day, it was published in 1949. It was all how
01:52:10 24 to feed your dog, and it was before commercial dog
01:52:13 25 foods. It had lists what to feed them for breakfast,

01:52:15 1 lunch and dinner. It's amazing it hasn't changed
01:52:19 2 much. So I guess that was -- that was part of it.
01:52:24 3 And when you have horses, horses particularly, you
01:52:29 4 have to keep on top of what all they need to --
01:52:32 5 they're very delicate animals. So you have to do a
01:52:35 6 lot of paying attention to what you feed them because
01:52:37 7 they colic easy and so forth. I'm getting off the
01:52:41 8 subject, aren't I? Okay, so --

01:52:44 9 Q No, what I asked you was to explain to me --

01:52:47 10 A Okay.

01:52:47 11 Q -- from the time you investigated the
01:52:51 12 parakeet food --

01:52:52 13 A Okay.

01:52:52 14 Q -- and now starting to study about dogs
01:52:55 15 early on, what have you done to learn about proper
01:52:57 16 nutrition for pets?

01:52:59 17 MR. NIELD: That's a continuation.

01:53:00 18 A Continuation. I know I read The Equis
01:53:05 19 Magazine, a friend of mine gives me all her back
01:53:08 20 issues. It's a very expensive magazine. She gives me
01:53:08 21 all her back issues. It's got a lot of nutrition in
01:53:11 22 there. And there's a --

01:53:12 23 Q That's for horses?

01:53:13 24 A Yes. There's a little, I can't remember the
01:53:19 25 name of it, it's a little publication that's done in

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?

01:55:04 1 A No.

01:55:04 2 Q Just for pleasure you keep horses, yes?

01:55:12 3 A I don't know what you call a business for
01:55:13 4 horses. I don't make money on horses, but I also use
01:55:15 5 them as a tax writeoff on my income tax because I
01:55:19 6 have -- I do boarding of my mother's horse. And I
01:55:26 7 guess that's not a business. We don't have a
01:55:30 8 business. So, no, we don't have a business.

01:55:33 9 Q Okay. Do you make any money, whether or not
01:55:38 10 it's a net positive or not I'm not asking, but do you
01:55:42 11 make any money as a result of dealing with animals of
01:55:46 12 any kind?

01:55:46 13 A No.

01:55:51 14 Q How long have you had horses?

01:55:54 15 A Since junior high.

01:55:55 16 Q How many horses do you own now?

01:55:58 17 A Three horses and a draft mule.

01:56:05 18 Q How long have you been shopping at Ocala
01:56:09 19 Breeders & Supply?

01:56:16 20 A That's hard to say. It might be since we
01:56:18 21 moved up here. A long time. 20 years, maybe? I
01:56:22 22 don't know. I don't know. It's been a long time.

01:56:24 23 Q Is there anyone at that store who knows you
01:56:26 24 by name?

01:56:27 25 A No. That store is -- is maybe only three or

01:56:31 1 four years old. It used to be a little farm supply
01:56:34 2 store that was owned by this one little Swedish lady
01:56:36 3 and she got bought out.

01:56:38 4 Q Okay. So when I say how long have you been
01:56:40 5 buying from Ocala Breeders & Supply, you're talking
01:56:43 6 about at that location?

01:56:45 7 A Yes. That location is a fairly new
01:56:50 8 location, but there's two others in Ocala.

01:56:53 9 Q Have you shopped at the other locations of
01:56:58 10 Ocala Breeders & Supply?

01:56:59 11 A Yes, but I don't think they carry the dog
01:57:01 12 food and stuff. I think they're just -- one place has
01:57:03 13 just become a distributorship for the big race horse
01:57:08 14 places, and the other one I don't think carries it. I
01:57:11 15 don't recall. I don't go into that one. It's out of
01:57:15 16 my way. This one is on my way home.

01:57:18 17 Q Do you know the names of any of the owners
01:57:20 18 or employees of Ocala Breeders & Supply?

01:57:24 19 A No.

01:57:26 20 Q Not even a first name, you know, that they
01:57:29 21 have on their shirt or nothing?

01:57:32 22 A No, they don't do that.

01:58:07 23 Q You mentioned to me earlier that you were
01:58:09 24 unhappy that the Innova Senior products that you fed
01:58:14 25 your pet contained chicken meal. Do you recall that?

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?

02:03:54 1 MR. NIELD: Lacks foundation. Calls for
02:03:55 2 speculation. Calls for a legal opinion. If you know
02:04:01 3 what she's talking about, go ahead and answer.

02:04:03 4 A I don't know what an objection is. What do
02:04:05 5 you mean by that?

02:04:09 6 Q Do you realize that there's a settlement in
02:04:11 7 the cases where food was contaminated with melamine,
02:04:17 8 correct?

02:04:17 9 A The New Jersey one you're talking about, the
02:04:19 10 24 million dollar one?

02:04:21 11 Q Yes.

02:04:22 12 A Yes.

02:04:22 13 Q Have you made claim to any part of that 24
02:04:26 14 million dollars?

02:04:26 15 A No.

02:04:27 16 Q Have you objected to the terms of the
02:04:30 17 settlement resulting in payment of 24 million dollars?

02:04:34 18 MR. NIELD: Lacks foundation. Calls for
02:04:36 19 speculation. Calls for a legal opinion. Calls for a
02:04:39 20 legal conclusion. Go ahead.

02:04:42 21 A Legally I haven't made an objection. I
02:04:44 22 mean, I've objected, anybody who will stand still long
02:04:51 23 enough to listen to me, but not legally.

02:04:52 24 Q You haven't filed anything in any court --

02:04:54 25 A No.

02:04:54 1 Q -- complaining about the settlement that the
02:04:57 2 manufacturers of the pet foods contaminated with
02:05:03 3 melamine have proposed, correct?

02:05:05 4 A Correct.

02:05:11 5 Q Why haven't you filed a claim for
02:05:14 6 reimbursement for monies in the melamine contamination
02:05:20 7 settlement?

02:05:21 8 A I may still do that. I've got until what,
02:05:23 9 November or something?

02:05:27 10 Q Do you intend to do that?

02:05:29 11 A Yes.

02:05:29 12 Q With regard to which animals do you intend
02:05:31 13 to make a claim in the melamine contamination cases?

02:05:36 14 A I think the only one I can prove is Spaz.

02:05:48 15 Q What do you mean by the only one I can
02:05:50 16 prove?

02:05:55 17 A Well, that there was any -- that she died
02:05:57 18 from it.

02:06:00 19 Q You had another cat, Barnacle, who died in
02:06:03 20 that approximate --

02:06:06 21 A Yes.

02:06:06 22 Q -- time frame that the food was recalled,
02:06:09 23 correct?

02:06:09 24 A Yes, but I don't believe it was from that.

02:06:11 25 Q What do you believe killed Barnacle?

02:06:14 1 A I believe it was a blood parasite. They
02:06:17 2 found it in his blood.

02:06:25 3 Q Do you believe that you have any claim
02:06:27 4 regarding your pet Arnold that you could make in the
02:06:29 5 melamine contamination cases?

02:06:41 6 MR. NIELD: Well, it lacks foundation, calls
02:06:43 7 for speculation, calls for a legal conclusion. Calls
02:06:46 8 for an expert opinion. If you can respond, go ahead.

02:06:50 9 A If I ever get another chance, yes, I'll try.
02:06:53 10 If there's another class action that I can join, I
02:06:56 11 will do it.

02:07:01 12 Q Why do you think you can or cannot make a
02:07:03 13 claim regarding your pet Arnold in the melamine
02:07:06 14 contamination cases?

