

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 07-21221 CIV ALTONAGA/Brown

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

Plaintiffs/Class Representatives,
vs.

MARS INC., *et al.*

Defendants.

DECLARATION OF JEFFREY B. MALTZMAN

I, Jeffrey B. Maltzman, Esq., hereby declare as follows:

1. I am an attorney at law duly authorized to practice law in the State of Florida and California. I am a member of the law firm of MALTZMAN FOREMAN, PA, co-counsel with the law firm of KEEGAN & BAKER, LLP, attorneys of record for Plaintiffs herein. I have personal knowledge of the following facts and if called upon as a witness I could and would competently testify to the matters stated herein.

2. This declaration is made in support of Plaintiffs' motion to certify Count III of the Fourth Amended Complaint Violation of the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), Fla. Stat. § 501.201 against defendant Natura Pet Products, Inc. ("Natura") as a class action.

3. Specifically, this declaration is made in support of a finding that there would be adequate representation of the plaintiffs and putative class members and that the requirement that counsel be sufficiently qualified to act as class counsel is met.

4. I was admitted to the California Bar in 1987 and to the Florida Bar in 1995. I received my Bachelor of Arts degree from Stanford University in 1983 and my Juris Doctor degree from Stanford Law School in 1987. I have been a partner and principal of MALTZMAN FOREMAN, PA and its predecessor firm KAYE ROSE & MALTZMAN since approximately 1994. My practice has spanned a wide array of topics including maritime law, complex commercial litigation, class actions, and medical malpractice.

5. I have previously handled a number of large class actions and have twice previously been deemed competent counsel by this Honorable Court in conjunction with other class action cases pending in this division (*Gall v Princess Cruises* and *Pinto v. Princess Cruises*). In connection with these prior class actions, I have conducted discovery, argued motions, drafted pleadings, drafted class notices, examined witnesses, represented parties at settlement conferences, deposed witnesses, and participated in final fairness hearings. Both of these prior cases were certified as class actions and settlements were achieved.

6. Before moving to Florida I was honored to be selected as a Judge Pro Tem for the Municipal Court of California, San Diego County. I served in this capacity on a part time basis for approximately two years before moving with my family to Florida to open our firm's Miami office.

7. Since moving to Florida I have received a number of honors based on my professional reputation and legal skills. In 2004 I received an award from the Daily Business Journal for achieving one of the 100 best verdicts of the year. I am an AV rated attorney from Martindale Hubbell and was designated as a Florida Superlawyer by *Florida Superlawyer Magazine* in both 2006, 2007 and 2008. I received an awards for Best of the Bar from *Florida*

Trend Magazine in 2005, *Miami Daily Business Review* in 2005 and from the *South Florida Business Journal* in 2003 and 2004.

8. MALTZMAN FOREMAN, PA, presently employs over 20 attorneys and has the resources necessary to pursue this litigation in conjunction with our co-counsel. To date our firm alone has dedicated over 5,000 attorney hours to the prosecution of this case. At various times the majority of lawyers in our firm have undertaken one or another task in prosecuting this matter.

9. Defendant Natura Pet Products Inc.'s counsel Kristin Caverly acknowledged to me during an oral conversation in San Diego that her client sells approximately \$100 million in pet food and pet snacks per year. She has also admitted to me that her client sells their food in all 50 states, including in Florida through a network of distributors.

10. The printout from Brighton's website (the marketing agency for Defendant Natura) attached as Exhibit "A" to Plaintiff's Motion for Class Certification is a true and correct copy of Brighton's "Case study" of their work for Natura as it appears on their website as of November 17, 2008.

I declare under penalty of perjury of the laws of the State of Florida that the foregoing is true and correct and this declaration is executed this 16th day of November, 2008, in Miami, Florida.



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Brighton.



WHAT WE DO.

THE WORK.

CLIENTS.

Natura

Natura Pet Products, Inc.

Higher Sales, Sooner Than Expected

Situation

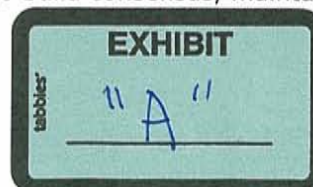
Brighton was approached by this premium pet food manufacturer to assist in an aggressive growth plan. The goal - to double sales in three years!

Objective

Following a 30-day market assessment that examined manufacturing, sales, marketing, distribution and retail, we were able to analyze sales data for the previous 24 months and identify potential opportunities and obstacles.

Strategic Approach

- Developed strategies that impacted brands, re-energized underperforming products, focused on higher margin products and addressed packaging issues
- Designed and produced all of the current marketing support materials
- Developed a simple, but effective, marketing and sales communications plan that emphasized core client strengths and focused resources on top performing products
- Designed new packaging to tell a more compelling story at retail
- Imbedded ourselves into the client's business to build consensus, maintain focus and thoroughly learn all aspects of their business



Results

In order to double sales in three years, Natura would need to achieve a 25% annual growth rate per year. At the end of March 2007, sales were up 48% for the current 12-month period compared to the previous 12-month period.

<http://www.brightonusa.com/what-we-do/the-work/Natura-Pet-Products.aspx>