02:07:10 15 A Maybe I could. I don't know, I haven't -- I
02:07:12 16 haven't read the -- I haven't concentrated on that
02:07:16 17 enough to even see if I could.

02:07:19 18 Q You've seen --

02:07:20 19 A I haven't gone on their website and read all
02:07:24 20 of their stuff.

02:07:25 21 Q You know that there is a proposed settlement
02:07:27 22 in the melamine contamination cases, correct?

02:07:30 23 A Uh-hmm.

02:07:31 24 Q I'm sorry, you have to say yes or no.

02:07:32 25 A Yes.

02:07:33 1 Q Have you read the settlement disclosure that
02:07:35 2 is being circulated to consumers who may have had an
02:07:40 3 injured pet due to melamine contamination?

02:07:44 4 A No, I haven't actually read it.

02:07:46 5 Q Why not?

02:07:46 6 A I'm too upset about the whole thing. I
02:07:49 7 think they settled too easy. 24 million is not near
02:07:54 8 enough. It's not going to stop anything. It's not
02:07:56 9 going to make them change the way they're doing
02:07:58 10 business.

02:08:05 11 Q I don't understand why that leads you not to
02:08:08 12 have read the settlement disclosure. Can you explain
02:08:11 13 that to me?

02:08:11 14 A I don't have to have done it yet. I mean,
02:08:14 15 I've still got time to do that. I put off things that
02:08:18 16 are hard, maybe.

02:08:24 17 Q With regard to Arnold, do you plan on making
02:08:27 18 a claim in the melamine contamination cases that his
02:08:32 19 death was caused or contributed to by melamine
02:08:36 20 contamination?

02:08:38 21 MR. NIELD: Objection. It's been asked and
02:08:39 22 answered. Go ahead.

02:08:40 23 A At this time, I don't know.

02:08:41 24 Q When do you plan on deciding that?

02:08:46 25 A Whenever I read it and go over it when I'm

02:08:49 1 going to do it with Spaz, when I put hers in, I guess
02:08:51 2 I'll read it and go over it and see if I've got any
02:08:55 3 grounds or I can do it.

02:08:58 4 Q Do you believe that Arnold's death was
02:09:01 5 caused or contributed to in any way by melamine
02:09:05 6 contamination in any of the foods that you fed him?

02:09:08 7 MR. NIELD: Lacks foundation. Calls for
02:09:11 8 speculation. Calls for an expert opinion. Go ahead.

02:09:13 9 A I think we already answered this one, too.

02:09:16 10 MR. NIELD: Asked and answered. Go ahead.

02:09:17 11 A Yes, I think he would have lived a lot
02:09:19 12 longer.

02:09:22 13 Q Which --

02:09:23 14 A I had one dog --

02:09:24 15 Q I'm sorry I interrupted you.

02:09:27 16 A I had one dog --

02:09:27 17 MR. NIELD: I think you've answered the
02:09:28 18 question, but you can continue if you want.

02:09:31 19 A -- who lived to be 21, and he was never sick
02:09:34 20 a day in her life. I never had her to the vet other
02:09:38 21 than to get her spayed and her shots. And she lived
02:09:41 22 to be 21. And at that time we couldn't afford
02:09:45 23 commercial dog foods, so she ate everything we were
02:09:46 24 eating and she lived to be 21. So I'm thinking that,
02:09:46 25 you know, genetics are there, you're feeding them good

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

02:20:30 1 something on the Internet and you believe it, correct?

02:20:37 2 A I believe it because of all of the other
02:20:38 3 stuff happening. I mean, if there wasn't any other
02:20:41 4 recalls or anything to call into doubt all of the
02:20:45 5 other claims that they make about how wonderful their
02:20:47 6 product is, then I probably wouldn't have believed
02:20:50 7 that.

02:20:50 8 Q Other than your pet, are you aware of
02:20:52 9 another animal that has been made ill or died after
02:20:58 10 eating a Natura manufactured or distributed product?

02:21:01 11 A Personally, no.

02:21:16 12 Q You provided documents in responding to
02:21:20 13 written discovery in this case, correct?

02:21:25 14 A Yes. I have trouble with the terminology,
02:21:28 15 so ...

02:21:30 16 Q As part of responding to the questions that
02:21:33 17 the defendants asked you, you understood that you were
02:21:35 18 asked for documents, correct?

02:21:39 19 A Yes.

02:21:39 20 Q And you went about collecting documents,
02:21:41 21 correct?

02:21:41 22 A Yes.

02:21:43 23 Q What documents did you collect in terms of
02:21:45 24 categories?

02:21:48 25 A Categories? What do you mean by categories?

02:21:52 1 Q Like collected vet records, receipts,
02:21:55 2 complaints, Internet postings, as examples only. But
02:22:01 3 for you, what categories of documents do you collect
02:22:04 4 to provide to your attorneys in this case?

02:22:09 5 A Receipts. Vet records.

02:22:16 6 MR. NIELD: I'm going to object as being
02:22:17 7 cumulative since it's already been responded to in
02:22:21 8 writing, but continue.

02:22:23 9 A Let's see. I tried to collect e-mails and
02:22:29 10 maybe where I've been out on the web, but my computer
02:22:32 11 crashed, so I couldn't do that part. So I would say
02:22:39 12 that.

02:22:39 13 Q How did you go about collecting vet records
02:22:41 14 to provide to the defendants in this case?

02:22:43 15 A I'd only been to one veterinarian, so I
02:22:46 16 walked by his office and I asked him to give me
02:22:49 17 anything from May 9th, '03 to May 9th, '07.

02:22:55 18 Q And what did you do to collect receipts for
02:22:58 19 the defendants in this case?

02:23:00 20 A I went through all of my boxes of receipts
02:23:02 21 and I looked and it took me hours and hours.

02:23:07 22 Q What type of receipts did you look for?

02:23:12 23 A Anything that would be for purchase of pet
02:23:13 24 food or any pet type item, dog collars, dog doors, any
02:23:21 25 things like that.

02:23:22 1 Q Have you provided all of the receipts that
02:23:23 2 you believe that are in your possession that reflect
02:23:26 3 the purchase of a commercial pet food?

02:23:29 4 A Up until '07, yes.

02:23:48 5 Q Was Arnold a purebred dog?

02:23:52 6 A Yes, he was a Jack Russell.

02:23:55 7 Q Did he have papers?

02:23:57 8 A Yeah, they're not AKC registered, though,
02:24:02 9 but he was a purebred.

02:24:02 10 Q What papers did Arnold have?

02:24:05 11 A Just a little paper I got when I bought him.

02:24:12 12 Q Where did you buy him?

02:24:16 13 A I'd have to look that up. It was from an
02:24:19 14 individual.

02:24:19 15 Q A breeder or just a private person who
02:24:21 16 happened to have puppies?

02:24:25 17 A I think it was a private person that had
02:24:27 18 puppies. She shows at all of the events for Jack
02:24:31 19 Russells, and she lives in Morriston, but I can't
02:24:35 20 remember her name.

02:24:38 21 Q And were the papers that Arnold had from her
02:24:42 22 or from some type of pet organization?

02:24:45 23 A They were from her and I never got him
02:24:47 24 registered because I knew I was going to neuter him,
02:24:50 25 so -- and you don't need those in order to compete. I

02:24:54 1 was going to compete with him, but I never did, but
02:24:59 2 that's why I was getting him from them because I just
02:25:03 3 wanted a little Jack Russell.

02:25:08 4 Q Did you know who Arnold's parents are?

02:25:13 5 A She had them right there at her house, but,
02:25:14 6 I mean, I didn't check blood lines or anything like
02:25:17 7 that.

02:25:18 8 Q Were the parents of Arnold AKC registered?

02:25:21 9 A You can't --

02:25:22 10 MR. NIELD: It lacks foundation. May call
02:25:24 11 for speculation. Go ahead.

02:25:25 12 A You can't register them on AKC, so ...
02:25:29 13 they've got their own registry.

02:25:32 14 Q What do you mean, because they're Jack
02:25:34 15 Russells?

02:25:34 16 A Yes, Jack Russells, if they're recognized
02:25:36 17 now, it's very recent, but as far as I know they're
02:25:39 18 not recognized by AKC.

02:25:41 19 Q They're not recognized as a pure breed
02:25:43 20 animal, correct?

02:25:44 21 A They're not part of the registry. They are
02:25:47 22 a pure breed animal. They have their own registry.

02:25:52 23 Q Do they have a Jack Russell registry?

02:25:56 24 A I think they're called Parson Terriers now.

02:26:00 25 Q Who maintains the Parson's Terrier or the

02:26:00 1 Jack Russell Terrier registry?

02:26:03 2 A I don't know.

02:26:03 3 Q Were the parents of Arnold registered by

02:26:06 4 some organization that registers Jack Russell

02:26:08 5 Terriers?

02:26:10 6 A Yes.

02:26:11 7 MR. NIELD: Lacks foundation. May call for

02:26:13 8 speculation.

02:26:14 9 Q Do you know what either of Arnold's parents'

02:26:18 10 names were?

02:26:18 11 A No, but I've got it at home. I can look

02:26:20 12 that up.

02:26:21 13 Q Is there some reason that you did not

02:26:24 14 provide that information in your discovery responses?

02:26:28 15 MR. NIELD: Well, I think it may assume

02:26:31 16 facts not in evidence. Did the discovery responses

02:26:32 17 ask for that information?

02:26:39 18 MS. CAVERLY: Are you asking me to testify?

02:26:41 19 The discovery responses --

02:26:43 20 MR. NIELD: You're asking a question.

02:26:44 21 MS. CAVERLY: It asks for all of the records

02:26:46 22 about her pets that she allege were injured in this

02:26:48 23 case.

02:26:49 24 MR. NIELD: Oh, okay. All right. If that's

02:26:52 25 the -- if that's what it's based upon, go ahead and

02:26:55 1 answer that question.

02:26:55 2 A I got a whole folder when I got this dog and
02:26:57 3 I think I still have that folder, but it's got so much
02:27:00 4 stuff in it that you get with a puppy, and I think
02:27:04 5 part of that was the blood line tree. But what I
02:27:07 6 provided was his registration because I thought that
02:27:11 7 was enough. I thought I was proving ownership of the
02:27:19 8 dog, so that's why registration I thought was enough.

02:27:22 9 Q You mean his license.

02:27:24 10 A No, where he was -- as a puppy he's
02:27:32 11 registered -- you know, the litter, the litter is
02:27:33 12 registered. That's what I gave, I think. I don't
02:27:36 13 have my thing. I think that's what's in there.

02:27:39 14 Q What is the folder where you have all of
02:27:41 15 Arnold's puppy papers? What is that called?

02:27:45 16 A I don't remember.

02:27:47 17 Q Where do you have it, in your office, at
02:27:51 18 home?

02:27:51 19 A It's at home in a big box up in the closet.
02:27:54 20 I keep all of my animal stuff.

02:28:11 21 Q How old was Arnold when you got him?

02:28:17 22 A I don't remember, but I think probably two
02:28:18 23 months.

02:28:21 24 Q Do you know what his food had been prior to
02:28:23 25 purchasing him?

02:28:24 1 A Puppy Chow.

02:28:32 2 Q Made by Purina, yes?

02:28:34 3 A Yes.

02:28:41 4 Q Was Arnold allowed to go outside in 2006?

02:28:46 5 A Yes.

02:28:47 6 Q Where did he live? Did he have a place
02:28:53 7 inside or a doghouse outside?

02:28:54 8 A He has a fenced back yard. We live out, you
02:28:57 9 know, out in the boonies, and on some acreage, and he
02:29:03 10 has a fenced back yard, chain-link fence and he goes
02:29:07 11 in and out with a dog door. So he spends his day
02:29:11 12 inside, but if he needed to go outside, he could go
02:29:14 13 out through the dog door.

02:29:15 14 Q How large is the fenced back yard?

02:29:20 15 MR. NIELD: Just your best estimate.

02:29:23 16 A Probably twice the size of this room.

02:29:25 17 Q So 50 by 50?

02:29:27 18 A 50 by 60, something like that.

02:29:33 19 Q In 2006, did Arnold have access to the
02:29:37 20 horses or their boarding facilities?

02:29:39 21 A No, no, no. A mule will kill a horse -- I
02:29:43 22 mean a mule will kill a dog as soon as look at them.

02:29:48 23 Q Other than being inside your home and in the
02:29:51 24 fenced back yard, was Arnold ever allowed to go
02:29:54 25 outside of the yard?

02:29:55 1 A We took a walk every day.

02:29:58 2 Q Was he on a leash or not on a leash?

02:29:59 3 A He was on a leash.

02:30:02 4 Q Every time you went for a walk in 2006,
02:30:07 5 Arnold was on a leash, correct?

02:30:08 6 A Oh, yeah.

02:30:10 7 Q Why did you have him on a leash if you live
02:30:12 8 out in the country?

02:30:12 9 A Because if he saw something moving in a
02:30:15 10 bush, that would be the end of ever seeing him. He
02:30:18 11 would go after everything. He's a little hunter.

02:30:20 12 Q Did he ever catch anything, like a wild
02:30:26 13 animal?

02:30:27 14 A He caught a rat one time back when he was
02:30:30 15 little, he caught a rat and killed it real quick.

02:30:32 16 Q In your back yard did you ever notice him
02:30:33 17 ever killing any wild animals?

02:30:36 18 A In the back yard? Not, there's no -- it's a
02:30:38 19 fenced pen. There's no wild animals.

02:30:41 20 Q My experience in my back yard is rats don't
02:30:45 21 mind fences.

02:30:46 22 A This was a rat that was in the horse
02:30:47 23 trailer, so ...

02:30:51 24 Q We have a lot of rats in San Diego.

02:30:54 25 MR. NIELD: Rancho Santa Fe, they have rats.

02:30:57 1 MS. CAVERLY: I know, they have no
02:30:58 2 boundaries, no respect.

02:31:00 3 MR. NIELD: They wouldn't stay out of there?

02:31:01 4 MS. CAVERLY: No. My cats do a good job at
02:31:04 5 them, but ...

02:31:05 6 BY MS. CAVERLY:

02:31:10 7 Q Do you ever see Arnold eating any plants
02:31:13 8 inside or outside?

02:31:15 9 A He would eat tender grass once in a while.
02:31:22 10 They all do that.

02:31:23 11 Q Other than grass, did you ever observe
02:31:26 12 Arnold eating or chewing on any plants or flowers?

02:31:30 13 A No.

02:31:32 14 Q What plants do you have in your back yard
02:31:34 15 that he had access to?

02:31:38 16 A Grass, palmetto palms, and I think there's a
02:31:42 17 couple of oak trees out there.

02:31:48 18 Q Do you have any poisonous plants in your
02:31:52 19 back yard?

02:31:53 20 A I think there's some horsetail fern, but I
02:31:56 21 don't think they're poisonous.

02:31:58 22 Q You don't have azaleas in your back yard?

02:32:00 23 A No, I can't grow those. We've tried. They
02:32:04 24 won't grow.

02:32:05 25 Q Too far south?

02:32:06 1 A They get fungus on them as soon as you plant
02:32:09 2 them.

02:32:09 3 Q What plants do you have inside that Arnold
02:32:12 4 had access to?

02:32:13 5 A In my house? I don't have plants in the
02:32:15 6 house.

02:32:17 7 Q You have no living plants in your house
02:32:19 8 while Arnold was alive, not now.

02:32:24 9 A I think once in a while I might have a
02:32:26 10 potted chrysanthemum, but I don't keep plants in the
02:32:30 11 house. I had a rabbit die from having plants in the
02:32:34 12 house a long time ago, and I haven't done it since.

02:32:39 13 Q What was the blood parasite that killed your
02:32:41 14 cat?

02:32:43 15 A I can't remember the name of it. It's got
02:32:45 16 to be in the records there. It was a very unusual
02:32:48 17 thing. They sent little pieces of that cat all over
02:32:51 18 the state trying to figure out what particular
02:32:54 19 parasite that was. I guess it was very interesting to
02:32:57 20 certain people.

02:33:01 21 Q If you're a vet you would like to know
02:33:03 22 what's going on.

02:33:13 23 You said to Arnold never competed, but did
02:33:15 24 you show him ever?

02:33:17 25 A No.

02:33:17 1 Q And you never bred him, correct?

02:33:20 2 A No.

02:33:21 3 Q When was he neutered?

02:33:22 4 A Right after we got him. As soon as he was
02:33:25 5 old enough. Probably seven months, six months,
02:33:28 6 something like that.

02:33:35 7 Q How much did Arnold eat a day?

02:33:38 8 MR. NIELD: Well, vague and ambiguous. Go
02:33:43 9 ahead, you can try if you understand. Overly broad.

02:33:48 10 A How much did he eat a day. Maybe this
02:33:52 11 (indicating) two times a day. See, I didn't give him
02:33:59 12 a lot of commercial food even way back, so it's hard
02:34:02 13 to say a can or a half a can or something like that,
02:34:06 14 so ...

02:34:06 15 Q Okay, you showed by cupping your hand, you
02:34:07 16 know, the amount of food that would fit inside an
02:34:10 17 adult's hand as something that Arnold ate about twice
02:34:14 18 a day?

02:34:15 19 A Yeah.

02:34:16 20 Q Was that in 2006 that that's how much
02:34:18 21 commercial food you were feeding him in a day?

02:34:20 22 A Commercial food? See, I was feeding him a
02:34:23 23 lot of people food, too, so I don't know.

02:34:27 24 Q In 2006 on average, what would you say was
02:34:32 25 the amount of commercial food that Arnold consumed in

02:34:35 1 one day?

02:34:36 2 A In a day.

02:34:37 3 Q Using a cup measurer.

02:34:40 4 A Never more than a cup. If he ate it for
02:34:49 5 breakfast, he would probably eat something different
02:34:51 6 for lunch -- I mean for dinner.

02:35:03 7 Q Now, from September to the end of his life,
02:35:07 8 would you say that he was eating more or less than a
02:35:10 9 cup of commercial food a day?

02:35:15 10 A Probably about that.

02:35:18 11 Q About one cup?

02:35:19 12 A Yes.

02:35:32 13 Q How much of Arnold's diet was made up of
02:35:38 14 table scraps or other human food as opposed to
02:35:43 15 commercial pet food during the last three months of
02:35:45 16 his life?

02:35:49 17 A As best I can recall, probably about half.
02:36:00 18 I was trying to get him to eat the commercial pet food
02:36:02 19 because I thought it had all the ingredients and stuff
02:36:07 20 in it that the people food might not that a dog would
02:36:10 21 need, so I kept trying to get him to eat that.

02:36:13 22 Q Why did you think that when your vet had
02:36:15 23 recommended giving him hamburger and rice?

02:36:20 24 A Hamburger and rice wouldn't have all of the
02:36:22 25 other stuff, you know, vitamin E, vitamin C, all that

02:36:26 1 stuff that you see on the label of pet food that they
02:36:30 2 say it's an analysis that a dog needs.

02:36:33 3 Q Did your vet ever tell you that Arnold
02:36:35 4 needed anything more than hamburger and rice?

02:36:38 5 A I don't recall.

02:36:51 6 Q Do you recall whether or not there were any
02:36:53 7 feeding instructions on the samples of Innova Senior
02:36:56 8 that you fed to Arnold?

02:37:03 9 A There must have been. I don't remember what
02:37:06 10 they were, but there must have been.

02:37:08 11 Q Why do you say there must have been?

02:37:09 12 A There always is. Any can or any package of
02:37:14 13 dog food or cat food you get it tells you how to feed
02:37:17 14 them.

02:37:17 15 Q Do you recall when you were looking at the
02:37:19 16 Innova Senior sample packages that they did include
02:37:23 17 feeding instructions, or not?

02:37:26 18 A No. I don't recall.

02:37:38 19 Q How many times total would you say that you
02:37:40 20 bought pet food, not horse pet food, but cat or dog
02:37:46 21 food from Ocala Breeders & Supply?

02:37:49 22 A How many times total?

02:37:50 23 Q Yes.

02:37:51 24 A Oh, wow. It would be just since that other
02:38:01 25 little store opened because I don't think the other

02:38:04 1 stores carried it. I don't know.

02:38:06 2 Q Once a month, three times a month, any way
02:38:08 3 that you could estimate for me the total number of
02:38:11 4 times that you've purchased a dog or cat food from
02:38:15 5 Ocala Breeders & Supply?

02:38:19 6 A Every other week to once a month, but
02:38:21 7 that's -- that's a guess. I don't know. I don't
02:38:23 8 know.

02:38:39 9 Q Why did you switch from food to food that
02:38:42 10 you were feeding Arnold in 2006?

02:38:48 11 A Trying to find one that he really liked.

02:38:52 12 Q Did you ever find a food that you would
02:38:54 13 describe as one that Arnold really liked?

02:38:56 14 A No. He always liked people food the best.

02:39:06 15 Q Other than your vet recommending the
02:39:09 16 hamburger and rice diet for Arnold, has anyone else
02:39:15 17 ever recommended a diet for Arnold?

02:39:17 18 A For Arnold? I don't recall. I'm sure, my
02:39:23 19 friends are always so full of advice, I'm sure they
02:39:26 20 offered up some kind of advice, but I don't recall.

02:39:32 21 Q When you switched between foods for Arnold,
02:39:35 22 did you have any transition period or did you just
02:39:38 23 feed him one thing and then you bought something else
02:39:41 24 and you fed him that?

02:39:44 25 A Pretty much what you just said.

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

02:41:27 1 theory, but I didn't want him to eat it all the long
02:41:33 2 time for fear it was too high in protein or something.

02:41:37 3 Q Did you -- would you describe yourself in
02:41:40 4 2006 as somebody who was careful about selecting the
02:41:46 5 foods that you were feeding to Arnold?

02:41:49 6 A Yes.

02:41:51 7 Q Did you ever discuss commercial foods
02:41:55 8 regardless of brand with your veterinarian?

02:41:58 9 A No, I didn't.

02:42:29 10 Q Are you a member of any pet organizations?

02:42:34 11 A I'm a member of a couple of horse clubs but
02:42:36 12 not pet organizations.

02:42:39 13 Q What horse clubs do you belong to?

02:42:42 14 A Sun Country Trailblazers and Greenway
02:42:45 15 Equestrians.

02:42:48 16 Q What is the purpose of those two groups?

02:42:49 17 A To keep trails open in Florida for trail
02:42:52 18 riding.

02:43:00 19 Q Other than the two horse groups that you've
02:43:02 20 just identified, would you consider yourself to be a
02:43:05 21 member of any other pet organization?

02:43:08 22 A No. I contribute to the Humane Society, but
02:43:13 23 I'm not a member.

02:43:14 24 Q Have you contributed either time or money to
02:43:16 25 any other pet organization other than the Humane

02:43:20 1 Society?

02:43:22 2 A The Horse Rescue of Eukinobe.

02:43:34 3 Q Any others?

02:43:34 4 A I made about three trips down there during
02:43:38 5 Hurricane Andrew to feed all the animals down there,
02:43:39 6 but that's -- I don't know if that was your question.

02:43:43 7 Q Let's talk --

02:43:44 8 A It's not a membership.

02:43:45 9 Q No, my question now is whether you've
02:43:47 10 contributed any time or money to any causes related to
02:43:50 11 animals.

02:43:52 12 So you've taken care of the animals in
02:43:54 13 Hurricane Andrew. You've done a horse rescuing.
02:43:58 14 You've given money to the Humane Society. Anything
02:44:01 15 else?

02:44:08 16 A There was one thing a few years back about
02:44:10 17 the pigs being mistreated, and I went around, got
02:44:15 18 signatures for petition. I can't remember the name of
02:44:18 19 that group, but it was the way pigs are being treated
02:44:22 20 before slaughter.

02:44:28 21 Q And by whom or what facilities?

02:44:30 22 A I could find it on the web for you and I
02:44:32 23 could send it for you if you need that, but I can't
02:44:35 24 remember.

02:44:35 25 Q Was it by the slaughter house --

02:44:37 1 A No.

02:44:37 2 Q -- was it by the farmer?

02:44:39 3 A No, it was by a group that was trying to get
02:44:41 4 pigs to be treated humanely.

02:44:43 5 Q I'm sorry, I had a bad question then.

02:44:45 6 Who was -- who was mistreating the pigs?

02:44:47 7 A Oh, the people who raise the pigs.

02:44:52 8 Q In what way were the pigs being mistreated?

02:44:59 9 A They weren't careful about how they took
02:45:02 10 them to the slaughter house. We used to raise pigs,
02:45:04 11 and pigs are as intelligence as a dog is, a little
02:45:10 12 more gross but they're as intelligent as a dog. And
02:45:10 13 they understand when they're going to be slaughtered.
02:45:13 14 And they get very frightened. The way they're
02:45:15 15 slaughtered, they stick a spike in them, and it's a
02:45:18 16 pretty horrible thing. It's not a humane way to kill
02:45:23 17 pigs.

02:45:23 18 And also the way they were being raised was
02:45:26 19 too many in a pen, close confinement. The mother pig,
02:45:32 20 so that she shouldn't roll on her babies -- they get
02:45:36 21 quite huge, you know, three, 500 pounds. They would
02:45:39 22 roll on the babies sometimes. So they would put them
02:45:42 23 in this some kind of a contraction, some kind of a
02:45:46 24 cage where the babies can get to the mother pig to
02:45:47 25 nurse but the mother pig can't move. I mean, it's a

02:45:50 1 really horrible thing.

02:45:54 2 Q Did you make any written or public
02:45:57 3 statements --

02:45:58 4 A No.

02:45:59 5 Q -- in favor of that cause?

02:46:00 6 A No, I just collected signatures on a
02:46:03 7 petition and mailed it to them.

02:46:05 8 Q Were you able to have any impact on the pig
02:46:08 9 handling or raising practices that you were
02:46:11 10 complaining about?

02:46:12 11 A I don't think the bill got passed. It was
02:46:14 12 for getting a bill passed, and I don't think it got
02:46:19 13 passed.

02:46:20 14 Q At what level, state, local, national?

02:46:22 15 A State, state.

02:46:23 16 Q Approximately what year were you involved in
02:46:25 17 the pig humane issue?

02:46:28 18 A I was working -- I'm sorry.

02:46:29 19 I was working as a tech resource then, so it
02:46:32 20 had to be about five to seven years ago.

02:46:39 21 Q Any other way that you've been involved in
02:46:42 22 animal rights or animal organizations other than what
02:46:46 23 you've told me so far?

02:46:51 24 A The Premarin issue about adopting foals from
02:46:55 25 the -- that were going to be slaughtered. I was

02:46:59 1 trying to find homes for foals. That was happening in
02:47:02 2 Canada. We were trying to find homes for the foals
02:47:04 3 around here and then trying to pay for the shipping to
02:47:07 4 get them down here so they wouldn't destroy them.

02:47:15 5 Q I'm not familiar with what that problem was.
02:47:17 6 Can you tell me a little more about what was going on
02:47:19 7 with the horses?

02:47:20 8 A Yes, to make, I think it's progesterone,
02:47:24 9 it's one of the -- I don't think it was estrogen.
02:47:25 10 It's the other one, progesterone. I think they were
02:47:30 11 making that from urine from pregnant mares. They
02:47:33 12 would get draft mares because they have more urine.
02:47:35 13 And they put them into stalls, and they would put like
02:47:38 14 a collection bag under them to collect the urine. And
02:47:42 15 they would have to get them pregnant in order to make
02:47:45 16 this. So then once they were pregnant and they had
02:47:48 17 the baby, they didn't care what happened to the baby.
02:47:51 18 And then they would just immediately get the horse
02:47:54 19 pregnant again. It's happening in Canada, so we don't
02:47:57 20 have much say so about it, but the foals were being
02:48:02 21 slaughtered, so nobody would adopt them because
02:48:05 22 they're half draft and half who knows what because
02:48:08 23 they don't care about any of the blood lines on the
02:48:08 24 horses. So we were just finding homes for them.

02:48:16 25 Q Other than what you've told me, any way that

02:48:18 1 you've been involved in animal rights or animal
02:48:22 2 organizations?

02:48:24 3 A I don't think so. I think that was it.

02:48:28 4 Q Do you own an interest in any pet food
02:48:31 5 companies?

02:48:32 6 A No.

02:48:32 7 Q Have you ever been employed by or received
02:48:36 8 any compensation from someone who manufactures or
02:48:40 9 distributes pet foods?

02:48:41 10 A No.

02:49:36 11 Q Have you ever contacted any government
02:49:38 12 agency regarding pet food?

02:49:41 13 A No.

02:49:49 14 Q Have you ever contacted any consumer group
02:49:51 15 regarding pet food?

02:49:57 16 A Consumer group, no.

02:50:12 17 Q Have you done research on what chicken meal
02:50:14 18 is?

02:50:17 19 A Yes.

02:50:18 20 Q How did you go about accomplishing that
02:50:20 21 research?

02:50:21 22 A It was in one of the books I got from the
02:50:23 23 library. I think it was by Dr. Schultze is the lady
02:50:30 24 who wrote it. I think it was in her book on nutrition
02:50:34 25 for cats and dogs or nutrition for cats, one of those.

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.

02:53:21 1 Q You work during the day, yes?

02:53:22 2 A Yes.

02:53:23 3 Q Does your husband work during the day?

02:53:25 4 A Yes.

02:53:26 5 Q And was that the case in 2006?

02:53:28 6 A Yes.

02:53:30 7 Q No one else was living in your house other

02:53:33 8 than you and your husband in 2006, correct?

02:53:35 9 A Correct.

02:53:38 10 Q During the day when you were gone to work

02:53:41 11 and your husband was gone to work, Arnold was allowed

02:53:43 12 to go into the house and outside into the fenced back

02:53:48 13 yard at his will, correct?

02:53:49 14 A Yes. Yes.

02:53:58 15 Q You mentioned to me that you took Arnold on

02:54:01 16 a walk every day. Do you recall that?

02:54:03 17 A Yes.

02:54:03 18 Q How long a walk did you go on let's say in

02:54:06 19 the last six months of his life?

02:54:09 20 A They got shorter and shorter.

02:54:13 21 Q From what as the longest to what is the

02:54:16 22 shortest?

02:54:18 23 A We'd do probably a three-mile way back, like

02:54:21 24 two years before he died, and it was down to like,

02:54:25 25 let's see if we could get down to the gate, which is

02:54:27 1 the end of the driveway, which is probably an eighth
02:54:29 2 of a mile.

02:54:31 3 MR. NIELD: And back?

02:54:32 4 THE WITNESS: And back.

02:54:34 5 A Okay, a quarter of a mile.

02:54:36 6 Q During what period of time prior to Arnold's
02:54:39 7 death was a quarter of a mile the most daily exercise
02:54:43 8 that he was capable of?

02:54:47 9 A The last month.

02:54:50 10 Q And how had it declined, if you can explain,
02:54:55 11 two years prior to his death you were walking three
02:54:59 12 miles a day, the month prior to his death you were
02:55:00 13 walking at most a quarter of a mile a day. What was
02:55:04 14 the decline experienced by you from the three miles to
02:55:08 15 the quarter mile? Do you understand?

02:55:11 16 A No.

02:55:12 17 Q So starting at two years prior to his death,
02:55:15 18 you're walking three miles a day. A month prior to
02:55:17 19 his death, you're walking a quarter of a mile a day,
02:55:20 20 correct?

02:55:21 21 A Uh-hmm.

02:55:22 22 Q When did you go from three miles down to
02:55:25 23 something less than three miles?

02:55:30 24 A Probably two years before he died.

02:55:32 25 Q So at about two years before he died, he was

02:55:35 1 no longer able to do your normal three-mile walk; is
02:55:38 2 that right?

02:55:40 3 A Yes, I think he started getting -- whenever
02:55:41 4 he started getting the cough we had to -- because the
02:55:45 5 cough -- I figured out the cough was making him -- I
02:55:48 6 mean the walking, the exercise was making the cough
02:55:51 7 worse. So whenever the cough started.

02:55:53 8 Q And then what period of time prior to the
02:55:56 9 last month of his life was he walking more than a
02:56:01 10 quarter of a mile? I can see you don't understand my
02:56:10 11 question, so let me try to re-ask it.

02:56:11 12 A Sorry.

02:56:12 13 Q During the last month of his life --

02:56:15 14 A Yes.

02:56:15 15 Q -- you're walking a quarter of a mile a day.

02:56:17 16 A Uh-hmm.

02:56:17 17 Q What about the month before that, how much a
02:56:19 18 day was he walking?

02:56:24 19 A Probably down to the palm tree, which would
02:56:26 20 be about twice that. But that's a guess, see. It's
02:56:29 21 been a while. And I just know it was getting shorter
02:56:32 22 and shorter and shorter and shorter, and pretty soon
02:56:35 23 we had to do our walk without him and it was really
02:56:38 24 bad. You know, we did his little thing and then we
02:56:41 25 would go on ourselves.

02:56:47 1 Q How long prior to his death had it been
02:56:49 2 since Arnold was able to walk half a mile on his
02:56:53 3 walks?

02:56:54 4 A Half a mile. Probably three months.

02:56:59 5 Q So as -- August or September? Which month
02:57:04 6 are you referring to?

02:57:07 7 A Gosh, this is really guessing.

02:57:10 8 MR. NIELD: Just give your -- if you can,
02:57:12 9 just give your best estimate.

02:57:15 10 A I would say August he was probably still
02:57:17 11 able to do that.

02:57:20 12 Q But by September, not, as best you can
02:57:22 13 recall?

02:57:32 14 A I can't remember when we stopped and quit
02:57:34 15 opening the gate for him. I don't recall.

02:57:39 16 Q With thinking in mind that you told me that
02:57:41 17 in September you were feeding the Innova samples, was
02:57:44 18 it before or after that time that Arnold really
02:57:48 19 couldn't walk a half a mile a day?

02:57:54 20 A He was probably still able to do it at that
02:57:56 21 time. I wouldn't have been -- I think I would have
02:58:01 22 remembered if he couldn't.

02:58:02 23 Q And what about again with September as the
02:58:05 24 place holder when you --

02:58:07 25 A Probably.

02:58:08 1 Q -- were feeding --

02:58:09 2 A Okay, I'll go for that.

02:58:11 3 Q So September of '06 when you were feeding
02:58:14 4 the Innova samples, was Arnold able to walk a mile?

02:58:21 5 A A mile, no, I don't think it was a mile.

02:58:25 6 Q Something between a mile and a half a
02:58:27 7 mile --

02:58:28 8 A Uh-hmm.

02:58:28 9 Q -- during that time frame declined to about
02:58:32 10 a quarter of a mile by the time that he died?

02:58:34 11 A Yeah. See, it's really getting hard to
02:58:36 12 estimate because we would start coughing or breathing
02:58:39 13 bad or something, I would pick him up and carry him
02:58:41 14 and take him anyway. And if I couldn't carry him for
02:58:45 15 a while, my husband would carry him a while. It's
02:58:48 16 hard to pin all of this down.

02:58:50 17 Q How -- did that go on when you carried him,
02:58:53 18 sometimes he would walk and sometimes he wouldn't and
02:58:55 19 the length of the walks varied as far back as two
02:58:58 20 years prior to his death?

02:59:00 21 A I know he was slowing down two years prior
02:59:02 22 to his death.

02:59:11 23 Q In the last two years of Arnold's life, did
02:59:13 24 he ever have an acute reaction to something where he
02:59:19 25 was noticeably ill, you know, very shortly after

02:59:25 1 eating or being exposed to something?

02:59:34 2 MR. NIELD: Vague and ambiguous.

02:59:35 3 A We put him on one kind of a drug that really
02:59:37 4 knocked him for a loop, Torbitrol or whatever it was.
02:59:41 5 It was a little opiate. It was a little tiny pill.
02:59:45 6 And I was supposed to give him a half a one. And I
02:59:48 7 gave him a half a one and it just like made him a
02:59:55 8 zombie. I ended up having to cut it down to a quarter
02:59:59 9 of a one, which is hard to take a pill this little and
03:00:02 10 make it -- cut it into quarters. It was a little
03:00:03 11 difficult.

03:00:04 12 Q When did you start giving Arnold that drug?

03:00:06 13 A I don't remember. I would have to look in
03:00:07 14 the vet records. That was supposed to help the -- it
03:00:10 15 was after the cough.

03:00:12 16 Q Did you give that to him through the time of
03:00:13 17 his death?

03:00:15 18 A No, I quit on that one. He wasn't enjoying
03:00:17 19 life when he was on that one. He didn't know what was
03:00:19 20 going on.

03:00:25 21 Q Did your vet recommend that you stop that
03:00:28 22 drug or did you decide that you should stop that?

03:00:31 23 A We discussed it. It was one of those things
03:00:32 24 let's see if this works type thing.

03:00:35 25 Q And did the vet agree that it should be

03:00:36 1 stopped?

03:00:37 2 A Uh-hmm.

03:00:38 3 Q You have to say yes or no.

03:00:40 4 A Yes, yes.

03:01:06 5 Q In the last year of Arnold's life, how often
03:01:09 6 would you think that you saw the vet?

03:01:13 7 A It got to be a joke. I was in there every
03:01:16 8 week.

03:01:17 9 Q How early in 2006 did it start that you were
03:01:20 10 at the vet's just about every week with Arnold?

03:01:27 11 A I'd have to look.

03:01:31 12 Q Six months before his death, two months
03:01:33 13 before his death?

03:01:34 14 A Sometimes just I would go to get more
03:01:36 15 medicine. I was going to get the different kinds
03:01:39 16 of -- first we thought it was pneumonia. So I kept
03:01:44 17 going to get different kinds of antibiotics. And then
03:01:48 18 I don't know, I would have to look, but it's all --
03:01:50 19 I've got all of those receipts.

03:02:05 20 Q Did you have any insurance for any of the
03:02:09 21 vet treatment that Arnold received?

03:02:11 22 A No.

03:02:12 23 Q You're not claiming as part of this lawsuit
03:02:14 24 any damages related to vet bills for Arnold, are you?

03:02:21 25 A I don't know. I don't think so. I don't

03:02:28 1 know.

03:02:31 2 MR. NIELD: May call for a legal conclusion.

03:02:35 3 A My vet is very good. He doesn't charge very

03:02:37 4 much and most of the time I go he doesn't even charge

03:02:41 5 me.

03:02:41 6 Q I noticed that. He seems very inexpensive.

03:02:44 7 A When he retires, I'm --

03:02:46 8 MR. NIELD: You don't find those in this

03:02:48 9 area.

03:02:48 10 A No, you don't.

03:02:50 11 MS. CAVERLY: No. Off the record. I was

03:02:59 12 very surprised. You don't really have to go off the

03:03:02 13 record. As a side note.

03:03:04 14 BY MS. CAVERLY:

03:03:45 15 Q Do you know why when you filed the complaint

03:03:48 16 in this case that you exempted certain products from

03:03:52 17 your claims, like Chicken Soup for Pet Lover's Soul?

03:03:58 18 MR. NIELD: Lacks foundation. Calls for

03:03:59 19 speculation. Assumes facts not in evidence. May call

03:04:02 20 for a legal opinion, legal conclusion. If you can

03:04:05 21 respond, go ahead.

03:04:06 22 A I don't know.

03:04:08 23 Q Did you know that you had done that?

03:04:10 24 A Yes.

03:04:14 25 Q But you don't know why.

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?

03:07:16 1 MR. NIELD: Again, it may call for
03:07:19 2 information protected by the attorney work product --
03:07:25 3 excuse me, the attorney-client privilege. To the
03:07:26 4 extent you can answer that without discussing
03:07:28 5 communications with your counsel, go ahead.

03:07:30 6 A I don't think I can answer that one.

03:07:34 7 Q You don't know who chose to sue which
03:07:39 8 defendants in this case?

03:07:41 9 A I don't know who chose --

03:07:43 10 MR. NIELD: Again, I'm just object on the
03:07:46 11 attorney-client privilege, but if you can respond
03:07:48 12 otherwise, go ahead.

03:07:51 13 A I don't think I can talk about that one.

03:07:54 14 Q My answer (sic) is yes or no first. Do you
03:07:57 15 know who chose?

03:07:58 16 A I think I know. I'm not a hundred percent
03:07:59 17 sure.

03:08:00 18 MR. NIELD: That question you can respond
03:08:01 19 to, so yes or no, do you know. And maybe you don't, I
03:08:04 20 don't know. But whatever the answer is.

03:08:06 21 A I'm not a hundred percent sure. I think I
03:08:09 22 know, but I'm not a hundred percent sure.

03:08:11 23 Q You know it was not you who decided which
03:08:14 24 defendants to sue, correct?

03:08:17 25 A I think I helped decide.

03:08:19 1 Q In what way did you help decide which
03:08:21 2 defendants to sue in this case?

03:08:22 3 MR. NIELD: Misstates the testimony. Go
03:08:22 4 ahead.

03:08:23 5 A I'm sorry, say that question again.

03:08:24 6 Q In what way, if any, did you help decide
03:08:27 7 which defendants to sue?

03:08:30 8 A My conversations and by which pet foods I
03:08:34 9 had experienced.

03:08:45 10 Q Why did you decide to sue some foods that
03:08:47 11 you had fed and not other foods that you had fed?

03:08:50 12 MR. NIELD: Lacks foundation. Calls for
03:08:52 13 speculation. It may seek information in violation of
03:08:58 14 the attorney-client privilege. If you can discuss it
03:09:00 15 without revealing communications with your counsel,
03:09:03 16 you can respond.

03:09:05 17 A I don't think I can respond.

03:09:10 18 Q What arrangements do you have between
03:09:12 19 yourself and your attorneys as to who will pay the
03:09:14 20 expenses for this case?

03:09:17 21 MR. NIELD: That's again protected by the
03:09:19 22 attorney-client privilege. Unless you can respond to
03:09:22 23 that without referring to any communications with your
03:09:25 24 counsel, I ask you not to respond.

03:09:28 25 MS. CAVERLY: Counsel, it's not protected as

03:09:30 1 to whether she is bearing expenses or not. That's not
03:09:32 2 a communication for litigation purposes. She's put
03:09:36 3 herself out as a class action representative in this
03:09:39 4 case.

03:09:40 5 MR. NIELD: Right.

03:09:41 6 MS. CAVERLY: I'm entitled to know what she
03:09:43 7 has involved in this case, what she spent, what she
03:09:46 8 plans to spend and whether or not she can accurately,
03:09:49 9 adequately represent the class.

03:09:53 10 MR. NIELD: You are asking what her
03:09:54 11 arrangements are with her counsel as far as costs, and
03:10:00 12 to the extent that you're asking her arrangements with
03:10:03 13 counsel, I think that's attorney-client. Now, if she
03:10:07 14 can give you information that doesn't involve
03:10:09 15 communications with her attorneys on that issue, I'll
03:10:12 16 let her answer the question.

03:10:14 17 BY MS. CAVERLY:

03:10:14 18 Q Are you paying for any of the expenses of
03:10:17 19 this case?

03:10:18 20 A Yes.

03:10:19 21 Q What expenses are you paying for?

03:10:21 22 A My hotel room, my husband's airfare, any of
03:10:29 23 the -- anything except she paid my airfare coming up
03:10:36 24 here, Cathy did.

03:10:39 25 Q Miss Macivor?

03:10:40 1 A Miss Macivor.

03:10:42 2 Q That's okay, I know who you mean, but we
03:10:44 3 need our record to be clear.

03:10:48 4 What about other expenses -- have you had
03:10:50 5 any other expenses involved in this case other than
03:10:53 6 related to your deposition?

03:10:56 7 A I was supposed go to Miami a couple times
03:10:59 8 but my mother got sick and I never went, so -- no.
03:11:02 9 Other than the e-mails and so forth, nothing.

03:11:08 10 Q Are you able if this case goes to trial to
03:11:10 11 sit through a trial that may be two to three weeks or
03:11:13 12 longer?

03:11:14 13 A Yes.

03:11:20 14 Q How far away from Miami do you live?

03:11:23 15 A Six hours by car.

03:11:29 16 Q Have you received any financial benefit from
03:11:31 17 being a plaintiff in this lawsuit?

03:11:33 18 A None.

03:11:33 19 Q Have you received any financial settlement
03:11:35 20 from any of the defendants who have been dismissed
03:11:39 21 from this case?

03:11:40 22 A None.

03:11:45 23 Q Have you made any agreement with any other
03:11:47 24 plaintiff as to how you would divide a damages award
03:11:51 25 in this case?

03:11:51 1 A No.

03:11:55 2 Q Do you have any agreement with any of other
03:11:56 3 plaintiffs about how costs in this case will be
03:12:01 4 divided?

03:12:01 5 A No.

03:12:05 6 Q Has anyone promised to reimburse you for
03:12:08 7 damages that may be awarded against you if you lose
03:12:10 8 the case?

03:12:11 9 A No.

03:12:19 10 Q Have you ever spoken to any of the other
03:12:21 11 plaintiffs?

03:12:25 12 A Yes, one time.

03:12:26 13 Q Whom?

03:12:28 14 A I knew you were going to ask me that. We
03:12:31 15 were doing a conference call and she and I got left on
03:12:34 16 hold and we talked for a while. And I can't remember
03:12:38 17 her name. She's the one that's -- can I describe --

03:12:44 18 MR. NIELD: You're going to describe what --
03:12:47 19 have you met her?

03:12:48 20 THE WITNESS: Her financial situation or
03:12:49 21 her --

03:12:51 22 MR. NIELD: You can describe anything that
03:12:52 23 she told you about herself.

03:12:54 24 A Okay. Seems like she's out of work because
03:12:57 25 she hurt her back and she was in -- up there by the

03:13:03 1 Great Lakes, that's where she lived. I cannot
03:13:08 2 remember her name. We were forgotten on the phone, so
03:13:13 3 we had to talk to each other for about a half an hour
03:13:17 4 and we gave up.

03:13:17 5 Q Did you talk about the case or you just
03:13:18 6 talked about personal stuff?

03:13:20 7 A I think we talked personal stuff.

03:13:23 8 Q Can you remember anything more about --

03:13:25 9 A About her?

03:13:26 10 Q -- who she is?

03:13:27 11 A I thought her name was Debbie but I'm not
03:13:29 12 real sure.

03:13:30 13 Q Debbie Hawk?

03:13:32 14 A I don't know. I don't think we even did
03:13:34 15 last names. I know she had been out of work for a
03:13:37 16 while and she was really hurting financially and I was
03:13:40 17 thinking this was a great thing that she was in this
03:13:42 18 lawsuit, you know, that she cared enough, even though
03:13:44 19 she was going through so many personal problems, to
03:13:47 20 take time for this.

03:13:52 21 Q Other than that conversation, have you ever
03:13:54 22 spoken to any of the other plaintiffs in this case?

03:13:56 23 A No.

03:14:17 24 Q Do you own stock in any company that sells
03:14:19 25 pet food?

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.)

03:31:36 1 THE VIDEOGRAPHER: We're back on the record.
03:31:37 2 Here marks the beginning of tape number 4 in the
03:31:40 3 deposition of Patricia Davis. The time is now 3:31
03:31:44 4 p.m.

03:31:44 5 BY MS. CAVERLY:

03:31:46 6 Q Miss Davis, you'll recall that you went to
03:31:48 7 your vet and got copies of your vet records, yes?

03:31:52 8 A Yes.

03:31:52 9 (Exhibit 8 was marked for identification and
03:31:52 10 attached to the deposition transcript.)

03:31:53 11 Q Let me show you what I'll mark as Exhibit 8,
03:31:55 12 which have Bates numbers Vet Davis 000018 through
03:32:02 13 000029. Do you recognize Exhibit 8 to be the vet
03:32:21 14 records from Dr. Ganz that relate to Arnold's visits
03:32:26 15 to the vet?

03:32:27 16 A Gars.

03:32:28 17 Q Gars, yes.

03:32:29 18 A I recognize his indecipherable handwriting,
03:32:33 19 yes, I do. I couldn't tell you if this was Arnold's.
03:32:37 20 Awe, it says Arnold on it. Okay.

03:32:59 21 Q So is it fair to say that the vet records
03:33:02 22 that I have marked as Exhibit 8 are records from
03:33:04 23 Dr. Gars related to your vet visits for your dog
03:33:08 24 Arnold?

03:33:08 25 A Yes. I don't know if that's all of them,

03:33:11 1 but that is what that is.

03:33:12 2 Q And if you would look with me in the time
03:33:15 3 frame of 2005 and 2006, you'll see on the left-hand
03:33:22 4 side of the page, Dr. Gars or whomever he had writing
03:33:26 5 the notes writes the date?

03:33:28 6 A Yes.

03:33:30 7 Q What --

03:33:31 8 A It's the only part you can read.

03:33:34 9 Q If you'll look with me at the dates in 2005
03:33:37 10 and 2006 that are reflected on Exhibit 8, from as best
03:33:42 11 you can recall, do those records accurately reflect
03:33:45 12 your visit to the vet about Arnold?

03:33:54 13 A I'm sure, but there were also phone
03:33:57 14 conversations and times when I would stop in just to
03:34:00 15 talk to him across the counter and, you know, get more
03:34:06 16 medicine and so forth. I don't know whether he put it
03:34:10 17 here or not.

03:34:10 18 Q If you would look through the dates
03:34:15 19 designated as 2006 and tell me if you recall any
03:34:20 20 visits that are not reflected on the notes that we've
03:34:25 21 marked as Exhibit 8.

03:34:42 22 A I'm thinking there was more. There's only
03:34:44 23 20 visits in all of 2006. I'm sure I was there more
03:34:49 24 than 20 times.

03:34:50 25 Q You were there more than 20 times as best

03:34:52 1 you can recall about Arnold in 2006, correct?

03:34:55 2 A I'm pretty sure, yes. I don't think he was
03:34:59 3 writing it all down here. He was probably only
03:35:02 4 writing the visits down where I brought the dog.

03:35:07 5 Q And when you went in and just talked to him
03:35:10 6 as you've described across the counter or had a phone
03:35:13 7 call, did he ever charge you for any of those
03:35:16 8 consultations?

03:35:17 9 A No, no. He didn't charge me for half of
03:35:20 10 these. Lots of times he only charged me for the
03:35:26 11 medicine.

03:35:29 12 Q From -- we've been through a number of
03:35:33 13 questions and answers today. Is there anything before
03:35:36 14 you leave today that you feel you need to correct or
03:35:40 15 add to to make your testimony today full and complete
03:35:44 16 and truthful?

03:35:48 17 MR. NIELD: I think that's argumentative and
03:35:52 18 wholly broad. To the extent that you can recall
03:35:55 19 everything we've talked about today, anything you
03:35:57 20 would like to add or modify.

03:36:02 21 A You had one question this morning and it
03:36:03 22 was -- one statement you meant and I was supposed to
03:36:09 23 agree to it that these were the only things that I
03:36:11 24 knew about and it didn't list the cyanuric acid, or
03:36:18 25 however you say that, and the other thing, and that

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.)

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ACKNOWLEDGEMENT OF WITNESS

I, PATRICIA DAVIS, do hereby acknowledge
that I have read and examined the foregoing testimony,
and the same is a true, correct and complete
transcription of the testimony given by me, and any
corrections appear on the attached Errata sheet signed
by me.

(DATE)

(SIGNATURE)

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CERTIFICATE OF SHORTHAND REPORTER

I, Michele E. Eddy, Registered Professional Reporter and Certified Realtime Reporter, the court reporter before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my supervision; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 6th day of October, 2008.

My commission expires: June 14, 2012

MICHELE E. EDDY
NOTARY PUBLIC IN AND FOR
THE DISTRICT OF COLUMBIA

